

ELDON
MUNICIPAL CODE

January 1, 2015

A Codification of the General Ordinances
of the City of Eldon, Iowa

PREFACE

The Eldon Municipal Code, originally published by Book Publishing Company in 1973, has been kept current by regular supplementation. Book Publishing Company's last supplement was passed January 13, 2009, pursuant to Ordinance 319.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Paul Zingg, City Attorney.

The Code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the number of existing provisions. Each section number designates, in sequence, the number of the title, chapter, and section. Thus, Section 15.12.030 is Section .030, located in Chapter 15.12 of Title 15. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in codification.

Footnotes referring to applicable statutory provisions are located throughout the text. A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 334, passed November 18, 2014, effective January 1, 2015.

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TITLE 1

GENERAL PROVISIONS

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CHAPTER 1.01

CODE ADOPTION

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1.01.010 Adopted – Copies available.

- A. The City Council of the City of Eldon, Iowa does adopt the Eldon Municipal Code including all ordinances through Ordinance 334, dated November 18, 2014 and in effect on January 1, 2015, and does by this ordinance adopt said Eldon Municipal Code as heretofore amended and modified as the Code of the City of Eldon, all as provided by Section 380.8 of the Code of Iowa.

- B. An official copy of the Municipal Code is on file at the office of the City Clerk and will be certified as to its adoption of this ordinance.

- C. Loose-leaf copies of the *Eldon Municipal Code* are available at the City Clerk's office for public inspection. Copies are also available for sale to the public at the City's cost.
- D. A copy of the *Eldon Municipal Code* has been furnished to the city library. A copy of the *Eldon Municipal Code* has been furnished to the Magistrate Division of the Iowa District Court for Wapello County. (Ord. 319, 2009; Ord. 289, 2003; Ord. 204 §2, 1994; Ord. 126 §1, 1975).

1.01.020 Title – Citation – Reference.

This Code shall be known as the *Eldon Municipal Code* and it shall be sufficient to refer to said Code as the *Eldon Municipal Code* in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correction or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the *Eldon Municipal Code*. Further reference may be had to the titles, chapters, sections and subsections of the *Eldon Municipal Code* and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. 126 §2, 1975).

1.01.030 Codification authority.

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City, codified pursuant to the provisions of Section 380.8 of the Code of Iowa. (Ord. 126 §3, 1975).

1.01.040 Ordinances passed prior to adoption of the Code.

The last ordinance included in this Code was Ordinance 334, passed November 18, 2014. (Ord. 334, 2014).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the *Eldon Municipal Code* or to any portion thereof, or to any ordinance of the City, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 126 §5, 1975).

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 126 §6, 1975).

1.01.070 Reference to specific ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Ord. 126 §7, 1975).

1.01.080 Effect of the Code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 126 §8, 1975).

1.01.090 Effective date.

This Code shall become effective on the date of the ordinance adopting this Code as the *Eldon Municipal Code* becomes effective. (Ord. 126 §9, 1975).

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 126 §10, 1975).

CHAPTER 1.04

GENERAL PROVISIONS

Sections.

1.04.010	Definitions.
1.04.020	Grammatical interpretation.
1.04.030	Prohibited acts include causing, permitting and related acts.
1.04.040	Construction.
1.04.050	Repeal not to revive any ordinances.

1.04.010 Definitions.

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

- A. *“City”* means the city of Eldon, Iowa, or the area within the territorial limits of the city of Eldon, Iowa, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;
- B. *“Computation of time”* means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
- C. *“Council”* means the city council of the city of Eldon, Iowa. *“All its members”* or *“all councilmen”* means the total number of councilmen provided by the general laws of the state of Iowa;
- D. *“County”* means the county of Wapello, Iowa;
- E. *“Law”* denotes applicable federal law, the constitution and statutes of the state of Iowa, the ordinances of the city of Eldon, Iowa, and, when appropriate, any and all rules and regulations which may be promulgated thereunder;
- F. *“May”* is permissive;
- G. *“Month”* means a calendar month;
- H. *“Must and shall”*: Each is mandatory;
- I. *“Oath”* includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *“swear”* and *“sworn”* are equivalent to the words *“affirm”* and *“affirmed”*;

- J. “*Or*” may be read “*and*” and “*and*” may be read “*or*” if the sense requires it;
- K. “*Ordinance*” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;
- L. “*Owner*” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land;
- M. “*Person*” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them;
- N. “*Personal property*” includes money, goods, chattels, things in action and evidences of debt;
- O. “*Preceding*” and “*following*” mean next before and next after, respectively;
- P. “*Property*” includes real and personal property;
- Q. “*Real property*” includes lands, tenements and hereditaments;
- R. “*Sidewalk*” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
- S. “*State*” means the state of Iowa;
- T. “*Street*” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use or such other public property so designated in any law of this state;
- U. “*Tenant*” and “*occupant*”, applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
- V. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city;
- W. “*Written*” includes printed, typewritten, mimeographed or multigraphed;
- X. “*Year*” means a calendar year;
- Y. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

- Z. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (1973 codification).

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Eldon, Iowa:

- A. Gender. The masculine gender includes the feminine and neuter genders;
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular;
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (1973 codification).

1.04.030 Prohibited acts include causing, permitting and related acts.

Whenever in the ordinances of the city of Eldon, any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (1973 codification).

1.04.040 Construction.

The provisions of the ordinances of the city of Eldon, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (1973 codification).

1.04.050 Repeal not to revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (1973 codification).

CHAPTER 1.08

RIGHT OF WAY ENTRY FOR INSPECTION

Sections.

1.08.010	Designated.
1.08.020	Other right of entry provisions – Amendment.

1.08.010 Designated.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant of the building to be inspected, has been otherwise obtained, he shall give the owner and/or occupant, if he can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry; and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (1973 codification).

1.08.020 Other right of entry provisions – Amendment.

All other ordinances or parts of ordinances which grant any official of this city a right of entry are amended to delete such right of entry provisions and insert in their stead the following:

“Any official of the city shall have the right of entry into buildings or premises regulated by this chapter in accordance with the provisions of this chapter.” (1973 codification).

CHAPTER 1.12

GENERAL PENALTY¹

Sections.

- 1.12.010 Designated.
- 1.12.020 Municipal infraction.
- 1.12.030 Alternative Enforcement Action.

1.12.010 Designated.

Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the city is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the city of Eldon, shall be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed thirty days. (1973 codification, Ord. 290 §1, 2004).

1.12.020 Municipal infraction.

Notwithstanding the provisions of Section 1.12.010, the violation of any ordinance of this City may also be considered a municipal infraction as provided by the Code of Iowa, except if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law, or if the violation is a simple misdemeanor under Chapters 687 through 747. The city marshal or his designee shall enforce this chapter and issue a civil citation for violations herein. A civil penalty for each violation or a civil penalty for each repeat offense shall be assessed pursuant to the schedule set forth below upon entry of judgment, and alternate relief may be obtained from the court in the same action, including abatement and assessment of costs. The citation may be served by personal service, by certified mail addressed to the defendant at the defendant’s last known mailing address, return receipt requested, or by publication. A repeat offense occurs when a violation has not been abated within five (5) days after issuance of a citation. A repeat offense also occurs if a new violation is incurred after abatement of a previous violation.

Schedule of Penalties:

A.	First offense	-	\$50.00
B.	First repeat offense	-	\$100.00
C.	Second and subsequent repeat offenses	-	\$500.00

(Ord. 290 §2, 2004).

¹ For statutory provisions authorizing cities to levy a fine not to exceed five hundred dollars or impose imprisonment not exceeding thirty days for a violation of a city ordinance, see ICA §364.3(2).

1.12.030 Alternative Enforcement Action.

Notwithstanding the provisions of Section 1.12.010 and Section 1.12.020, as an alternate enforcement action for certain violations of the Eldon Municipal Code, the city marshal and chief of police or designee may issue a civil "Notice of Violation" to anyone violating designated provisions of this Code. The penalty for a civil "Notice of Violation" under this section shall be \$50.00, and shall not include court costs or surcharge. No record or information concerning the issuance of a civil "Notice of 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.

A civil "Notice of Violation" shall not be issued for violations of driving under suspension, reckless driving, drag racing, or that are alcohol or accident-related. A civil "Notice of Violation" shall not be issued to any person who has an unpaid penalty from a previous "Notice of Violation" or who has already received two such alternative enforcement actions for violations within the previous twelve months.

Each penalty for a civil "Notice of Violation" shall be paid to the City Clerk at the Eldon City Hall. If such a penalty is not paid within 30 days of the date of issuance, or if the individual denies committing such violation, the issuing officer shall process the violation as either a simple misdemeanor or a municipal infraction, to be processed through the court system in the same manner as if the violator had been originally issued a Citation for the violation.

The City Clerk shall maintain a record of each civil "Notice of Violation" issued, civil penalty paid, and of each "Notice of Violation" which is unpaid or denied. (Ord. 327 §1, 2013)

CHAPTER 1.16

OFFICIAL SEAL²

Sections:

- 1.16.010 Designated – Described.
- 1.16.020 Clerk’s seal.

1.16.010 Designated – Described.

The official seal for Eldon shall have on its face on the upper margin the words, “City Seal”, and on the bottom margin the words “Wapello County, Iowa”, and across the face the words “City of Eldon”. Such seal is the seal of Eldon. (Ord. 5 §1).³

1.16.020 Clerk’s seal.

The official seal of the clerk shall bear on its face on the left-hand margin the words “City Clerk”, and on the right-hand margin the words, “Eldon, Iowa”, and upon the center thereof the words, “Official Seal”, and such seal is the seal of the clerk of Eldon. (Ord. 5 §2).³

² For statutory provisions regarding the city seal and requiring the mayor to provide for the keeping of same, see ICA 368.2, 368A.1(6) and 368A.2(1).

³ Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 1.20

CITY BOUNDARIES

Sections:

1.20.010 Designated.

1.20.010 Designated.

The boundaries of Eldon are fixed and defined as follows:

BOUNDARIES OF ELDON

Beginning at a point 330 feet west of and 1222 feet south of the southeast corner of Sections 27, 71, 12 and on the southwest side of Water Street, thence along said southwest side of Water Street in a northwesterly direction along the northeast bank of the Des Moines River to the Chicago, Rock Island and Pacific right-of-way, thence west to the northeast edge of the river, thence northwesterly along said Des Moines River to a point approximately 3010 feet north of and 3610 feet west of the southeast corner of Section 27, 71, 12, thence north approximately 950 feet to the east and west quarter section line, thence east approximately 4910 feet to a north and south quarter section line, thence south along this quarter section line, half mile to the northwest corner of the southeast quarter of the southwest quarter of Sections 26, 71, 12, thence east quarter mile, thence south three-quarter mile to the center of Sections 35, 71, 12, thence west quarter mile more or less to the east edge of the Des Moines River, thence northwesterly along the edge of said river to the place of beginning;

AND

The northeast quarter of the northeast quarter of the northeast quarter of Section 27, Township 71 North, Range 12 West of the 5th P.M., and the north 22 acres of the northwest quarter of the northwest quarter of Section 26, Township 71 North, Range 12 West of the 5th P.M. (Voluntary Annexation 5-3-66);

AND

A strip of land 27 feet in width beginning at the northwest corner of Jaques' Second Addition to the city of Eldon, Iowa, and intersecting with Railroad Street now running along the west side of said Jaques' Second Addition, and running thence in a northerly direction along the right-of-way of the Chicago, Rock Island and Pacific Railway Company to the south line of the 22 acres (being the north part of the northwest quarter of the northwest quarter), in Section 26, Township 71 North, Range 12 West (Voluntary Annexation 5-3-66);

AND

All that part of the south 18 acres of the northwest quarter of the northwest quarter lying east of the right-of-way of the Chicago, Rock Island and Pacific Railway Company, except a strip 27 feet wide, beginning at the northwest corner of Jaques' Second Addition to Eldon, northerly along the right-of-way of said R.R. to the north line of said 18 acres, in Section 26, Township 71 North, Range 12 West of the 5th P.M., in Wapello County, Iowa (Voluntary Annexation 7-3-73). (Ord. 2 (part)).³

³ Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 1.24

STREETS AND AVENUES⁴

CHAPTER 1.28

NUMBERING BUILDINGS⁵

Sections:

1.28.010	Philadelphia plan – Street name placement.
1.28.020	Base lines – Odd and even numbers.
1.28.030	East and west streets.
1.28.040	North and south streets.
1.28.050	On number for each twenty-two feet – Fractions.
1.28.060	Placement of number.
1.28.070	New buildings – Noncompliance.
1.28.080	Enforcement.
1.28.090	Furnishing owner with certificate of number.
1.28.100	Violation – Action.

1.28.010 Philadelphia plan – Street name placement.

All the houses now or hereafter erected or to be erected within the corporate limits of the city, when numbered shall be so far as practicable, on the same as that known as the Philadelphia plan; the number and names of streets shall be placed upon the corners of blocks by the city. (Ord. 54 §1, 1926).

1.28.020 Base lines – Odd and even numbers.

Elm Street and the Chicago, Rock Island and Pacific Railway right-of-way (Kansas City Division) in the city, shall constitute the base lines from which the numbering of buildings fronting or situated on streets extending from either of said lines, and on either side thereof, shall commence. The odd numbers on the northerly side of the streets shall run east and west; the westerly side of the streets shall run north and south; and the even numbers on the opposite side of said streets, respectively, shall progress alternately from side to side, said numbers being one hundred to each block. (Ord. 54 §2, 1926).

⁴ Streets and avenues are as designated in the official map available in City Hall.

⁵ For statutory provisions authorizing municipalities to require the numbering of buildings, see 364.12(3)(d).

1.28.030 East and west streets.

All those portions of any and all streets intersecting the Chicago, Rock Island and Pacific Railway right-of-way (Kansas City Division), and running east and west parallel with Elm Street, which lie east of the Chicago, Rock Island and Pacific Railway right-of-way (Kansas City Division), shall hereafter be known and designated by the prefix “east” and those which lie west of the Chicago, Rock Island and Pacific Railway right-of-way (Kansas City Division), by the prefix “west”, to the names of said streets, respectively. (Ord. 54 §3, 1926).

1.28.040 North and south streets.

All those portions of any and all streets intersecting Elm Street and running north and south, which are north of Elm Street, shall hereafter be known and designated by the prefix “north”, and those which lie south of Elm Street by the prefix “south”, added to the names of said streets respectively. (Ord. 54 §4, 1926).

1.28.050 One number for each twenty-two feet – Fractions.

Each block shall be so divided in the numbering that there shall be one number allowed so far as practicable for every twenty-two feet of ground fronting on the several streets. In all numbers of lots whenever a fraction of land less than twelve feet occurs it shall be designated by the number before it with the figure “½” added to it. (Ord. 54 §5, 1926).

1.28.060 Placement of numbers.

The owner of every building, residence or store within the corporate limits of Eldon shall have conspicuously on his building, residence or store, on or over the main or front entrance door thereto and thereof, the number of the building, residence or store. (Ord. 54 §6, 1926).

1.28.070 New buildings – Noncompliance.

The owner of every building, residence or store hereafter erected within the corporate limits of the city, within ten days after the building, residence or store is ready for occupancy, shall place, or cause to be placed, in a conspicuous place on the building, over or at the side of the main entrance doors thereof, the number of the building, as provided in Section 1.28.060. The figures of every number shall not be less than two and one-half inches in length. Each figure shall be plain, legible and placed in a conspicuous position on the front side or above the door of every such building. The figures may be of metal or wood, and may be painted upon metal or glass, but in every case the number shall be at least two and one-half inches in height; and, if painted, shall be of durable and legible character; and the numbering done or attempted to be done in numbers or figures of less size than herein prescribed shall not be regarded as complying with the provisions of this chapter. (Ord. 54 §7, 1926).

1.28.080 Enforcement.

It shall be the duty of the city marshal to see that the provisions of this chapter are enforced, and when numbers or figures by reason of wear, decay or age, become obscure or illegible, he may order the house or building renumbered. (Ord. 54 §8, 1926).

1.28.090 Furnishing owner with certificate of number.

It shall hereafter be the duty of the city clerk to deliver to each owner, agent or occupant of any building applying to him therefor and furnishing him with a description of the premises owned or occupied by him and an accurate statement of the location of the building thereon, a certificate of the number to be placed on the building. (Ord. 54 §9, 1926).

1.28.100 Violation – Action.

Any person violating any of the provisions of this chapter or, who, having once complied therewith, suffers or permits the building, residence or store, to remain for a space of ten days without such number placed conspicuously thereon as directed in this chapter is guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than one dollar nor more than one hundred dollars, and the city marshal shall number the building and charge all necessary expense thereof to the owner and to the property, which sum shall be assessed against the property, all as in the form and manner provided by law. A violation of this Chapter is also a municipal infraction. (Ord. 54 §10, 1926).

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.01 City Charter
- 2.04 Elections
- 2.08 Appointive Offices
- 2.12 Officer Bonds
- 2.16 City Council
- 2.20 Mayor
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CHAPTER 2.01

CITY CHARTER

Sections:

- 2.01.010 Purpose.
- 2.01.020 Name.
- 2.01.030 Form of government.
- 2.01.040 Powers and duties of city officers.
- 2.01.050 Council members – Number – Term.
- 2.01.060 Mayor – Term.
- 2.01.070 Copies on file.

2.01.010 **Purpose.**

The purpose of this chapter is to provide for a charter embodying the form of government existing on September 4, 1973. (Ord. 112 §1, 1974).

2.01.020 **Name.**

This chapter may be cited as the Charter of the city of Eldon, Iowa. (Ord. 112 §2, 1974).

2.01.030 Form of government.

The form of government of the city is the mayor-council form of government. (Ord. 112 §3, 1974).

2.01.040 Powers and duties of city officers.

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. (Ord. 112 §4, 1974).

2.01.050 Councilmembers – Number – Term.

The City Council shall consist of five councilmembers elected at large by the entire electorate, for staggered four year terms of office. At the first regular city election in November 2015, after the terms of councilmembers are changed to four years, the terms of office beginning in January 2016 shall be staggered by which the majority of the elected councilmembers who receive the highest number of votes are elected for four-year terms and the remainder are elected for two-year terms. Elections for councilmembers shall be staggered accordingly every two years following the November 2015 election.

2.01.060 Mayor – Term.

The mayor is elected for a term of two years. (Ord. 112 §6, 1974).

2.01.070 Copies on file.

The city council shall keep an official copy of this charter on file with the official record 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. 112 §7, 1974).

CHAPTER 2.04

ELECTIONS⁶

Sections:

- 2.04.010 Conformance with state regulations.
- 2.04.020 City council – Election.
- 2.04.030 Mayor – Election.
- 2.04.040 Terms of mayor and councilmen.

2.04.010 Conformance with state regulations.

All elections, both regular and special, of the city shall be conducted in conformity with the laws of the state of Iowa and the City Code of Iowa. (Ord. 111 §1, 1973).

⁶ For statutory provisions relating to municipal elections, see ICA §363.8 et seq.

2.04.020 City council – Election.⁷

The city council shall consist of five councilmen elected at large by the entire electorate. (Ord. 111 §2, 1973).

2.04.030 Mayor – Election.⁸

The mayor shall be elected at large by the entire electorate. (Ord. 111 §3, 1973).

2.04.040 Terms of mayor and councilmen.

The term of office of mayor shall be two years. The term of office of councilmen shall be four years.

CHAPTER 2.08

APPOINTIVE OFFICES⁹

Sections:

2.08.010	Designated.
2.08.020	Appointment procedure.
2.08.030	Terms of office.
2.08.040	Filling vacancies.

2.08.010 Designated.

There are created the following appointive offices: City clerk, deputy city clerk, city treasurer, marshal, deputy marshal, attorney, fire chief and superintendent of public works. (Ord. 176 §1, 1987; Ord. 111 §5, 1973).

2.08.020 Appointment procedure.

The mayor shall appoint the marshal and deputy marshals, superintendent of public works, and city treasurer with approval of the city council. The fire chief shall be elected for a term of two years by members of the volunteer fire department, with approval of the city council. All other officers, including the city clerk, deputy city clerk, city attorney and any other appointed city officer shall be appointed and selected by the council unless otherwise provided by law or ordinance. (Ord. 176 §2, 1987; Ord. 111 §6, 1973).

⁷ For further regulations governing the city council, see Chapter 2.16.

⁸ For further regulations governing the city mayor, see Chapter 2.20.

⁹ For statutory provisions relating to the appointment of municipal officials, see ICA §' 363A.3, 363A.1(7) and 368A.2(4). For statutory provisions relating to the terms of certain municipal officers, see ICA §' 363.9, 363.10 and 368A.1(9).

2.08.030 Terms of office.

The terms of all appointive offices not otherwise fixed by law or by ordinance shall be for a term of two years, except the positions of the city clerk, superintendent of public works, and all supervisory employees of the city, shall be continuous appointments, and such appointments may only be terminated by fourth-fifths vote of the city council. (Ord. 176 §3, 1987; Ord. 111 §7, 1973).

2.08.040 Filling vacancies.

A vacancy in an appointive office shall be filled in the same manner as original appointment, and a vacancy in an elective office shall be filled by a majority vote of the council. (Ord. 111 §8, 1973).

CHAPTER 2.12

OFFICER BONDS

Sections:

2.12.010 Officers – Designated.

2.12.010 Officers – Designated.

Each officer must give bond in favor of the city in the following amounts for the following positions:

Mayor	-	\$10,000.00
Clerk	-	\$85,000.00
Deputy Clerk	-	\$10,000.00
Treasurer	-	\$10,000.00
Marshal and/or deputy marshal	-	\$10,000.00

(Ord. 203 §2, 1993; Ord. 111 §9, 1973).

CHAPTER 2.16

CITY COUNCIL¹⁰

Sections:

2.16.010 Rules of order.
2.16.020 Compensation.

¹⁰ For statutory provisions defining the powers and duties of the council, see ICA §§346.3 and 372.13.

2.16.010 Rules of order.

The following rules of order are adopted to govern business and meetings of the council:

- Rule 1. Regular meetings of the council shall be held on the second Tuesday of each month at six-thirty p.m. Special meetings may be held at any time upon the written notice of any three members of the council, or on the written order of the mayor, stating the object of the meeting, but no business shall be entertained or transacted at such special meeting unless so stated in the notice;
- Rule 2. A majority of the members of the council, including the mayor, shall constitute a quorum;
- Rule 3. On convening, the mayor or president pro tem, in the absence of the mayor, shall call the council to order, whereon the clerk, or one appointed in his absence, shall call the roll and announce whether there is a quorum present, if so, the council shall proceed to business in the following order:
- (1) Reading of minutes of last meeting, amendment and approval of same,
 - (2) Presentation of petitions and communications,
 - (3) Report of officers,
 - (4) Auditing bills,
 - (5) Reports of committees,
 - (6) Unfinished business,
 - (7) Resolutions,
 - (8) New and miscellaneous business;
- Rule 4. All questions of priority of business shall be decided by the mayor;
- Rule 5. The mayor shall decide questions of order, subject to appeal to the council;
- Rule 6. The usual parliamentary rules shall govern throughout the meetings of the council;
- Rule 7. All committees shall be appointed by the mayor subject to the approval of the council. Standing committees, consisting of not fewer than three members each, shall be appointed at the first meeting in January for one year. The following shall be the standing committees:
- (1) Ways, means and supplies,
 - (2) Streets, alleys and sewers,
 - (3) Buildings, grounds, claims and parks,
 - (4) Judiciary, officers and accounts,
 - (5) Health and sanity,
 - (6) Waterworks, fire departments;

Rule 8. On acceptance of final report from a special committee it shall be considered discharged;

Rule 9. No bills or claims against the city shall be allowed until approved by the chairman of the committee which has ordered the supplies or had the work done, and by a majority of the committee of claims except bills of officers and others employed by the city, and receiving a fixed compensation by ordinance or contract;

Rule 10. No committee shall arrange for expenditure of more than one hundred dollars until authorized so to do by express action of the council (Ord. 1-90 §§1, 2, 1990; Ord. 6 (part)).¹¹

2.16.020 Compensation.

The compensation of each city council member is fixed at sixty dollars per month, payable monthly, effective January 1, 1992. (Ord. 197 §4, 1991).

CHAPTER 2.20

MAYOR¹²

Sections:

- 2.20.010 Duties.
- 2.20.020 Presiding officer in mayor’s absence.
- 2.20.030 Compensation.

2.20.010 Duties.

The duties of the mayor shall be:

- A. Those provided by law;
- B. To preside at all meetings of the council;
- C. To sign all ordinances and contracts to which the city may be a party and to cause the same to be faithfully performed;
- D. To make a monthly report of all moneys received and expended, if any, by him to the council;
- E. To authorize expenditures of up to three hundred dollars;
- F. To appoint all committees unless otherwise ordered;

¹¹ Revised ordinances of 1922, passed January 3, 1922.

¹² For statutory provisions regarding the general powers of the mayor, see ICA § 363.3 and 368A.2; for statutory provisions regarding the jurisdiction of the mayor, see ICA §367.5 et seq.; for statutory provisions that he shall sign all ordinances, see ICA §366.5.

- G. To perform all duties now or hereafter by ordinances or by resolution of the council (Ord. 8 §1 (part)).¹³

2.20.020 Presiding officer in mayor’s absence.

In the absence of the mayor of his inability to perform all duties of his office, the president pro tem of the council shall preside and perform all duties of the mayor. (Ord. 8 §9).¹³

2.20.030 Compensation.

The monthly compensation payable to the mayor of the city is fixed at one hundred fifty dollars per month, payable monthly, effective January 1, 1992. (Ord. 197 §2, 1991).

CHAPTER 2.24

CITY CLERK¹⁴

Sections:

- 2.24.010 Duties.
- 2.24.020 Compensation.

2.24.010 Duties.

It shall be the duty of the clerk:

- A. To keep separate account of all revenues, funds and incomes payable to the city, also of all moneys received as shown by duplicate receipt of treasurer filed in clerk’s office;
- B. To keep separate and accurate account of the city with any and all persons, including its officers;
- C. To be present at all meetings of the city council and keep a correct journal of its proceedings;
- D. To keep in proper file all communications, petitions and other instruments in writing, and to preserve and safely keep all public documents ordered filed in his office;
- E. To keep a record of all ordinances, rules, resolutions and bylaws passed by the council, designating the date of their passage and publication, and to attest and authenticate the same with his signature;

¹³ Revised ordinances of 1922, passed January 3, 1922.

¹⁴ For statutory provisions regarding the duties of the clerk, see ICA §368A.3. As to appointment of the clerk, see ICA §368A.1(7).

- F. To keep all contracts filed with him to which the city is a party;
- G. To preserve public copies of all ordinances, bylaws, resolutions, orders and notices, filing the same in proper manner;
- H. To properly index all records kept by him;
- I. To keep a full and complete record of the election of all officer of the city;
- J. To be the clerk of the board of health and of the board of equalization, attend all sessions of both bodies and keep a record of their proceedings;
- K. At the expiration of his term of office, to make a report of his doings during the year, showing the amount of money coming into his hands belonging to the city and the manner of disposal of same, the whole amount of warrants issued, on what funds the same were drawn and for what purpose, the whole amount of warrants outstanding and unpaid, and the whole amount of fines and fees collected and paid into the city treasury;
- L. To keep a record of all warrants drawn upon a stub from which said warrants were drawn;
- M. When withdrawing from his office for any reason whatever, he shall account for all books, papers and property of the city in his possession, and transmit the same to his successor in office. (Ord. 8 §3 (part)).¹⁵

2.24.020 Compensation.

The compensation the city clerk shall receive shall be fixed by the city council from time to time by resolution. (Ord. 197 §6, 1991).

¹⁵ Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 2.28

CITY TREASURER¹⁶

Sections:

2.28.010 Duties – Compensation.

2.28.010 Duties – Compensation.

It shall be the duties of the treasurer:

- A. To receive and safely keep all moneys of the city that may, in any manner, come into his hands by virtue of his office;
- B. To receipt all persons for moneys, securities or other things of value received by him as treasurer, specifying date and amount, a duplicate of which shall be filed with the clerk;
- C. To pay no money out of treasury excepting upon the warrant of the clerk property authenticated;
- D. To keep a full and accurate account of all moneys and other things received by him on behalf of the city, specifying from whom, when and upon what account received, and also a full and true account of all disbursements, specifying when, to whom, from what fund and upon what account paid, the same to be kept in books provided for that purpose by the city;
- E. To keep a separate account of each fund belonging to said city and the debits and credits thereto belonging;
- F. To take a receipt for any amount of interest paid on any warrant, and when the warrant is paid, to write the word “cancelled” upon the face thereof, and file and preserve the same until reported to the city council for their action thereon;
- G. To cancel in like manner all warrants, bonds, coupons, orders or evidence of debt due by the city whenever paid by him;
- H. To draw from the county treasurer all funds belonging to the city at least once in each quarter, giving his duplicate therefore;

¹⁶ For statutory provisions regarding the duties of the treasurer, see ICA §368A.4. For the provisions regarding municipal accounting and issuance of warrants generally, and the duties of the officers connected therewith, see ICA §§368A.5 — 368A.16.

- I. To make a report to the city council at the last regular meeting thereof in each year and prior to the expiration of his term of office showing the amount of all warrants cancelled, the whole amount of certificates issued for unpaid balances on warrants cancelled, the whole amount of money received by him, designating the fund or appropriation upon which the same was received, the whole number of warrants cancelled by him, the lowest and highest number of such warrants, the whole amount of money received during the year, the whole amount of money paid out during the year, designating on what fund or appropriation the same was paid out, and the state of the treasury;
- J. To make a complete settlement with the council at the expiration of his term of office, to record such settlement in his books and to deliver all books, papers and records belonging to the city, to his successor in office;
- K. He shall receive a full compensation for his services such as the council may fix by resolution. (Ord. 8 §4).¹⁷

CHAPTER 2.32

CITY ATTORNEY¹⁸

Sections:

2.32.010 Duties.

2.32.010 Duties.

It shall be the duty of the city attorney:

- A. To attend all the legal business of Eldon, prosecuting or defending all suits, both civil and criminal, in all courts in which the city is a party;
- B. To give advice to city officers on legal questions relative to the city's business;
- C. To draw all contracts, ordinances or other documents for the city as requested by the council or the mayor;
- D. To perform all other duties pertaining to his profession necessary to the interest of the city;
- E. To manage and conduct all condemnation proceedings on behalf of the city;

¹⁷ Revised ordinances of 1922, passed January 3, 1922.

¹⁸ For statutory provisions authorizing the council to appoint an attorney, see ICA §368A.1(7); for the provisions stating that the attorney shall have such powers and perform such duties as are prescribed by law, see ICA §368A.20.

- F. To attend all regular and special meetings of the council when notified so to do;
- G. To sign the name of the city to all papers of whatever kind necessary in legal proceedings, the same when so signed shall be binding upon the city. (Ord. 8 §5).¹⁹

CHAPTER 2.36

CITY MARSHAL²⁰

Sections:

- 2.36.010 Duties – Compensation.
- 2.36.020 City Marshal - Defined.

2.36.010 Duties – Compensation.

It shall be the duty of the city marshal, who by virtue of his office is ex officio chief of police:

- A. To diligently inquire into and report to the proper authority all violations of any city ordinances and of the criminal laws of the state, and to prosecute all persons guilty thereof;
- B. To abate or cause to be abated all nuisances within the city;
- C. To serve by himself or deputy all legal process to him directed by the mayor or other competent authority and to attend all sessions of the police court;
- D. To suppress all riots, disturbances and breaches of the peace and apprehend all persons violating any of the laws of the state or ordinances of the city and to bring such persons violating any of the laws of the state or ordinances of the city, before the proper authority for the detention of criminals fleeing from justice from any other place or state;
- E. To keep a correct account of all moneys belonging to the city and all fees by him collected by virtue of his office, and to pay the same over to the city treasurer in the manner provided for other officers of the city and to make a correct sworn statement thereof as by the ordinances of the city provided;

¹⁹ Revised ordinances of 1922, passed January 3, 1922.

²⁰ For statutory provisions requiring the mayor to appoint the marshal and such other officers as may be provided by ordinance, see ICA §363A.3; for provisions requiring cities to provide for the preservation of the peace and enforcement of the law within corporate limits and authorizing them to establish and maintain a police department, see ICA §368.15; for provisions defining the powers and duties of the marshal, see ICA §§368A.17 and 368A.18.

- F. To tax and collect fees in all cases for all services performed by him as the sheriff of the county is entitled to receive for like services, and to pay the same over when collected, to the treasurer as by ordinances provided;
- G. To make a monthly report of the doings of his office to the council and for its action thereon at their first regular meeting in each month;
- H. To receive such compensation for his services as the city council may direct by resolution. (Ord. 8 §6).²¹

2.36.020 City Marshal - Defined.

Any references in the Eldon Municipal Code to “city marshal” shall mean the chief of law enforcement officer, also known as chief of police, and his or her designee. (Ord. 293 §1, 2004).

CHAPTER 2.40

FIRE DEPARTMENT²²

Sections:

- 2.40.010 Organized – Enhancement of rules.
- 2.40.020 Appointment – Officers – Meetings – Members dropped.
- 2.40.030 Annual report.
- 2.40.050 Under direction of council.

2.40.010 Organized – Enhancement of rules.

The association heretofore known as the Eldon Hook and Ladder Company, organized in 1880, is reorganized, releasing all its prior members from any of the terms or obligations heretofore existing and shall be known hereinafter as the Eldon fire department, to be governed by such bylaws and constitution as its members may enact, all to be subject to the provisions of this chapter and to be approved by the council at a regular meeting. (Ord. 9 §1).²¹

2.40.020 Appointment – Officers – Meetings – Members dropped.

The fire department shall consist of not more than twenty-five persons appointed by the council. The fire department shall elect a fire chief, secretary and treasurer and shall meet at least once a month at the fire department, and it shall report to the council the names of such members as have been dropped from the fire department during the month preceding, if any. (Ord. 227 §2, 2003; Ord. 134 §1, 1977; Ord. 9 §2).²¹

²¹ Revised ordinances of 1922, passed January 3, 1922.

²² For statutory provisions authorizing municipalities to provide for protection against fire, see ICA §§364.16 and 384.24; for provisions concerning the duties of the fire chief, see ICA §100.2.

2.40.030 Annual report.

The chief of the department shall report the financial condition of the department to the city council in January of each year by filing a written report of the financial condition, expenses, disbursement of funds on hand at December 31st of the previous year. (Ord. 203 §3, 1993).

2.40.050 Under direction of council.

The fire department, including its members severally shall be at all times under the direction and control of the council and shall in every respect comply with the law regarding such organizations, together with such conditions and by-laws as may be adopted by the fire department and approved by the council. (Ord. 9 §5).²³

CHAPTER 2.44

LIBRARY TRUSTEES²⁴

Sections:

- 2.44.010 Purpose.
- 2.44.020 Public library.
- 2.44.030 Library trustees.
- 2.44.040 Qualifications of trustees.
- 2.44.050 Organization of the board.
- 2.44.060 Powers and duties.
- 2.44.070 Power to contract with others for the use of the library.
- 2.44.080 Nonresident use of the library.
- 2.44.090 Library account.
- 2.44.100 Annual Report.

²⁴ For statutory provisions relating to the establishment of public libraries and the management of such libraries by boards of library trustees, see ICA §392.5.

2.44.010 Purpose.

The purpose of this ordinance is to provide for the establishment of a free public library for the city and for the creation and appointment of a city library board of trustees, and to specify that board's powers and duties. (Ord. 221 §1, 2000).

2.44.020 Public library.

There is hereby established a free public library for the city, to be known as the Eldon Public Library. (Ord. 221 §2, 2000).

2.44.030 Library trustees.

The board of trustees of the Eldon Public Library, hereinafter referred to as the board, consists of five members. All board members are to be appointed by the mayor with the approval of the city council. A single member shall be appointed by the mayor with approval of the Eldon City Council. (Ord. 221 §3, 2000).

2.44.040 Qualifications of trustees.

All of the members of the board shall be bona fide citizens and residents of the city except the nonresident member, and all shall be over the age of eighteen. (Ord. 221 §4, 2000).

2.44.050 Organization of the board.

- 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 they move permanently from the city or county in the case of a nonresident county member; or if they are absent for six consecutive regular meeting of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council or the Board of Supervisors in the case of the nonresident member, and the new trustee shall fill out the unexpired term for which the appointment is made.
- C. Compensation. Trustees shall receive no compensation for their services. (Ord. 221 §5, 2000).

2.44.060 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 a treasurer and such other officer as it deems necessary. The board treasurer 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, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.
- E. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty.
- F. To authorize the librarian to select and make purchases of book, 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 and 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 money 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 for 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, 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 associations, where such exist, 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 of the same out of funds allocated for library purposes. (Ord. 221 §6, 2000).

2.44.070 Power to contract with others for the use of the library.

- A. Contracting. The board may contract with any other board of trustee of free public libraries of any other city, school organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.
- B. Termination. Such a contract may be terminated at any time by a 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 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. 221 §7, 2000).

2.44.080 Nonresident use of the library.

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

- A. By lending books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee.
- 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. 221 §8, 2000).

2.44.090 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 officer is the library treasurer. (Ord. 221 §9, 2000).

2.44.100 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. 221 §10, 2000).

CHAPTER 2.48

HISTORIC PRESERVATION COMMISSION

Sections:

2.48.010	Purpose and intent.
2.48.020	Definitions.
2.48.030	Membership – Appointment – Term – Quorum.
2.48.040	Powers of the commission.

2.48.010 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 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. 192 §1, 1990).

2.48.020 **Definitions.**

For use in this chapter, the words set out in this section are defined as follows:

- A. “*Commission*” means the Eldon Historic Preservation Commission, as established by this chapter.
- B. “*Historic district*” means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess 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 that represents the work of a master, or that possess high artistic values, or that 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 of attractiveness of properties within such area;
 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.
- C. “*Historic site*” means a structure of 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 thigh 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. 192 §2, 1990).

2.48.030 Membership – Appointment – Term – Quorum.

- A. The commission shall initially consist of five members who shall be residents of the city.
- B. Members of the commission shall be appointed by the mayor with the advice and consent of the city council. Members should demonstrate a positive interest in historic preservation, possessing interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
- C. The original appointment of the members of the commission shall be, three for two years, and two for three years, from January 1st following the year of such appointment or until their successor is appointed to serve for the term of three years.
- D. Vacancies occurring in the commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
- E. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- F. Vacancies shall be filled by the city according to the original selection as aforesaid.
- G. Members shall serve without compensation.
- H. A simple majority of the commission shall constitute a quorum for the transaction of business.
- I. The commission shall elect a chairman who shall preside over all commission meetings and elect a secretary who shall be responsible for maintaining written records of the commission's proceedings.
- J. The commission shall meet at least three times a year. (Ord. 192 §3, 1990).

2.48.040 Power of the commission.

- A. The commission may conduct inventory studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The necessary inventory forms and procedures for their completion are available from the State Office of Historic Preservation. The commission may proceed at its own initiative or upon a petition from any person, group, or association. The commission shall maintain records of all studies and inventories for public use.
- B. The commission may make a recommendation to the State Office of Historic Preservation for the listing of a historical district or site in the National Register of Historic Places and may conduct a public hearing thereon.
- C. The commission may investigate and recommend to the city council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

- D. Other Powers. 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 and lesser interests in historic properties, including properties adjacent to or associated with historic preservation;
 3. Preserve, restore, maintain and operate in 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. Contract, with the approval of the governing body, with the state or the 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 within its jurisdiction. (Ord. 192 §4, 1990).

TITLE 3
REVENUE AND FINANCE
(Reserved)

TITLE 4

(Reserved)

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.08 Alcoholic Beverages

CHAPTER 5.08

ALCOHOLIC BEVERAGES²⁵

Sections:

5.08.010	Purpose.
5.08.020	Definitions.
5.08.030	Eligibility for liquor control license or beer permit.
5.08.040	Conditions for approval of license or permit – Inspection.
5.08.050	Beer permits – Classes.
5.08.060	Liquor permits – Classes.
5.08.070	Prohibited interest.
5.08.080	Separate locations – Class – or C.
5.08.090	Application – Contents – Bond.
5.08.100	Investigation for renewal.
5.08.110	Application for renewal.
5.08.120	Civil liability.
5.08.130	License and permit fees.
5.08.140	Nature of license or permit.
5.08.150	Action by council.
5.08.160	Expiration of license or permit – Seasonal licenses.
5.08.170	Refunds.
5.08.180	Transfers.
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For statutory provisions regarding the sale of beer and malt liquor generally, see ICA Ch. 123; for provisions granting power to cities and towns to grant liquor control licenses and retail beer permits, see ICA §124.5.

Sections: (Continued)

5.08.230	Beer brand signs prohibited.
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5.08.290	Violation – Penalties.
5.08.300	Violation of portions of Section 5.08.190 or state liquor or beer laws – Action.
5.08.310	Violation of Section 6 of State Liquor Act – Action.

5.08.010 **Purpose.**

The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community. (Ord. 108 §1, 1973).

5.08.020 **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. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

- A. *“Alcohol”* means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof and includes synthetic ethyl alcohol;
- B. *“Alcohol liquor”* or *“alcoholic beverage”* includes the three varieties of liquor defined in subsections A, U and V, except beer as defined in subsection D but including all beverages which contain more than four percent of alcohol by weight as described in this section, and every liquid or solid patented or not, containing alcohol, spirits or wine, and susceptible of being consumed by a human being, for beverage purposes;
- C. *“Application”* means a formal written request for the issuance of a permit or license supported by a verified statement of facts;
- D. *“Beer”* means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains containing not more than four percent of alcohol by weight;

- E. “*Club*” means any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership;
- F. “*Commercial establishment*” means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licenses premises of which conform to the standards and specifications of the department;
- G. “*Department*” means the Iowa Beer and Liquor Control Act, or any division of such department;
- H. “*Director*” means the director of the Iowa Beer and Liquor Control Department, appointed pursuant to the provisions of the Iowa Beer and Liquor Control Act or his designee;
- I. “*Hotel*” or “*Motel*” means a premises licensed by the State Department of Agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms;
- J. “*Legal age*” means twenty-one years of age or more;
- K. “*Licensed premises*” or “*premises*” means all rooms or enclosures where alcoholic beverages or beer are sold or consumed under authority of a liquor control license or beer permit;
- L. “*Liquor authority*” means the city council or any incorporated city or town in this state, or the county board of supervisors or any county in this state, which is empowered by the Iowa Beer and Liquor Control Act to approve or deny applications for retail beer permits and liquor control licenses; to recommend that such permits or licenses be granted and issued by the department; and to take such other actions as are reserved to them by the Iowa Beer and Liquor Control Act;
- M. “*Permit*” or “*License*” means an express written authorization issued by the department for the manufacture or sale, or both, of alcoholic liquor or beer;
- N. “*Person*” means any individual, association, partnership, corporation, club, hotel or motel, or municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium or recreational facility in or at which the sale of alcoholic liquor or beer is only an incidental part of such ownership or operation;
- O. “*Person of good moral character*” means any person who meets all of the following requirements:

1. He has such financial standing and good reputation as will satisfy the director that he will comply with the Iowa Beer and Liquor Control Act and all laws, ordinances, and regulations applicable to his operations under the Iowa Beer and Liquor Control Act,
 2. He does not possess a federal gambling stamp,
 3. He is not prohibited by the provisions of Section 40 of the Iowa Beer and Liquor Control Act from obtaining a liquor control license or beer permit,
 4. Is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation,
 5. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five years before the date of the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character, notwithstanding such conviction,
 6. If such person is a corporation, partnership, association, club, hotel or motel the requirements of this subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten percent or more of any class of stock of such person or has an interest of ten percent or more in the ownership or profits of such person. For the purposes of this provision, an individual and his spouse shall be regarded as one person;
- P. *“Prohibited sale of alcoholic liquor or beer”* under the Iowa Beer and Liquor Control Act includes soliciting for sales, taking orders for sales, keeping or exposing for sale, delivery or other trafficking for a valuable consideration promised or obtained, and procuring or allowing procurement for any other person;
- Q. *“Public place”* means any place, building or conveyance to which the public has or is permitted access;
- R. *“Residence”* means the place where a person resides, permanently or temporarily;
- S. *“Retail beer permit”* means a Class – or Class C beer permit under the provisions of the Iowa Beer and Liquor Control Act;
- T. *“Retailer”* means any person who sells, barter, exchanges, offers for sale or has in possession with intent to sell any alcoholic liquor for consumption on the premises where sold, or beer for consumption either on or off the premises where sold;
- U. *“Spirits”* means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whiskey and gin;

- V. “*Wine*” means any beverage containing alcohol obtained by the fermentation of the natural sugar contents of fruits or other agricultural products. (Ord. 203 §5, 1993; Ord. 108 §2, 1973).

5.08.030 Eligibility of liquor control license or beer permit.

Upon meeting the requirements imposed by state law and the ordinances of this city, a person who is of good moral character as defined by state law and this chapter, may apply for 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 and this chapter. (Ord. 108 §3, 1973).

5.08.040 Conditions for approval of license or permit – Inspection.

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 utility departments and the mayor may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

- A. No liquor control license or beer permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions, 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 for which a Class – permit is sought must be located within the business district described as Blocks 26, 27, 28 and 29 Original Town of Eldon and the grounds of the Wapello County Agricultural Fair;
- D. The premises of a Class – permit shall, at the time of the application, continue to be equipped with sufficient tables and seats to accommodate twenty-five persons at one time;
- E. No booths shall be permitted or used unless they are entirely open at one side with an unobstructed view therein from the rest of the room;
- F. The place of business shall be lighted so that all objects are plainly visible at all times and all parts of such place of business illuminated to a minimum of two foot-candles, as measured by a foot-candle meter at a plane of thirty inches above the floor;
- G. The place of business of each liquor control license or beer permit shall have no less than ten square feet of window, either independent window or door window, or a combination thereof, open to view from the public sidewalk and unobstructed by curtains, shutters, blinds, signs or other interferences, and such window area of ten square feet, shall not be more than forty-eight inches to the bottom of the window above the ground or sidewalk immediately contiguous to the licensed premises and

shall be so situated so that the full beverage serving area of the licensed premises may be viewed from the exterior of the licensed premises. (Ord. 165 §1, 1984; Ord. 108 §4, 1973).

5.08.050 Beer permits – Classes.

Beer permits shall be classed as follows:

- A. Class B. A Class – permit shall allow the holder to sell beer at retail for consumption on or off the premises;
- B. Class C. A Class C permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No Class C permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy. (Ord. 108 §5, 1973).

5.08.060 Liquor licenses – Classes.

Liquor control licenses shall be classed as follows:

- A. Class A. A Class A liquor control license issued to a club shall authorize the holder to purchase alcohol liquors from the department only, and to sell such liquors, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only;
- B. Class B. A Class – liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors and beer, to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application;
- C. Class C. A Class C liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors and beer to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. (Ord. 108 §6, 1973).

5.08.070 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. 108 §7, 1973).

5.08.080 Separate locations – Class – or C.

Every person holding a Class – or Class C 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 prohibited by state law. (Ord. 108 §8, 1973).

5.08.090 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 filed with the city council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the State Director and in the following amounts:

- A. With any liquor control license, five thousand dollars and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa Beer and Liquor Control Act and compliance with all provisions of the act;
- B. With any beer permit, five hundred dollars and conditioned upon the faithful observance of the Iowa Beer and Liquor Control Act. (Ord. 108 §9, 1973).

5.08.100 Investigation of applicant.

Upon receipt of an original application for a liquor license or beer permit by the city clerk, it shall be forwarded to the city marshal who shall conduct an investigation and shall submit a written report on the applicant as to 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 mayor and 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. 108 §10, 1973).

5.08.110 Application for renewal.

Upon the receipt of an application for a renewal of a liquor license or a beer permit by the city clerk, it shall be forwarded to the city marshal, who shall conduct an investigation and 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 mayor and 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 renewed until or unless an approving report has been filed with the city council by such officers. (Ord. 108 §11, 1973).

5.08.120 Civil liability.

Every liquor control licensee and Class – 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. 108 §12, 1973).

5.08.130 License and permit fees.

There shall be submitted with the beer or liquor application the appropriate fees as required by the laws of the state of Iowa. (Ord. 203 §6, 1993).

5.08.140 Nature of license or permit.

A liquor license or beer permit shall be purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor 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 or 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. 108 §14, 1973).

5.08.150 Action by council.

Action taken by the city council shall be so endorsed on the application and thereafter the license holder shall pay any fees or bonds directly to the Iowa Beer and Liquor Control Department.

5.08.160 Expiration of license or permit – Seasonal licenses.

All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from the date of issuance. 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. 108 §16, 1973).

5.08.170 Refunds.

Any licensee or permittee, their executor, administrator or any person duly appointed as a personal representative for a permittee, may voluntarily surrender a license or permit to the department and any refund shall be returned as provided by Iowa law. (Ord. 203 §7, 1993).

5.08.180 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. (Ord. 108 §18, 1973).

5.08.190 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:

5.08.200 – 5.08.210

- 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. the following Monday;
- 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 member nor to sales by a hotel or motel to bona fide registered guests;
- D. Employ any person under the age of eighteen years old in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold. Persons between the ages of eighteen and twenty-one shall be allowed to serve clear alcoholic liquor or beer as an incident to a meal if the business of selling food or other services constitutes more than fifty percent of the gross business of the licensee or permittee;
- E. Sell, give or otherwise supply any alcoholic beverage or beer to any person known 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. Keep, or allow to be kept, gambling devices of any kind or description on the premises or place of business of the license or permit holder, contrary to state law.
- H. Permit any person under the age of eighteen years upon any premises of any tavern or licensee selling alcoholic beverages by the drink, unless said person under the age of eighteen years is accompanied by a parent or lawful guardian. (Ord. 145 §2, 1979; Ord. 108 §19, 1973).

5.08.200 Dancing – Permit required.

Dancing may be permitted in establishments licensed under this chapter but only after a dance permit is issued by the city council, the permit fee being fifteen dollars per year. (Ord. 108 §20(a), 1973).

5.08.210 Investigation of applicant for dance permit.

Upon application being made to the city council for a dance permit, the council shall make such investigation as it deems necessary to determine whether or not the permittee can qualify in accordance with the requirements of Section 5.08.220 and if permittee meets those requirements the permit shall be issued. (Ord. 108 §20(b), 1973).

5.08.220 Dance area requirements.

The proposed dance floor area must be an area specifically designated and solely used for dancing purposes, clear of obstruction and debris except for structural supports, and lighted so that all objects are plainly visible at all times, and all parts of the dance floor area are illuminated to a minimum of two foot-candles, as measured by a foot-candle meter at a plane of thirty inches above the floor. (Ord. 108 §20(c), 1973).

5.08.230 Beer and brand signs prohibited.

No signs or other matter advertising any brand of beer shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail. All such signs formerly erected shall be removed by the owner of same by July 1, 1975 (Ord. 108 §21, 1973).

5.08.240 Suspension – Revocation.

A liquor license or beer permit may be suspended for a period up to one year, or revoked, for violations of law including city ordinances, following notice and hearing, and shall be revoked in accordance with the provisions of state law 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;
- C. Any change in the ownership or interest in the business operated under a Class A, Class – 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. 108 §22, 1973).

5.08.250 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 of Iowa 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 had been covered by such license or permit shall not be relicensed for one year. (Ord. 108 §23, 1973).

5.08.260 Appeal – Hearing.

The right to appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city disapproving, suspending or revoking issuance of 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 the 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 where in the premises covered by the application are situated. (Ord. 108 §24, 1973).

5.08.270 Consumption in public places – Intoxication.

It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways or alcoholic liquors in any public place, except premises covered by a liquor control license, and no person shall be intoxicated nor simulate intoxication in a public place. Any person violating any provisions of this section shall be punished as provided in Chapter 1.12. (Ord. 108 §25, 1973).

5.08.280 Persons under the legal age.

- A. 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 the 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 with the knowledge and consent of the parent or guardian for 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 under state law.
- B. No person under the age of eighteen years shall be in, on or within the premises of any tavern or licensee selling alcoholic liquor or beer by the drink, unless said person under the age of eighteen years is accompanied by his parent or guardian. (Ord. 203 §8, 1993; Ord. 145 §§3, 4, 1979; Ord. 136 §1, 1977; Ord. 108 §26, 1973).

5.08.290 Violation – Penalties.

A violation of this chapter is a municipal infraction and any person who violates any of the provisions of this chapter shall be subject to a penalty as provided in Chapter 1.12. (Ord. 108 §27(a), 1973).

5.08.300 Violation of portions of Section 5.08.190 or state liquor or beer laws – Action.

The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of subsections A to H inclusive of Section 5.08.190 shall, subject to Section 5.08.310, be grounds for the suspension or revocation of the license or permit by the department or the city. However, if any liquor control licensee is convicted of any violation of subsection 2, paragraphs a, d, or e, of Section 49 of [or if] any beer permittee is convicted of a violation of subsection 2, paragraph a of said section of the Iowa Beer and Liquor Control Act, the liquor control license or beer permit shall be revoked and shall immediately be surrendered by the holder and the bond of the license or permit holder shall be forfeited to the department of beer and liquor control. (Ord. 145 §5, 1979; Ord. 108 §27(b), 1973).

5.08.310 Violation of Section 6 of State Liquor Act – Action.

If any licensee, beer permittee or employee of such licensee or permittee shall be convicted of a violation of subsection 6 of Section 49, Iowa Beer and Liquor Control Act, the city shall, in addition to the other penalties fixed for such violations by this section, assess a penalty as follows:

- A. Upon first conviction, the violator's liquor control license or beer permit shall be suspended for a period of fourteen days;
- B. Upon a second conviction within a period of two years, the violator's liquor control license or beer permit shall be suspended for a period of thirty days;
- C. Upon a third conviction within a period of five years, the violator's liquor control license or beer permit shall be suspended for a period of sixty days;
- D. Upon a fourth conviction within a period of five years, the violator's liquor control license or beer permit shall be revoked. (Ord. 108 §27(c), 1973).

TITLE 6

(Reserved)

TITLE 7

HEALTH AND WELFARE

Chapters:

- 7.04 General Provisions
- 7.08 Rules for Disease Prevention
- 7.12 Nuisances
- 7.16 Unlawful Deposits in Public Places
- 7.28 Garbage and Refuse
- 7.32 Cemetery
- 7.36 Dilapidated Buildings
- 7.40 Abandoned Vehicles
- 7.44 Weeds and Offensive Growth

CHAPTER 7.04

GENERAL PROVISIONS

Sections:

- 7.04.010 Sanitary district established – Area included.
- 7.04.020 Sanitary condition of buildings and premises.
- 7.04.030 Right of health personnel to enter premises.
- 7.04.040 Disposal of offal, garbage or other waste.
- 7.04.050 Disposal by independent hauler.
- 7.04.060 Offensive burning.
- 7.04.070 Infected person on public conveyance.
- 7.04.080 Liability for violations.

7.04.010 Sanitary district established – Area included.

There is established in the city a sanitary district for the collection and disposal of garbage and other such waste material as may become dangerous to the public health or detrimental to the best interests of the community and for the sprinkling, flushing and cleaning of streets. Such sanitary district is declared to comprehend and include all of the territory, land, lots and streets within the city. (Ord. 109 §1, 1973).

7.04.020 Sanitary condition of buildings and premises.

All persons owning, leasing, occupying or having control of any premises or buildings of any description, together with any alley adjoining thereto, shall at all times keep the same in a clean and wholesome condition, free from filth, stagnant water and other nuisances and all avoidable conditions causing or promoting disease. (Ord. 109 §2, 1973).

7.04.030 Right of health personnel to enter premises.

The mayor as health officer and city marshal may enter any building or other place for the purpose of examining, preventing or removing any nuisance, source of filth or cause of sickness. (Ord. 109 §3, 1973).

7.04.040 Disposal of offal, garbage or other waste.

No offal, garbage or other wastes, including debris, from any creamery, factory, shop, chicken house, slaughterhouse, tannery, hotel, boardinghouse, restaurant, laundry, meat market or private residence or any other source shall be thrown or deposited upon any lot or land or into any ravine or open ditch, stream, pond or upon any land within the city. (Ord. 109 §4 (part), 1973).

7.04.050 Disposal by independent hauler.

Such wastes as in Section 7.04.040 not properly disposed of as garbage and common sewage shall be disposed of by independent refuse haulers, which shall particularly apply to creameries, slaughterhouses, factories and shops. (Ord. 109 §4 (part), 1973).

7.04.060 Offensive Burning.

No materials manufactured in whole or in part from wool, rubber, leather or other materials which emit offensive odors during combustion shall be burned without permission of the mayor and no open burning of garbage shall be permitted. (Ord. 109 §5, 1973).

7.04.070 Infected person on public conveyance.²⁶

If any person places or puts, or aids or abets in placing or putting, any person upon any railroad car or other public conveyance, knowing such person to be infected with diphtheria, smallpox, or scarlet fever, he shall be punished as provided in Chapter 1.12. (Ord. 109 §6, 1973).

7.04.080 Liability for violations.

Whenever in this chapter any acts in reference to any premises are commanded, forbidden or any specified condition of any premises is enjoined or prohibited, it shall be jointly and severally the duty of the lessee, occupant, owner or person having control of such premises to do such acts as are commanded and prevent the doing of acts that are forbidden and to put and keep the premises in the condition enjoined or required. (Ord. 109 §7, 1973).

²⁶

For statutory provisions relating to contagious diseases, see ICA Ch. 139.

CHAPTER 7.08

RULES FOR DISEASE PREVENTION²⁷

Sections:

- 7.08.010 Owner or manager of tenement, office, building, factory, hotel or boardinghouse.
- 7.08.020 Open privy vault or cesspool.
- 7.08.030 Sewer drain near water source used for drinking or cooking.
- 7.08.040 Sewer drain emptying into water source used for cooking or into standing water.
- 7.08.050 House offal – Dead animals – Uncovered refuse – Removal of matter from cellar or out-building.
- 7.08.070 No hogs in city.
- 7.08.080 Violation – Penalty.

7.08.010 Owner or manager of tenement, office, building, factory, hotel or boardinghouse.

Every owner, keeper or manager of any tenement house, office building, factory, hotel or boardinghouse shall provide the same with a suitable water closet, which shall be kept in a clean and sanitary condition, well-ventilated and free from offensive odors and filth. He shall also keep any of the above-named buildings or houses in a cleanly condition and free from all rubbish, filth, waste and refuse matter. (Ord. 37 §35 (Rule 1)).²⁸

7.08.020 Open privy vault or cesspool.

No privy vault or cesspool shall open into any stream, ditch or drain except common sewers. (Ord. 37 §35 (Rule 2)).²⁸

7.08.030 Sewer drain near water source used for drinking or cooking.

All sewer drains that pass within fifty feet of any source of water used for drinking or culinary purposes shall be water-tight. (Ord. 37 §35 (Rule 3)).²⁸

7.08.040 Sewer drain emptying into water source used for cooking or into standing water.

No sewer drain shall empty into any pond or source of water used for culinary purposes, nor into any standing water within the jurisdiction of this board of health. (Ord. 37 §35 (Rule 4)).²⁸

²⁷ For statutory provisions providing for the enforcement of municipal health ordinances by boards of health, see ICA §137.6.

²⁸ Revised ordinances of 1922, passed January 3, 1922.

7.08.050 House offal – Dead animals – Uncovered refuse – Removal of matter from cellar or out-building.

No house offal, nor dead animals of any kind shall be thrown into or upon the streets or alleys, nor left exposed by any person, and no butcher, fish monger or vendor of merchandise of any kind, shall leave any refuse upon the streets or alleys, nor uncovered by earth upon any of the lots of this city; and all putrid and decaying animal and vegetable matter must be removed from all cellars and out-buildings on or before May 1st each year. (Ord. 37 §35 (Rule 5)).²⁹

7.08.070 No hogs in city.

No hogs shall be kept within the city limits of the city of Eldon and all cattle yards, barns and stables must be kept clean and free from filth or offensive odors. (Ord. 203 §10, 1993).

7.08.080 Violation – Penalty.

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court. (Ord. 37 §35 (Rule 7 (part))).²⁹

CHAPTER 7.12**NUISANCES³⁰****Sections:**

7.12.010	Defined.
7.12.020	Examples.
7.12.030	Prohibited.
7.12.040	Notice to abate – Person defined.
7.12.050	Contents of notice to abate.
7.12.060	Method of serving notice.
7.12.070	Abatement by municipality – Payment of expenses.
7.12.080	Collection of cost of abatement.
7.12.090	Request for hearing and appeal.
7.12.100	Hearing decision – Appeal – Findings conclusive.

²⁹ Revised ordinances of 1922, passed January 3, 1922.

³⁰ For statutory provisions granting power to cities and towns to abate, restrain or prohibit public or private nuisances, and to provide for the assessment of the cost therefor against the property, see ICA §364.12; for provisions defining and enumerating what constitute nuisances, see ICA §§657.1 and 657.2.

7.12.010 Defined.

Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance. (Ord. 80 §8 (part), 1955).

7.12.020 Examples.

Examples of nuisances are:

- A. All diseased animals running at large;
- B. All ponds or pools of stagnant water;
- C. Carcasses of animals not disposed of within twenty-four hours after death as provided by law;
- D. Accumulations of refuse;
- E. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
- F. All noxious weeds and other rank growth upon public or private property;
- G. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- H. The use of a common public drinking cup or roller towel;
- I. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;
- J. All gambling devices, slot machines and punchboards;
- K. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- L. All places where intoxicating liquors are kept for sale, barter or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;
- M. Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral purpose;
- N. All dogs running at large, off the owner's premises and not within the control of the owner;
- O. The public use of profane or obscene language;

7.12.030 – 7.12.040

- P. All snow and ice not removed from public sidewalks twenty-four hours after the snow and ice has ceased being deposited thereon;
- Q. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- R. All limbs of trees which are less than eight feet above the surface of any public sidewalk or street;
- S. All wires which are strung less than fifteen feet above the surface of the ground;
- T. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value and which are so situated as to endanger the safety of the public;
- U. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance;
- V. All use or display of fireworks except as provided by ordinance;
- W. All unnecessary noises and annoying vibrations;
- X. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance;
- Y. Any accumulation of refuse, garbage, debris, demolition materials in or about any premises in the city, including inoperable motor vehicles and machinery;
- Z. Keeping or harboring any dog or bitch which disturbs the peace by barking, howling or other obnoxious noise. (Ord. 203 §§11, 12, 1993; Ord. 80 §8 (part), 1955).

7.12.030 Prohibited.

The creation or maintenance of a nuisance is prohibited. (Ord. 80 §1, 1955).

7.12.040 Notice to abate – Person defined.

Whenever the mayor, or such other officers as provided by law, finds that a nuisance exists, he shall cause to be served upon the owner, agent or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided in Sections 7.12.090 and 7.12.100. “*Person*” includes for purposes of this chapter any individual, firm, corporation, trust, any other organized group or any government. (Ord. 80 §2, 1955).

7.12.050 Contents of notice to abate.

The notice to abate shall contain:

- A. An order to abate the nuisance or request a hearing as provided by Sections 7.12.090 and 7.12.100 within a stated time which shall be reasonable under the circumstances;
- B. Location of nuisance if stationary;
- C. Description of what constitutes the nuisance;
- D. Statement of act or acts necessary to abate the nuisance;
- E. Statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the cost against such person. (Ord. 80 §3, 1955).

7.12.060 Method of serving notice.

The notice to abate shall be served by the marshal, where practical, upon the named person in the manner provided by law for the personal service of original notices. Return of service shall be made as provided by law for returns of personal service. If the marshal determines that the named person is unknown or cannot be located, the notice to abate may be made by posting the notice in a visible location on the nuisance, and by publishing Notice to Abate one time only, providing that the nuisance shall be abated by the city no sooner than the twenty-first (21st) day following the date of publication. (Ord. 80 §4, 1955, Ord. 291 §1, 2004).

7.12.070 Abatement by municipality – Payment of expenses.

If the person so notified neglects or fails to abate the nuisance as directed, the mayor, or other officers initiating the notice, may cause the nuisance to be abated, keeping an accurate account of the expense incurred. The expense account shall be fully itemized, verified and filed with the city clerk. Such expenses shall be paid by the municipality. (Ord. 80 §5, 1955).

7.12.080 Collection of cost of abatement.

The clerk shall mail a statement of the total cost to the person failing 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. 80 §6, 1955).

7.12.090 Request for hearing and appeal.

Any person ordered to abate a nuisance may have a hearing with officer ordering the abatement as to whether a nuisance exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. (Ord. 80 §7 (part), 1955).

7.12.100 Hearing decision – Appeal – Findings conclusive.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he finds that a nuisance exists, he must order it abated within an addition time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances. (Ord. 80 §7 (part), 1955).

CHAPTER 7.16**UNLAWFUL DEPOSITS IN PUBLIC PLACES****Sections:**

7.16.010 Injurious substance deposit prohibited where.

7.16.010 Injurious substance deposit prohibited where.

No person shall throw or deposit upon any street, alley or any other public place in the city, glass bottles, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal or any other debris or any substance likely to injure any person, animal or vehicle upon such street, alley or other public place in the city. (Ord. 82 §1, 1956).

CHAPTER 7.28**GARBAGE AND REFUSE****Sections:**

7.28.010 Purpose.
 7.28.020 Definitions.
 7.28.030 Approved containers to be used.
 7.28.040 Yard waste separation required.
 7.28.050 Storage.
 7.28.060 Rules and regulations.
 7.28.070 Collection.
 7.28.080 City shall be sole collection hauler.
 7.28.090 Burning of garbage, refuse, rubbish, yard waste and construction and demolition wastes.
 7.28.100 Disposal of toxic and hazardous waste.

Sections: (Continued)

7.28.110	Collection fees.
7.28.120	Schedule of fees.
7.28.130	Penalty charge.
7.28.140	Fees due.
7.28.150	Delinquent fees.
7.28.160	Violation – Penalty.

7.28.010 **Purpose.**

The purpose of this chapter is to provide for the sanitary disposal of residential and commercial waste, the separation of yard waste from residential and commercial solid waste and the collection thereof, thereby to protect the health, safety and environment that would otherwise result from uncontrolled disposal of waste. (Ord. 194 §2, 1991).

7.28.020 **Definitions.**

For use in this chapter, the following terms are defined:

- A. “*Can*” means a container for the storage of garbage, refuse or rubbish which is:
1. Provided with a handle and tight-fitting cover;
 2. Substantially made of galvanized materials or other nonrusting material;
 3. Watertight;
 4. Of a size that may be conveniently handled by the collector not to exceed thirty-five gallons;
 5. Rodentproof and verminproof.
- B. “*Commercial-size containers*” with truck lift devices may be approved by the city in lieu of conventional cans where suitable for commercial or large users.
- C. “*Construction and demolition waste*” means waste building materials including wood, plastics, metals and rubbish which result from construction or demolition of structures and buildings.
- D. “*Disposable solid waste container*” means storage devices for garbage other than cans, such as special paper or plastic bags designed for garbage.

- E. “*Garbage*” means all solid and semi-solid putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residents.
- F. “*Refuse*” means putrescible and nonputrescible wastes, including but not limited to ashes, incinerator ash, incinerator residues, market and industrial wastes, and sweepings.
- G. “*Rubbish*” means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, fiberboard, glass, bedding, crockery, or litter of any kind.
- H. “*Toxic and hazardous waste*” means waster materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.
- I. “*Yard Waste*” means organic debris including grass clippings, leaves, tree limbs, bark, branches, flowers, weeds and growth which is produced as part of yard and garden development and maintenance. (Ord. 194 §3, 1991).

7.28.030 Approved containers to be used.

Each person shall provide cans or approved containers for the storage of garbage, refuse and rubbish accumulating on the premises owned by the person or occupied by the person. Such cans or approved containers shall be kept covered and reasonably clean at all times. They shall be placed for collection at ground level on property not within the right-of-way of any street or alley and at a point easily accessible to the street or alley from which collection is made. It shall be the duty of the building owner in buildings arranged for more than one family to provide proper cans or approved containers for garbage, refuse and rubbish storage and collection. It shall be the duty of the owner or occupant of each building to place the approved can or container for collection by 7:00 a.m. on the scheduled day for collection. Any garbage, refuse, or rubbish which is not placed in an approved can or container, or is not properly stored or contained shall not be collected by the collector, and shall be promptly cleaned up and placed in a proper storage container by the owner or occupant of the premises. In addition, the collector shall not collect additional cans or containers that do not have affixed to them the tag required by Section 7.28.140 of this code. (Ord. 223 §7, 2001; Ord. 194 §4, 1991).

7.28.040 Yard waste separation required.

All yard waste shall be separated by the owner or occupant from all other garbage, refuse and rubbish accumulated on the premises and shall be composted on the premises.

7.28.050 Storage.

All garbage must be drained and that accumulating from dwellings must be wrapped in paper, contained in plastic or by some other acceptable means, and placed in a can for collection. All rubbish and refuse shall be placed in a can or a solid waste disposal container for collection. (Ord. 194 §6, 1991).

7.28.060 Rules and regulations.

They city council shall by resolution provide the rules and regulations for collections and disposal of garbage, refuse, rubbish and yard wastes including the approval of containers, cans, types of vehicle and manner of transporting. (Ord. 194 §7, 1991).

7.28.070 Collection.

All garbage, rubbish and refuse shall be taken from dwellings at least once each week and from public establishments as frequently as the city council may require by the rules and regulations established from time to time by the council. All cans for garbage and disposal solid waste containers for rubbish and refuse shall be kept at ground level at the rear of any residence or business, so as not to be unsightly, to await collection, and in commercial establishments, containers may be stored inside if space is unavailable outside the building provided that access is provided to the collector. The collector shall not collect yard wastes.

7.28.080 City shall be sole collector hauler.

- A. No person shall collect garbage, refuse, rubbish or yard waste, except his or her own and may haul the same in vehicles owned by themselves or their employees and such self-haulings shall be permissible hereunder; provided, that they transport all such material in a sanitary and unobjectionable manner.
- B. No person shall regularly haul for hire, garbage, refuse, rubbish or yard waste in the city, and the city shall be the sole collector of garbage, refuse, rubbish or yard waste from the residences and commercial establishments of the city.
- C. Small job contractors are permitted, but shall be limited to haulers, who haul on an individual job basis, for hire, hauling refuse, rubbish or yard waste from either residential or commercial establishments. Such small job contractors shall make application for a license B, small job contractor, for which there shall be an annual fee for the license of ten dollars per year. (Ord. 201 §2, 1993).

7.28.090 Burning of garbage, refuse, rubbish, yard waste and construction and demolition wastes.

It is unlawful to burn any garbage in trash containers or any other place within the city. Combustible yard waste may be burned, provided objectionable odors and smoke nuisance does not occur or a fire embargo is not in effect as declared by the fire chief or mayor. Refuse, rubbish, construction and demolition waste, toxic and hazardous waste, shall not be burned within the city without the specific consent of the city council and approval of the fire chief. (Ord. 194 §10, 1991).

7.28.100 Disposal of toxic and hazardous waste.

Each person shall dispose of toxic and hazardous waste at a proper state licensed site. The excess accumulation of toxic or hazardous waste is declared a nuisance and shall be punished as provided by law. (Ord. 194 §11, 1991).

7.28.110 Collection of fees.

The office of the city clerk is authorized and directed to bill for collection charges and collect such service charges for garbage, refuse, and rubbish and disposal in accordance with the rates and procedures for collecting the same established by the city council from time to time. (Ord. 194 §12, 1991).

7.28.120 Schedule of fees.

There shall be collected by the city for its services in collecting garbage, refuse, and rubbish, the following mandatory charges collected monthly following the period for which the service is rendered to each property owner or occupant which vice is rendered to each property owner or occupant which has a dwelling or commercial structure thereon unless exempted by a permit granted under this chapter and issued by the city council. The charges for collecting garbage, refuse, and rubbish shall be paid by the property owner unless the occupant shall have paid the charge within sixty days of the due date. The schedule of fees for the city collection service is as follows:

- A. For each residence in the city limits with alley or curb pickup, the collection charge for two cans shall be \$13.00 per month for once a week service. For each residence outside the city limits with alley or curb pickup, the collection charge for two cans shall be \$17.50 per month for once a week service. For each business in the city limits with alley or curb pickup, the collection charge for two cans shall be \$14.50 per month for once a week service;
- B. For each apartment with alley or curb pickup, the collection charge for two cans shall be fifteen dollars per month for once a week service;
- C. For each additional can collected from each residence or apartment already receiving collection service, the charge shall be two dollars for each additional can. For each additional disposable solid waste container of thirty-five gallons or less collected from each residence or apartment, the charge shall be one dollar for each container.

- D. For each commercial establishment without commercial-size containers with truck lift devices, the collection charge shall be for two cans, thirteen dollars per month for once a week service plus three dollars for each additional can and one dollar for each additional disposable solid waste container per collection.
- E. Rates for commercial establishments using commercial-size containers with truck lift devices shall be approved by the city council by resolution based upon weight and volume of the waste collected;
- F. The schedule of fees for collection set forth in subsections A, – and D may be suspended if the occupant or owner of the premises notifies the city clerk that the residence, apartment or commercial establishment will be vacant for one calendar month or more. In such event, the charges provided for collection in subsections A, – and D of this section may be suspended for each full calendar month that a residence, apartment or commercial establishment is vacant. No prorate for partial period of a month will be allowed unless the city clerk is notified in advance of the vacancy.
- G. The city has provided unto each habitable structure in the city, a recycling bin. In the event that such recycling bin needs to be replaced, the same may be purchased from the city at a cost of twelve dollars and only city recycling bins will be collected by the city. Recycling will not be picked up if it is not in a city recycling bin. City recycling bins must remain with the property. If the bins are removed from the property when the inhabitant vacates the property, the cost of the recycling bin shall come out of the deposit.

7.28.130 Penalty charge.

In addition to the foregoing collection charges, there shall be paid by each owner or occupant with collection and disposal service, a penalty charge of ten percent of the total amount of the charges to be paid with and at the time of paying for collection and disposal services as provided in this chapter, if said collection fees are not paid on or before the tenth day of the month in which said collection and disposal charge becomes due and payable. (Ord. 201 §4, 1993; Ord. 194 §14, 1991).

7.28.140 Fees due.

Except for the fee set forth in subsection C of Section 7.28.120, all collection and disposal charges shall be due to the City on the first day of the month and shall become delinquent after the tenth of the month. For the fee set forth in subsection C of Section 7.28.120, the occupant or owner of the premises shall purchase in advance a tag issued by the city clerk and shall affix the tag to each additional can or collection set out for collection. (Ord. 223 §§5, 6, 2001).

7.28.150 Delinquent fees.

If any account for collection and disposal services is not paid within forty-five days after the due date, it shall be declared delinquent and the city clerk shall certify to the county auditor for collection in the same manner as taxes, all such delinquent accounts over three months old on April 1st of each year, together with a collection fee of ten percent of the total amount of the charges to be paid with and at the time of paying for collection and disposal services as provided in this chapter. Such additional collection fee shall be assessed for the city's expenses in certifying the delinquent fees and penalty charges to the county auditor. (Ord. 194 §16, 1991).

7.28.160 Violation – Penalty.

Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars, but payment of a penalty under this section shall not constitute a bar to other remedies under law. A violation of this chapter is also a municipal infraction.

CHAPTER 7.32

CEMETERY³¹

Sections:

7.32.010	Plat included in chapter.
7.32.020	Ownership, management and control.
7.32.030	Price of lots and Surcharge for Interment.
7.32.040	Interments – Generally.
7.32.050	Interment for remuneration.
7.32.060	Permission for interment.
7.32.070	Certificate of ownership of lot – Form.
7.32.080	Use of terms.
7.32.090	Burial certificates subject to current regulations.
7.32.100	Inheritance of lot – Filing proof.
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7.32.120	Sale, transfer or assignment of lot.
7.32.130	Removal of bodies for profit.
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7.32.330	Payment for lot and issuance of certificate required to erect monument.
7.32.340	Use of lowering device.
7.32.350	Placing and removal of floral tributes.

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For statutory provisions authorizing cities and towns to provide for public cemeteries, see ICA §368.28.

Sections: (Continued)

7.32.360	Single graves – Transfer.
7.32.370	Trimming or pruning cemetery trees.
7.32.380	Planting or removing trees – Dangerous limbs.
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7.32.430	Removal of offensive or injurious objects.
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7.32.460	Altering cemetery property.
7.32.470	Payment for work by city.
7.32.480	Cemetery hours.
7.32.490	Visitors.
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7.32.520	Damaging cemetery property.
7.32.530	Driving and riding regulations.
7.32.550	Vehicle regulations.
7.32.560	Unlawful deposits on grounds.
7.32.570	Proper conduct required.

7.32.010 **Plat included in chapter.**

All plats of the Eldon Cemetery now in existence or hereinafter prepared, are on file in the office of the city clerk of the city of Eldon and by this reference are made a part of this chapter. (Ord. 203 §14, 1993).

7.32.020 Ownership, management and control.

The ownership of the Eldon Cemetery is vested in the city, and the management and control of the same is vested in the city, and the management and control of the same is vested in the city council. The mayor and the city clerk shall have charge of all matters pertaining thereto and transact all business with reference thereto, subject to the approval of the city council. (Ord. 58 §2, 1928).

7.32.030 Price of Lots and Surcharge for Interment.

The prices of lots in the cemetery shall be five hundred dollars (\$500.00) for each grave space, payable at the time of delivery of the certificate of ownership. This price thus established shall not include opening or closing of the grave. An additional surcharge in the sum of \$75.00 shall be paid to the City at the time of interment and shall be collected on behalf of the City by a licensed funeral home director. (Ord. 315 §§1, 2, 2008; Ord. 222 §§1, 2, 2000; Ord. 168, 1986; Ord. 154 §1, 1980; Ord. 143 §1, 1978; Ord. 119, 1975; Ord. 78 §1, 1954; Ord. 58 §3, 1928).

7.32.040 Interments – Generally.

No interments shall be made in the city cemetery except in the lots therein belonging to private parties other than as provided in this chapter; and no interments shall be made in any of the private lots in any case where, in order to make the same, any occupied grave will be disturbed; and no cemetery shall be established or made at any other place within the city limits. (Ord. 58 §4, 1928).

7.32.050 Interment for remuneration.

Owners of lots or parts of lots shall not allow interments to be made on their lots for remuneration. (Ord. 58 §5, 1928).

7.32.060 Permission for interment.

No interment shall be allowed without permission from the mayor and city clerk. (Ord. 58 §6, 1928).

7.32.070 Certificate of ownership of lot – Form.

To each person purchasing a lot in the city cemetery there shall be issued a certificate of ownership in substantially the following form:

“CITY OF ELDON, IOWA

Eldon Cemetery

No. _____

Lot No. _____

This is to certify that _____ for the consideration of _____ dollars, is entitled to hold and use Lot No. _____ as designated on the plats of the grounds of the (Eldon Cemetery) as a burial place for the dead. This certificate transferable only on the books of the City Clerk, at the office of the Mayor, in the City of Eldon, at the pleasure of the holder, by the said _____ in person, or by _____ Attorney, on the surrender of this certificate.

All ordinances, rules and regulations of said city with reference to said cemetery, and all matters in connection therewith, are by this reference made a part hereof the same as if fully re-written herein.

IN WITNESS WHEREOF, the said City of Eldon has caused this certificate to be signed by the Mayor and City Clerk of said city.

Dated at Eldon, this _____ day of _____, _____.

Mayor

ATTEST: _____
City Clerk”

(Ord. 58 §7, 1928).

7.32.080 Use of terms.

“*Lot owner*” means the owner of the burial privileges and right of use, of any burial lot or fractional lot, purchased from the city for a consideration, evidenced by a certificate or written contract for a certificate, or by proved and recognized descent or devise from the original holder of such certificate or contract. “*Ownership*”, “*lot*”, “*owner*”, etc., are in all cases used with similar meaning.

“*Cremains*” means the after product of the cremation of a body.

“*Body*” means all other human remains that do not constitute cremains. (Ord. 224 §1, 2001; Ord. 58 §8, 1928).

7.32.090 Burial certificates subject to current regulations.

All certificates for burial lots shall be made subject to the conditions and limitations and with the privileges specified in the rules and regulations now in force or that may hereafter be adopted by the city council. (Ord. 58 §9, 1928).

7.32.100 Inheritance of lot – Filing proof.

Each person is vested with the ownership of his or her lot in fee simple but for the sole purpose of interment, and under the regulations of the city council, on the decease of the owner or part-owner of a lot the heirs or devisees of such decedent are required to file in the office of the city clerk proof of the heirship or proprietorship, for the purpose of being recorded in the proper records of the city with reference to the cemetery. No person will be recognized as owner or part-owner of a lot unless his name appears upon the cemetery book of the city. In case of death of a lot owner when the cemetery lot is disposed of by will, a certified copy of the will must be delivered to the city clerk upon the receipt of which the name or names of the new owner or owners will be registered. Without such proof and record the right of ownership of burial of such person or persons, cannot be recognized by the city council. (Ord. 58 §10, 1928).

7.32.110 Use of lots for burial only – Tax exemption – Division of lot by owners.

Lots in the Eldon Cemetery are conveyed by certificate for burial purposes only. They are exempt from taxation and cannot be seized for debt. Neither shall they be mortgaged. Lots or fractional lots as sold will not be divided. When there are joint-owners they may agree between them as to parts of the lot to be used by each, but the city will not undertake to enforce such agreements nor be responsible in any way for the enforcement of the same. (Ord. 58 §11, 1928).

7.32.120 Sale, transfer or assignment of lot.

No sale, transfer or assignment of any lot or part of a lot shall be valid without the consent of the city council endorsed on the conveyance by the mayor and city clerk. No lot owner shall have the right to transfer his lot. Such transfers shall be mere privileges extended in special cases by the city council after careful investigation and the determination by the city council, or by the mayor and city clerk acting for them, that such transfers are proper to be made. (Ord. 58 §12, 1928).

7.32.130 Removal of bodies for profit.

The removal by the heirs by a deceased lot owner and his deceased family for profit to themselves is repugnant to the ordinary sense of decency and is absolutely forbidden. (Ord. 58 §13, 1928).

7.32.140 Size and placement of monuments.

The size of the monuments on all lots shall be in proper proportion with the lot. All monuments placed within the cemetery shall have a three foot deep footing to support the monument if the same is a one-piece stone, a four foot deep footing for a two-piece stone and smaller stones shall have a footing of not less than thirty inches deep. All footings and support structures for stones shall be of portland cement and the base supporting structure shall extend six inches horizontally out from the base of the stone. (Ord. 182 §2, 1988).

7.32.150 Work on lots.

The city reserves the right to do all work upon lots by its own workmen unless written consent otherwise is given by the mayor and city clerk. (Ord. 58 §15, 1928).

7.32.160 Cornerstones.

All lots are marked with cornerstones by the city. (Ord. 58 §16, 1928).

7.32.170 Mounded graves.

No grave in the cemetery will be mounded except on the order of the lot owner. No mounds are allowed on the ordinary single graves. When grave mounds become unsightly they must at once be neatly sodded level. All lot owners must keep the graves property filled, and remove all surplus dirt. (Ord. 58 §17, 1928).

7.32.180 Interment of other than owner of lot or family member.

All interments in lots shall be restricted to members of the family of the owner of the lot. If an order is given for the interment of a person not a member of the immediate family, permission in writing from the lot owner must be filed with the city clerk and such permission shall not be for remuneration. (Ord. 58 §18, 1928).

7.32.190 Opening and closing of graves.

All graves in the Eldon Municipal Cemetery shall be opened and closed under the direction of the city public works director of the city of Eldon or under the direction of a licensed funeral director. (Ord. 203 §15, 1993).

7.32.200 Funerals within grounds of cemetery.

Funerals within the grounds will be under the control of the superintendent or custodian of the cemetery or such person as may be acting custodian thereof at that time. (Ord. 58 §20, 1928).

7.32.210 Death certificate required for burial.

No burial will be made without a proper death certificate or death permit. (Ord. 58 §21, 1928).

7.32.220 Change in burial location – Responsibility for error.

When an undertaker orders the location of a grave, no change of location after interment will be made except at the expense of the lot owner; the city will not be responsible for any mistake occurring from the want of precise and proper instructions as to the exact location of the grave in the lot. (Ord. 58 §22, 1928).

7.32.230 Burial of bodies and cremains.

The interment of two bodies in one grave will not be allowed except in cases of mother and infant, or twin children, or two children buried at the same time. The interment of more than two cremains in one grave will not be allowed. The interment of one body and one or more cremains will not be allowed. In the case of the interment of two cremains in one grave, the following rules shall apply:

- A. There shall be a head stone, and there may be a foot stone.
- B. The head stone shall be placed first, and if there is a foot stone, the foot stone must be flush with the ground.
- C. Each cremains shall be placed one foot in from the respective end of the grave.
- D. There shall be no additional charge for the addition of a second set of cremains to the grave. There shall be no restrictions as to the relationship between the two persons whose cremains are placed in the grave. (Ord. 224 §§2, 3, 2001).

7.32.235 Burial Containers Required; Exception for Cremains.

- A. All interments of bodies shall be made in a casket and placed in a burial container. A burial container shall mean the underground container in which a casket is placed and is of sufficient strength to support earth covering the grave site. A burial container which measures twenty (20) inches by thirty-two (32) inches or less may be constructed of rigid plastic. A burial container, which measures in excess of twenty (20) inches by thirty-two (32) inches shall be constructed of concrete or a minimum of twelve (12) gauge metal. No interment will be permitted in wooden containers.
- B. The burial of cremains is excepted from this section. (Ord. 321 §1, 2010)

7.32.240 Reopening graves.

For sanitary reasons graves will not be reopened for inspection except for official investigation. (Ord. 58 §23, 1928).

7.32.250 Removal of funeral decorations – When.

As soon as flowers, wreaths, emblems, etc., used at funerals or placed upon graves at other times, become unsightly they will be removed and no responsibility for their protection and maintenance will be assumed. Employees will decline to attempt to find them after being removed. (Ord. 58 §25, 1928).

7.32.260 Covering graves or monuments.

No monuments or graves shall be covered with carpets, burlap, cloth, or any other material. During the winter months evergreen may be used. (Ord. 58 §26, 1928).

7.32.270 Burial of other than human beings.

No interment of any body other than that of a human being will be permitted. (Ord. 58 §27, 1928).

7.32.280 Interment in mausoleum lots.

If interments are to be made in mausoleum lots they must be kept back of the front line of the structure on either side. No interment may be made in front. (Ord. 58 §28, 1928).

7.32.290 Mounds on mausoleum graves.

No mounds of any description will be permitted on graves on mausoleum lots. (Ord. 58 §29, 1928).

7.32.300 Monuments on mausoleum lots – Lettering.

No monuments may be set on mausoleum lots; grave markers on mausoleum lots must be level with the sod and inscriptions must be sunken letter on the top surface. No raised letters will be permitted. (Ord. 58 §30, 1928).

7.32.310 Sealing caskets in crypt – Charges.

Interments in crypts of mausoleums must be made in hermetically sealed caskets or boxes. A reasonable charge will be made for opening, closing and sealing a crypt if done by the city. (Ord. 58 §31, 1928).

7.32.320 Certificate of ownership required to have grave opened.

Lot owners or their heirs desiring graves opened will be required to exhibit the certificate for the lot or give other satisfactory evidence of ownership. (Ord. 58 §32, 1928).

7.32.330 Payment for lot and issuance of certificate required to erect monument.

No monument or grave marker may be erected on any lot until the lot is fully paid for and certificate issued. (Ord. 58 §33, 1928).

7.32.340 Use of lowering device.

Lowering devices may be used at all adult graves where obstructions to not prevent, without extra charge. (Ord. 58 §34, 1928).

7.32.350 Placing and removal of floral tributes.

Floral tributes will be removed from graves on April 1st of each year and floral tributes may be placed on graves after November 1st and May 1st of each year. (Ord. 203 §16, 1993).

7.32.360 Single graves – Transfer.

Bodies interred in single graves remain undisturbed forever unless the owners of the graves order their removal. When a lot is purchased and bodies are transferred to it from a single grave the full price paid for the use of the ground, less removal charges will be credited to the lot. (Ord. 58 §36, 1928).

7.32.370 Trimming or pruning cemetery trees.

No person shall trim or prune or remove any branches from any tree in the cemetery whether on his lot or not. On request the superintendent will do any pruning needed without charge. (Ord. 58 §37, 1928).

7.32.380 Planting or removing trees – Dangerous limbs.

Permission shall first be obtained before planting any shrub or tree and no shrub or tree growing within the cemetery shall be removed without the consent of the city. If any tree, shrub, vine or plant situated in a lot becomes unsightly, dangerous or detrimental, the city shall have the right to remove the same, or such part thereof as may be deemed necessary. The city will use constant care in examining trees and removing those apparently in unsound and dangerous condition or unsound and dangerous limbs and branches of trees, but it expressly disclaims all responsibility for damage either to persons or property resulting from falling trees or parts of trees. (Ord. 58 §38, 1928).

7.32.390 Removal of objectionable parts.

Many plants, especially vines, interfere with the proper care of lots and graves and injure the grass. Such plants will be removed when found objectionable. (Ord. 58 §39, 1928).

7.32.400 Damaged plants not city's responsibility.

The city will not be responsible for frozen plants or for planting damaged by hail, windstorm, thieves, vandals or other causes beyond its control. (Ord. 58 §40, 1928).

7.32.410 Flower receptacles.

Receptacles for cut flowers should be sunk level with the ground, thus insuring the safety of such articles, and facilitating the cutting of the grass from the graves. Lot owners are strongly urged not to place vases upon their lots. Flowers will grow much better in the ground than in any vase. (Ord. 58 §41, 1928).

7.32.420 Protection of cemetery property.

The city will take every reasonable precaution to protect all private property of lot and grave owners, properly in the cemetery, from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and, especially, from mischief makers; from all acts of providence including especially winds, tornadoes, cyclones, hail, snow and frost whether the damage be direct or collateral. (Ord. 58 §42, 1928).

7.32.430 Removal of offensive or injurious objects.

If anything is placed on or in any lot or grave which is offensive, improper or injurious or which violates any rule, it will be removed without notice. (Ord. 58 §43, 1928).

7.32.440 Prohibited decorations.

Wooden tablets, metal wreaths, baskets, boxes or miscellaneous objects, shall not be placed upon graves or lots. (Ord. 58 §44, 1928).

7.32.450 Enclosures prohibited.

Fences, copings, steps, hedges or other enclosures around or within lots or graves will not be allowed. (Ord. 58 §45, 1928).

7.32.460 Altering cemetery property.

The right to alter or change the plants, walks, drives, streets, alleys or unsold vacant lot is reserved to the city. (Ord. 58 §46, 1928).

7.32.470 Payment for work by the city.

Payment in advance for work to be done by the city may be required, and the city may refuse to do work for any person in arrears on an account. (Ord. 58 §47, 1928).

7.32.480 Cemetery hours.

The Eldon Municipal Cemetery shall be open from sunrise to sunset each day. (Ord. 203 §17, 1993).

7.32.490 Visitors.

Visitors will be admitted between the above hours, but must observe all rules. Visitors must keep to the walks and drives and must not cross over, occupy or otherwise trespass upon any lot or grave not their own. (Ord. 58 §49, 1928).

7.32.500 Children allowed when.

No children will be admitted unless attended by some person who will be responsible for their conduct. They must not be allowed to run over the lots or graves. (Ord. 58 §50, 1928).

7.32.510 Certain person – Dogs not allowed.

Persons or picnic parties with refreshments or liquors will not be admitted. Persons with firearms will not be admitted and no one will be allowed to disturb the quiet and good order of the place. Dogs will not be allowed in the cemetery. (Ord. 58 §51, 1928).

7.32.520 Damaging cemetery property.

Picking the flowers wild or cultivated, breaking or injuring any tree, plant or shrub, or in any way injuring any monument, headstone, vault, ornament or other structure or property within the cemetery is prohibited; and will also, under the state law, subject the offender to a severe penalty. (Ord. 58 §52, 1928).

7.32.530 Driving and riding regulations.

No riding or driving faster than a walk or slow trot will be allowed and horses must not be left unattended. Driving or riding upon the walks or lots will not be allowed. Vehicles must not be turned in any drive. Horses must not be fed or unharnessed in the grounds. (Ord. 58 §53, 1928).

7.32.550 Vehicle regulations.

Automobiles must proceed at slow speed and be kept under complete control at all times. When near horses which exhibit signs of fear the machines must be stopped at once and remain standing until the animals have reached a safe distance. When stopped the emergency brake must be set before the driver leaves his seat. The city reserves the right to exclude vehicles when the grounds are unusually crowded. (Ord. 58 §55, 1928).

7.32.560 Unlawful deposits on grounds.

Depositing rubbish or offal of any kind upon the lots, walks or drives is prohibited. (Ord. 58 §56, 1928).

7.32.570 Proper conduct required.

Infractions of the rules will be promptly punished, and improper conduct may subject the offender to expulsion from the grounds. (Ord. 58 §57, 1928).

CHAPTER 7.36

DILAPIDATED BUILDINGS

Sections:

7.36.010	Building official.
7.36.020	Definition of unsafe.
7.36.030	Notice to owner.
7.36.040	Posting of signs.
7.36.050	Right to demolish.
7.36.060	Costs.
7.36.070	Violation – Penalty.

7.36.010 Building official.

The building official shall be responsible for the enforcement of the ordinance codified in this chapter. The council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official, and upon enactment of the ordinance codified in this chapter, the mayor is designated the building officer. (Ord. 181 §§1 (part), 2, 1988).

7.36.020 Definition of unsafe.

- A. 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 city building code or any other ordinance, are, for the purpose of this chapter, unsafe 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 7.36.030, 7.36.040 and 7.36.050.
- B. “*Unsafe building*” means any structure or mobile home meeting any or all of the following criteria:
1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
 2. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot;

3. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause is likely to collapse partially or completely;
5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used;
6. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
7. Whenever the building 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;
8. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals, or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
9. Whenever a building or structure, used or intended to be use for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;
10. 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 or city fire chief to be a fire hazard;
11. 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;

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 181 §§1 (part), 3, 1988).

7.36.030 Notice to owner.

- A. The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this 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 the date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.
- B. Notice shall be served upon the owner by certified mail, with return requested. If the letter is returned as refused or undeliverable, the law considers notice to have been given, and this section is satisfied. Where there is no record of the owner, the notice may be made by an ordinance. This 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. 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, and such request shall be made at least three days before the deadline set in the notice, if less than fifteen days was set, and at least ten days of over twenty-one days was set. (Ord. 181 §§1 (part), 4, 1988).

7.36.040 Posting of signs.

The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Mayor, City of Eldon." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and not person shall enter the building except for the purposes of making the required repairs or of demolishing the building. (Ord. 181 §§1 (part), 5, 1988).

7.36.050 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. 181 §§1 (part), 6, 1988).

7.36.060 Costs.

Costs incurred under Section 7.36.050 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), Code of Iowa. (Ord. 181 §§1 (part), 7, 1988).

7.36.070 Violation – Penalty.

Anyone who violates any of the provisions of this chapter shall be subject, upon conviction, to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars. A violation of this chapter is also a municipal infraction. (Ord. 181 §§1 (part), 8, 1988).

CHAPTER 7.40**ABANDONED VEHICLES****Sections:**

7.40.010	Purpose.
7.40.020	Definitions.
7.40.030	Impoundment.
7.40.040	Reclamation – Notice to owner and lien holders.
7.40.050	Extension of reclamation period.
7.40.060	Impoundment fees.
7.40.070	Auction of operable vehicles.
7.40.080	Inoperable abandoned vehicles – Demolition.
7.40.090	Duties of demolisher.
7.40.100	Junk vehicles and machinery a nuisance.
7.40.110	Abatement – Notice.
7.40.120	Duty of owner to remove or repair.
7.40.130	Abatement – Authority – Procedure.
7.40.140	Exceptions.
7.40.150	Violation.

7.40.010 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property of this city by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in places authorized. (Ord. 116 §1, 1974).

7.40.020 Definitions.

For the purpose of this chapter, the following terms are defined:

- A. “*Abandoned vehicle*” means any of the following:
1. A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight hours and lacks current registration plates or two or more wheels or other structural parts which renders the vehicle totally inoperable;
 2. A motor vehicle that has remained illegally on public property for more than fifteen days;
 3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.
 4. A motor vehicle that has been legally impounded by order of the marshal (chief of police) and has not been reclaimed for a period of thirty days.
- B. “*Junk motor vehicle*” or “*junk machinery*” means any motor vehicle stored within the corporate limits of the city, not licensed for the current year as required by law, and which because of any of the following characteristics constitutes a threat to the public health and safety:
1. Any vehicle with a broken or cracked windshield, window, headlight or taillight, or any other cracked or broken glass;
 2. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece;
 3. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects;
 4. Any vehicle which contains gasoline or any other flammable fuel;

5. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to public health and safety. (Ord. 116 §2, 1974).

7.40.030 Impoundment.

The city marshal may remove and impound any abandoned motor vehicle whether in operable or totally inoperable condition as defined by Section 7.40.020. Impoundment shall be in any city owned garage or area, or in any privately owned public garage or area designated by the city council. (Ord. 116 §3, 1974).

7.40.040 Reclamation – Notice to owner and lien holders.

- A. The city marshal shall notify by certified mail within three days of having taken possession of the abandoned operable motor vehicle the last known registered owner of the motor vehicle and all lien holders or record, addressed to their last known address of record, that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor 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 motor vehicle within fourteen days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the motor 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 motor vehicle and that such failure to reclaim is deemed consent to the sale of a motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lien holders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.
- B. If the identity of the last registered owner of an abandoned but operable motor vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in this city shall be made by the city marshal and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included. (Ord. 116 §4 (part), 1974).

7.40.050 Extension of reclamation period.

The owner or lien holder may, by written request delivered to the city marshal prior to the expiration of the fourteen-day reclaiming period, obtain an additional fourteen days within which the motor vehicle may be reclaimed. (Ord. 116 §4 (part), 1974).

7.40.060 Impoundment fees.

The owner or lien holder shall pay three dollars if claimed within five days of impounding, plus one dollar for each additional day within the reclaiming period, plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established by resolution of council before the provisions of this chapter are carried out by the marshal. (Ord. 116 §5, 1974).

7.40.070 Auction of operable vehicles.

If an abandoned motor vehicle which is operable has not been reclaimed as provided by Sections 7.40.040 and 7.40.050, the marshal shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use, it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in the state law. The purchaser shall take title as provided for by law, or if sold to a demolisher, no further titling of the motor vehicle shall be permitted. Proceeds from any sales shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be disposed of as required by law. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police chief shall apply for reimbursement from the state as provided by law. (Ord. 116 §6, 1974).

7.40.080 Inoperable abandoned vehicles – Demolition.

Any totally inoperable abandoned vehicle, as defined in Section 7.40.020, or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the city marshal to a demolisher, unless he deems it practicable to sell it as provided in Section 7.40.070. A sale to a demolisher shall not require the notification procedures or public auction, but the city marshal shall endeavor to obtain as much compensation as possible to defray any costs to the city. A person, firm, corporation, or the city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title. (Ord. 116 §7, 1974).

7.40.090 Duties of demolisher.

Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under Sections 7.40.070 and 7.40.080, the demolisher shall apply to the city marshal for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the State Department of Public Safety for cancellation. (Ord. 116 §8, 1974).

7.40.100 Junk vehicles and machinery a nuisance.

Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 7.40.140, 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 motor vehicle or machinery is stored upon private property in violation of this section, the owner of said motor vehicle (who is the owner or person in control of the property upon which it is stored) shall be prima facie liable for said violation. (Ord. 116 §9, 1974).

7.40.110 Abatement – Notice.

Upon discovery of any junk motor vehicle or junk machinery stored upon private property within the corporate limits of the city in violation of Section 7.40.100, the city marshal shall within ten days notify by certified mail the owner of said motor vehicle or other property owner that:

- A. The motor vehicle constitutes a nuisance under the provisions of this chapter.
- B. The owner must remove or repair the motor vehicle or machinery in accordance with the terms of Section 7.40.120.
- C. Failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the city at the owner's cost. (Ord. 116 §10, 1974).

7.40.120 Duty of owner to remove or repair.

The owner of a junk motor vehicle or junk machinery (who is the owner or person in control of property upon which it is stored) who violates the provisions of Section 7.40.100 must within ten days after receipt of written notice from the city marshal remove the motor vehicle or machinery to an auto salvage yard or junkyard duly licensed by the city, or to a lawful place of storage without the city limits, or repair the defects which cause such motor vehicle or machinery to violate the provisions of this chapter, including licensing if the motor vehicle is not currently licensed. (Ord. 116 §11, 1974).

7.40.130 Abatement – Authority – Procedure.

If such owner of a junk motor vehicle or machinery fails to remove or repair the motor vehicle in accordance with the terms of Section 7.40.120, the city marshal shall abate such nuisance by causing the motor vehicle to be removed and impounded and sold or disposed of as specified in Sections 7.40.160 through 7.40.180. The cost of abatement shall be charged to the owner of the motor vehicle or other property owner. (Ord. 116 §12, 1974).

7.40.140 Exceptions.

The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

- A. A garage or enclosed structure;
- B. An auto salvage yard or junkyard duly licensed by the city. (Ord. 116 §13, 1974).

7.40.150 Violation – Penalty. (*Violation should be Section 1.12.020*)

Anyone failing to remove or repair any junk motor vehicle or machinery stored on private property in violation of Section 7.40.120 is guilty of a misdemeanor and, upon conviction, is subject to imprisonment not exceeding thirty days, or to a fine not exceeding one hundred dollars. A violation of this chapter is also a municipal infraction. (Ord. 116 §14, 1974).

CHAPTER 7.44

WEEDS AND OFFENSIVE GROWTH

Sections:

7.44.010	Owner to cut weeds, etc.
7.44.020	Definitions
7.44.030	Notice to property owners.
7.44.040	Service of notice.
7.44.050	Report required upon work completed by the Public Works Department.
7.44.060	Assessment of costs.
7.44.070	Civil citation.

7.44.010 Owner to cut weeds, etc.

All weeds, grass, vines, brush, and dead, damaged or unsightly bushes, trees or other offensive growth growing on lots and parcels of ground within the corporate limits of the city, exceeding 9 inches in height, constitute a health, safety and fire hazard; and the owners or occupants of all lots and parcels of ground within the city shall cut or destroy weeds, grass, vines, brush and damaged or unsightly bushes, trees or other offensive growth on their respective lots or parcels of ground each time they reach a height of 9 inches. In the event of failing to cut or destroy such weeds, grass, vines, brush, trees or other growth after reaching a height of 9 inches, the Public Works Department may cause the same to be done, or the Marshal may issue a civil citation for a violation of this Chapter. (Ord. 288 §1, 2003).

7.44.020 **Definitions.**

- A. “*Agricultural use land*” refers to land on which regularly cultivated crops are grown. Restrictions of this subsection shall apply only to the outermost 20 feet within the perimeter of the property which is used for agricultural purposes.
- B. “*Weeds*” shall refer to any plants that are not regularly cultivated. (Ord. 288 §1, 2003).

7.44.030 **Notice to property owners.**

Once each year before the Public Works Department shall cut or destroy any weeds, vines, brush and dead, damaged or unsightly bushes, trees or other offensive growth as herein provided, notice shall be served on all property owners of the City by publication on or before April 15th each year in a daily newspaper of general circulation in the City notifying all property owners that unless such weeds, vines, brush, bushes, trees or other growth be cut or destroyed on or before the 15th day of the month in May, June, July, August, September, and October of that year, the city will issue a civil citation and/or cause the same to be done and assess the costs to the owners of the lot or parcel of ground. (Ord. 304 §2, 2006; Ord. 288 §1, 2003).

7.44.040 **Service of notice.**

The city clerk shall cause the notice provided for in section 7.44.030 to be published. (Ord. 288 §1, 2003).

7.44.050 **Report required upon work completed by the Public Works Department.**

Whenever the Public Works Department shall do or direct to be done any work under the provisions of this article the City Clerk shall make an itemized report of the expenses thereof and submit same to the city council, along with the names of the owners, agents or occupants of the premises if known, and the number and description of the lot or parcel of ground concerned. Such report shall be filed by the city clerk at the completion of the mowing season each year. (Ord. 288 §1, 2003).

7.44.060 **Assessment of costs.**

The city council shall assess the costs and expenses of the cutting of said weeds, including a charge of \$75.00 per hour for labor and equipment, an administrative charge of \$100.00 for handling the complaints, attorney fees, costs of publication of notice and other costs involved in preparation of the plat or schedule thereof against the lots and parcels of land and the owners thereof so far as known, by resolution as a special assessment to the county treasurer, to be collected as any other special assessment. (Ord. 304 §4, 2006; Ord. 288 §1, 2003).

7.44.070 Civil Citation.

A violation of this Ordinance is a municipal infraction. The City Marshal is designated to enforce this Chapter and issue a civil citation for violations herein. A civil penalty for each violation or a civil penalty for each repeat offense shall be assessed pursuant to the schedule set forth below upon entry of judgment, and alternate relief, including abatement and assessment of costs under Section 7.44.060 may also be granted. A repeat offense occurs when a violation is not been abated within five days after issuance of a citation. A repeat offense also occurs if a new violation is incurred on the property during the same mowing season after abatement of a previous violation.

Schedule of Penalties:

D.	First Offense	- \$50.00
E.	First Repeat Offense	-\$100.00
F.	Second and Subsequent Repeat Offenses	-\$500.00

(Ord. 288 §1, 2003).

TITLE 8

ANIMALS

Chapters:

- 8.04 Animals at Large
- 8.08 Domestic Fowl
- 8.12 Dogs
- 8.16 Dangerous Animals

CHAPTER 8.04

ANIMALS AT LARGE

Sections:

- 8.04.010 Unlawful.
- 8.04.020 Impoundment.
- 8.04.030 Violation – Penalty.

8.04.010 Unlawful.

It is unlawful to permit any cattle, mules, horses, asses, swine, sheep, goats, ducks, geese, turkeys, or peafowls to run at large upon any of the streets, alleys, public places or public commons within the corporate limits of the city. (Ord. 20 §1).³²

8.04.020 Impoundment.

It shall be the duty of the marshal or his assistants to take up and impound any horse, cow or any other animal found at large along any sidewalk or walkway in Eldon, in violation of this chapter. (Ord. 20 §2).³²

8.04.030 Violation – Penalty.

Any person violating any of the provisions of this chapter, upon conviction thereof, shall pay a fine of not less than one dollar, nor more than one hundred dollars, and costs, including expenses of detention and all damages actually incurred thereby and shall stand committed to jail until such fine and costs are paid, or otherwise discharged according to law. A violation of this chapter is also a municipal infraction. (Ord. 20 §4).³²

³²

Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 8.08**DOMESTIC FOWL****Sections:**

- | | |
|----------|--------------------------|
| 8.08.010 | Enclosure required. |
| 8.08.020 | Unlawful to be at large. |

8.08.010 Enclosure required.

All persons owning chickens, geese or ducks within the city limits shall keep the same enclosed wherever owned or kept, at all times of the year. (Ord. 57 §1, 1928: Ord. 21 §1).³³

8.08.020 Unlawful to be at large.

It is unlawful for any person or persons owning or having control of any geese, ducks or chickens, to permit the same to run at large within the corporate limits of Eldon at any time of the year. (Ord. 57 §2, 1928: Ord. 21 §2).³³

CHAPTER 8.12**DOGS³⁴****Sections:**

- | | |
|----------|------------------------------|
| 8.12.010 | Definitions. |
| 8.12.020 | Running at large. |
| 8.12.030 | Immunization. |
| 8.12.035 | Annual Dog License Required. |
| 8.12.040 | Trespassing. |
| 8.12.050 | Barking – Chasing vehicles. |
| 8.12.060 | Impoundment. |
| 8.12.070 | Redemption of impounded dog. |
| 8.12.080 | Disposal of dogs. |
| 8.12.090 | Enforcement. |
| 8.12.100 | Poisoning. |
| 8.12.110 | Restraint required. |
| 8.12.120 | Food and shelter. |

³³ Ord. 21: Revised ordinances of 1922, passed January 3, 1922.

³⁴ For statutory provisions authorizing cities and towns to regulate and license dogs, see ICA §368.8.

Sections: (Continued)

8.12.130	Number of dogs limited.
8.12.140	Vicious dogs.
8.12.150	Kennel dogs.
8.12.160	Violations.

8.12.010 **Definitions.**

For use within this chapter the following are defined:

- A. “*At large*” refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle or in an animal hospital or kennel.
- B. “*Dogs*” includes both male and female dogs of any age, whether altered or not;
- C. “*Owner*” includes any person, firm or corporation owning, harboring, sheltering or keeping a dog. (Ord. 83 §1, 1958).

8.12.020 **Running at large.**

It is unlawful for an owner of a dog to allow or permit such dog to run at large at any time. (Ord. 83 §2, 1958).

8.12.030 **Immunization.**

All dogs six months or older shall be vaccinated against rabies. All dogs six months or older shall wear a collar identifying the owner and with a valid rabies vaccination tag attached to the collar. It shall be a violation of this chapter for an owner of a dog to fail, refuse, or neglect to have a dog vaccinated against rabies or to wear a collar. It shall be a violation of this chapter for an owner of a dog to refuse to provide proof of vaccination against rabies upon request of the city marshal. Any dog found in violation of this section shall be seized and impounded, and the officer shall give written notice of impoundment in not less than two days to the owner, if known. (Ord. 225 §§1, 2, 2001; Ord. 83 §3, 1958).

8.12.035 **Annual Dog License Required.**

Every owner of a dog six (6) months old or older shall procure a license for such dog from the Clerk’s office on or before the thirty first day of January each year and shall pay to the Clerk a fee of \$5.00 for each animal. Fees paid on or after February 1st each year shall be \$15.00 for each license. An additional \$1.00 charge shall be assessed for all fees paid and licenses issued by mail. A license shall not be required of seeing-eye and hearing ear dogs, nor of dogs owned by nonresidents temporarily within the city for a period of not more than 30 days. Applications for a license for dogs over which ownership is acquired after January 31 or which dog has reached the age of six months shall be made within one month from the date of acquisition, or within one month after the dog reaches the age of six months, and an application made within those time periods will only be charged the regular fee of \$5.00. The head of the family shall be liable for payment of the license fee on any dog owned, harbored or kept by any member of the family or household.

Immunization Certificate. No such license shall be issued until the owner shall procure for examination a certificate of a veterinarian licensed to practice in the State of Iowa that the dog has been vaccinated against rabies and that the vaccination does not expire within six (6) months from the effective date of the license.

Issuance of License. Upon payment of the license fee and production of the certificate, the Clerk's office shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog. Said license shall be executed in duplicate, one copy of which shall be retained by the Clerk's office as a public record.

Tags. The Clerk shall also issue and deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The tag shall be worn at all times by the dog for which the license is issued. Every dog found off the property of its owner without said license tag attached to its collar or harness shall be deemed to be unlicensed. A tag is not transferable from one dog to another, and no refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the city before expiration of the license period. (Ord. 323 §1, 2010)

8.12.040 Trespassing.

It is unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another, thereby causing damage to, or interference with the premises. (Ord. 83 §4(A), 1958).

8.12.050 Barking – Chasing vehicles.

It is unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles. (Ord. 83 §4(B), 1958).

8.12.060 Impoundment.

Any dog found at large, in violation of Section 8.12.020, shall be seized and impounded. When such dog has been apprehended and impounded, the officer shall give written notice in not less than two days to the owner, if known. (Ord. 225 §3, 2001; Ord. 83 §5, 1958).

8.12.070 Redemption of impounded dog.

When the owner of a dog has reason to believe that the owner's dog has been impounded, the owner may obtain the release of such dog upon paying the impoundment cost of one hundred dollars to the city clerk plus all other charges and expenses in connection with impoundment of the dog for a first offense. In the event that the impounded dog has been impounded by the city for a second time within a twelve-month period, the owner shall pay an impoundment fee of one hundred fifty dollars to the city clerk plus all charges and expenses in connection with the impoundment of the dog. In the event that at dog has been impounded a third time within a twelve-month period, the owner shall pay an impoundment fee of two hundred dollars to the city clerk plus all charges and expenses to obtain the release of the dog from impoundment. Charges and expenses in connection with impoundment shall include the costs of vaccination, if necessary. (Ord. 333 §1, 2014)

8.12.080 Disposal of dogs.

The City will hold an impounded dog for three days at Eastview Animal Hospital. If impounded dogs are not recovered by their owners within three days after notice, the dogs will be disposed of by the pound officer. If the owner of an impounded dog cannot be located or identified within two days, the dog may be disposed of by the pound officer. (Ord. 225 §§5, 6, 2001; Ord. 83 §6(B), 1958).

8.12.090 Enforcement.

This chapter shall be enforced by any regulatory constituted peace officer of the city and, in addition thereto, the Eastview Animal Hospital, is designated as an official agency of the city for the enforcement of this chapter and for the impounding of dogs as provided herein. (Ord. 83 §7, 1958).

8.12.100 Poisoning.

Any person who throws out, or places out, any poison of any nature whatsoever, within the limits of the city, for the purpose of killing any dog, or any person who throws out, or places out, any poison in such a manner that it will act as bait for any dog, or any person who puts poison into meat or other substance in such a manner as to tempt any dog to eat thereof, and throws out, or places out, such meat or other substance and poison in such a careless and negligent manner that the same is likely to be eaten by any dog, shall be upon conviction thereof, punished as provided in Chapter 1.12. (Ord. 22 §8).³⁵

³⁵

Revised ordinances of 1922, passed January 3, 1922.

8.12.110 Restraint required.

All dogs shall be restrained by the owners thereof from “*running at large*”. In addition to the definition in Section 8.12.010, a dog shall be deemed “*at large*” when:

- A. Not properly identified as required by this chapter.
- B. On the premises of the owner and:
 - 1. Not accompanied by and obedient to the commands of the owner, or alternatively;
 - 2. Not confined on said premises by adequate fences or restrained by leash, cord, rope or chain;
 - 3. Not confined pursuant to any order of any court.
- C. Off the premises of the owner of said animal and:
 - 1. Not restrained on an adequate leash, cord, rope or chain. Any leash, cord, rope or chain over six feet in length is inadequate for the purposes of this subsection; or
 - 2. On the private property of another person without the permission of the person owning, leasing or otherwise legally occupying said property; or
 - 3. Not confined in a motor vehicle; or
 - 4. Not confined in an adequate cage or pen; or
 - 5. Not properly housed in a veterinary or animal hospital or clinic or a kennel; or
 - 6. Not a participant in an animal obedience school or class, a field trial, or other sporting event or show or form of public entertainment.
- D. A female dog in heat when:
 - 1. Not housed in a building which is completely enclosed or in a pen which is enclosed by a fence or other structure having a height of at least 42 inches; or alternatively
 - 2. Not housed in a veterinary or animal hospital or clinic or a kennel.
- E. Restrained in such a manner that said animal is able to range beyond the premises of the owner or person in whose charge said animal is given.

Except that nothing in this subsection, however, shall be construed as prohibiting any owner from walking said animal if restrained in the manner prescribed by subsection C(1), above. (Ord. 225 §7, 2001).

8.12.120 Food and shelter.

It shall be unlawful for an owner to fail, refuse, or neglect to provide a dog with food, potable water, or shelter. "Shelter" as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness. (Ord. 225 §8, 2001).

8.12.130 Number of dogs limited.

It shall be unlawful for any person or persons to keep more than five (5) dogs within the City, with the exception that a litter of pups, or a portion of a litter may be kept for a period of time not exceeding five (5) months from birth. The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding. (Ord. 225 §9, 2001).

8.12.140 Vicious dogs.

No person shall keep or harbor any vicious dog in the city, and if said animal remains in the city after notice to remove the same has been given the owner by the Marshal said animal shall be picked up by the Marshal, members of the police department or the animal warden and destroyed as provided herein. Any vicious dog which cannot be safely taken up and impounded for destruction may be slain by any police officer.

- A. "*Vicious Dog*" means a dog that exhibits a propensity to attack or bite persons without provocation or has on more than one occasion in any 12-month period attacked, bitten, maimed, or killed any domestic animal.

- B. "*Provocation*" shall include the:
 - 1. Defense of the property of the owner.
 - 2. Defense of the person of the owner or his immediate family.
 - 3. Defense of the animal itself where subjected to attacks, torture, torment, mishandling or other actions that could reasonably cause such a violent reaction by the animal.

Provocation shall not include:

4. The mere act of entering the premises or dwelling, other buildings or other property of the owner or occupant thereof with either actual or implied consent of the owner or occupant thereof to so enter.
 5. Any other action by a person that would not be reasonably deemed to cause such a violent reaction.
- C. In the event that a vicious dog is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such dog may, in the discretion of the Marshal, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a vicious dog found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- D. Upon the written, signed complaint of any individual that a person is keeping, sheltering, or harboring a vicious dog on premises in the city in violation of this Chapter or who keeps a vicious dog which has demonstrated a propensity to attack or bite without provocation, the Marshal shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a vicious dog in the city, the Marshal shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under Iowa law to possess vicious dogs, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the vicious dog, which notice shall be given in writing to the person keeping, sheltering or harboring the vicious dog, and shall be served personally or by certified mail. Such order and notice to remove the vicious dog shall not be required where such vicious dog has previously caused serious physical harm or death to any person, in which case the Marshal shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- E. The order to remove a vicious dog issued by the Marshal may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the vicious dog. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
- F. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council may affirm or reverse the order of the Marshal. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.

- G. If the city council affirms the action of the Marshal the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog, remove such animal from the city, permanently place such animal with an organization or group allowed under Iowa law to possess vicious dogs or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Marshal is not appealed or is not complied with within three days of the order of the city council after appeal has been served, the Marshal or his designee or the Marshal is authorized to seize and impound such vicious dog. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the Marshal or city council was issued has not petitioned to the Wapello County District Court for a review of said order, the Marshal shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Iowa law to possess vicious dogs, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the vicious dogs, which said fee shall include the actual cost of feeding and care of the animal. (Ord. 225 §10, 2001).

8.12.150 **Kennel dogs.**

Kennel dogs which are kept or raise solely for the bona fide purpose of sale in which are kept under constant restraint are not subject to the provisions of this chapter. “*Kennel*” is defined as any premises wherein any person engages in the business or boarding, breeding, buying, letting for hire or training of dogs and which is licensed by the state of Iowa for such purpose. (Ord. 225 §11, 2001).

8.12.160 **Violations.**

In addition to the remedies previously set forth in this chapter, a violation of this chapter is a simple misdemeanor. A violation of this chapter is also a municipal infraction and the relief requested from the court may include removal of the animal from the city and injunctive relief. (Ord. 296 §1, 2004).

CHAPTER 8.16

DANGEROUS ANIMALS

Sections:

8.16.010	Definitions.
8.16.020	Keeping prohibited.
8.16.030	Exceptions.
8.16.040	Violations.
8.16.050	Seizure, removal, impoundment, and destruction of dangerous animals.

8.16.010 Definitions.

For use within this chapter the following are defined:

D. “*Owner*” includes any person, firm, or corporation owning, harboring, sheltering or keeping a dangerous animal.

B. “*Dangerous Animal*” means:

1. Any animals declared to be dangerous by the City Council.
2. Any cross breed of such animals which have similar characteristics to the animals specified below.
3. Pit bull terrier, further defined as:

An American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed of dog; a mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier; or, a dog which has the appearance and characteristics of being an American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed or mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier. (Ord. 295 §1, 2004).

8.16.020 Keeping prohibited.

No person shall keep, shelter, or harbor for any purpose within the city a dangerous animal except as provided in §8.16.030 of this chapter. (Ord. 295 §1, 2004).

8.16.030 **Exceptions.**

- A. The prohibition contained in §8.16.020 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:
1. The keeping of dangerous animals in a public zoo, public aquarium, and bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
 2. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the city.
 3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
 4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the state conservation commission.
 5. Any dangerous animals under the jurisdiction of and in the possession of the state conservation commission, pursuant to I.C.A. ch. 481A or I.C.A. ch. 481B.
 6. The transport, entry, and display of a dangerous animal at an approved dog show when properly confined in a locked cage, or on a leash and muzzle and personally restrained by a handler or owner of the dog.
- B. The following regulations apply to the keeping of dangerous animals under this exception.
1. Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under §8.16.030(A) shall at all times keep such animal securely confined within a cage or other enclosure approved by the chief of police or designee.
 2. No person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal as permitted under §8.16.030(A) shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.
 3. It shall be the duty of the persons permitted to keep dangerous animals under §8.16.030(A) to report to the police department when any dangerous animal is found missing.

4. No person shall keep or harbor a dangerous animal, which has demonstrated a propensity without provocation to attack or bite. (Ord. 295 §1, 2004).

8.16.040 Violations.

A violation of this chapter is a simple misdemeanor with a minimum fine of \$100.00. A violation of this chapter is also a municipal infraction, and the relief requested by the court may include removal of the animal from the city and injunctive relief. (Ord. 295 §1, 2004).

8.16.050 Seizure, removal, impoundment and destruction of dangerous animals.

No person shall keep or harbor any dangerous animal in the city, and if said animal remains in the city after notice to remove the same has been given the owner by the chief of police said animal shall be picked up by the chief of police, members of the police department or the animal warden and destroyed as provided herein. Any dangerous animal, which cannot be safely taken up and impounded for destruction may be slain by any police officer.

- A. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Chief of police, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or 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.
- B. Upon the written, signed complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this Chapter or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the Chief of police shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the city, the Chief of police shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under Iowa law to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Chief of police shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

- C. The order to remove a dangerous animal issued by the Chief of police may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
- D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council may affirm or reverse the order of the Chief of police. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.
- E. If the city council affirms the action of the Chief of police the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under Iowa law to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Chief of police is not appealed or is not complied with within three days of the order of the city council after appeal has been served, the Chief of police or his designee or the Chief of police is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the Chief of police or city council was issued has not petitioned to the Wapello County District Court for a review of said order, the Chief of police shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Iowa law to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animals, which said fee shall include the actual cost of feeding and care of the animal.
- F. These remedies are in addition to the remedies set forth in §8.16.040.

(Ord. 295 §1, 2004).

TITLE 9

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

II. OFFENSES AGAINST THE PERSON

III. OFFENSES AGAINST PUBLIC DECENCY

9.12 Indecent Exposure

9.16 Disorderly Houses

IV. OFFENSES AGAINST PUBLIC PEACE

9.24 Consumption of Liquor

9.28 Disturbing the Peace

9.32 Vagrancy

9.36 Loitering – Begging

V. OFFENSES AGAINST PROPERTY

9.40 Disturbing Cemetery Property

VI. CONSUMER PROTECTION

9.44 Unfair or Discriminatory Housing Practices

VII. OFFENSES BY OR AGAINST MINORS

9.48 Curfew

9.52 Supplying Liquor to Minors

VIII. RESERVED

IX. DRUG PARAPHERNALIA

9.80 Drug Paraphernalia

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

(Reserved)

II. OFFENSES AGAINST THE PERSON

(Reserved)

III. OFFENSES AGAINST PUBLIC DECENCY

CHAPTER 9.12

INDECENT EXPOSURE³⁶

Sections:

9.12.010	Deemed misdemeanor.
9.12.020	Violation – Penalty.

9.12.010 Deemed misdemeanor.

If any person appears in any public place in the state of nudity, in an indecent or lewd dress, makes any indecent exposure of his or her person, is guilty of any lewd or indecent act or behavior, sells or offers to sell or exhibits any indecent or lewd book, picture, photograph, painting, caricature or other thing or is a party to, or a performer in any indecent or lewd play or other representation, such person is guilty of a misdemeanor. (Ord. 17 §9).³⁷

9.12.020 Violation – Penalty.

The penalty for violations of Section 9.12.010 shall be as prescribed in Section 1.12.010. (1973 codification).

³⁶ For statutory provisions relating to obscenity and indecency, see ICA §709.9 and Ch. 728.

³⁷ Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 9.16

DISORDERLY HOUSES³⁸

Sections:

9.16.010	Defined.
9.16.020	Keeping disorderly house.
9.16.030	Frequenting.
9.16.040	Transporting persons.
9.16.050	Violation – Penalty.

9.16.010 Defined.

“*Disorderly house*” for the purpose of this chapter means and includes, and it is designated to be, any building, room or rooms, hall or halls, any vehicle or one or more enclosures or structures of any kind of nature, where lewd, disorderly or disreputable persons, either male or female, gather or assemble, or where loud, boisterous, indecent or profane language or immoral conduct between male and female, or male and female occupants, guests or patrons, is carried on, places restored to for the use of opium or hashish, opium or hop joints, places where intoxicating liquors are illegally kept, sold or given away or where any unlawful practice or gambling for money or property is carried on, places or resorts of any kind whatsoever for thieves, drunkards, prostitutes or other idle, vicious and disorderly person, or places where persons are permitted to become intoxicated therein. (Ord. 46 §1, 1925).

9.16.020 Keeping disorderly house.

No person or persons, firm or corporation shall maintain, own, conduct, keep or operate or in any manner be concerned in maintaining, conducting, keeping, contributing to or operating within the limits of the city, any disorderly house as defined in Section 9.16.010. (Ord. 46 §2, 1925).

9.16.030 Frequenting.

No person or persons, shall frequent, resort to, nor be an inmate of or be found in any disorderly house as defined in Section 9.16.010 within the limits of the city. (Ord. 46 §3, 1925).

9.16.040 Transporting persons.

No person or persons, firm or corporation, knowing the character or reputation of any disorderly house as defined in Section 9.16.010, shall transport in any manner whatsoever or in any manner be concerned in transporting or soliciting for transportation any person or persons either to or from any disorderly house as hereinabove referred to within the limits of the city. (Ord. 46 §4, 1925).

³⁸ For statutory provisions authorizing cities and towns to restrain and prohibit disorderly houses, houses of ill fame, etc., see ICA Ch. 99.

9.16.050 Violation – Penalty.

The penalty for violations of this chapter shall be as prescribed in Section 1.12.010. (1973 codification).

IV. OFFENSES AGAINST PUBLIC PEACE

CHAPTER 9.24

CONSUMPTION OF LIQUOR³⁹

Sections:

- 9.24.010 Intoxication in public – Action.
- 9.24.020 Violation – Penalty.

9.24.010 Intoxication in public – Action.

If any person, within the limits of the city, is in a state of intoxication, he is guilty of a misdemeanor and may be arrested without a warrant and taken into custody. (Ord. 17 §6).⁴⁰

9.24.020 Violation – Penalty.

The penalty for violations of Section 9.24.010 shall be prescribed in Section 1.12.010. (1973 codification).

CHAPTER 9.28

DISTURBING THE PEACE⁴¹

Sections:

- 9.28.010 Disturbances of public place or private family.
- 9.28.020 Disturbance of quiet in building.
- 9.28.030 Disturbing places of worship.

³⁹ For statutory provisions prohibiting the consumption of liquor in public places, see ICA §123.46

⁴⁰ Revised ordinances of 1922, passed January 3, 1922.

⁴¹ For statutory provisions prohibiting disturbances of the peace, and public disorder, see ICA Chapter 723.

Sections: (Continued)

9.28.040	Discharge of firearms or fireworks.
9.28.050	Violations of Section 9.28.010 through 9.28.040 – Penalty.
9.28.060	Disturbing assembly.

9.28.010 Disturbances of public place or private family.

If any person or persons, within this city, shall disturb the public peace and quiet of any public ground or place, or of any street, alley, public assemble, neighborhood, private family or person by loud or unusual noise or by fighting or quarreling, or by offering to fight, or by the use of profane, blasphemous, vulgar, obscene or abusive language, or by any other device or means whatsoever, such person or persons are guilty of a misdemeanor. (Ord. 17 §7).⁴²

9.28.020 Disturbance of quiet in building.

If any person suffers or permits any quarreling, fighting, obscene language or conduct of any loud and unusual nature or other disturbance of the public peace and quiet in any building or upon any premises owned, occupied or controlled by him, to the disturbance of others, such person is guilty of a misdemeanor. (Ord. 17 §8).⁴²

9.28.030 Disturbing places of worship.

No person shall disturb or annoy any place of worship, or person or persons therein worshipping, or any lawful assembly of persons lawfully congregated together, by any rude, boisterous or unbecoming language or behavior in or near the place of worship or place of assembly within this city, and any person so doing is guilty of a misdemeanor. (Ord. 17 §11).⁴²

9.28.040 Discharge of firearms or fireworks.

No person shall, within the city, discharge any firearms, firecrackers, percussion canes, cap pistols or any fireworks of any kind or character, or permit the same to be done without first having obtained the permission of the mayor, and any person violating the provisions of this section is guilty of a misdemeanor. (Ord. 17 §13).⁴²

9.28.050 Violation of Sections 9.28.010 through 9.28.040 – Penalty.

The penalty for violations of Sections 9.28.010 through 9.28.040 shall be as prescribed in Section 1.12.010. (1973 codification).

⁴² Revised ordinances of 1922, passed January 3, 1922.

9.28.060 Disturbing assembly.

If any person makes or excites any disturbance in a tavern, store, grocery or at any election or public meeting, or other place where the citizens are peaceable and lawfully assembled, he shall be punished as provided in Section 1.12.010. (1973 codification).⁴³

CHAPTER 9.32**VAGRANCY⁴⁴****Sections:**

9.32.010	Persons designated.
9.32.020	Violation of Section 9.32.020 – Penalty.

9.32.010 Persons designated.

The following persons eighteen years of age or over, are vagrants: All habitual drunkards; all frequent or habitual users of drugs; all keepers or proprietors of houses of ill fame or other places of prostitution; all persons having the character and reputation of being “pimps”; all gamblers; all crap shooters or other persons playing or indulging in games of chance in the street, alley or other places; all persons who aid or abet in enticing, inducing or procuring persons to indulge in any game of change; all prostitutes or street walkers; all persons begging from house to house or public places; all persons having the character and reputation of being tramps; all persons having no visible calling, business or occupation by which to maintain themselves and who are unable to show reasonable efforts in good faith to secure employment; all disorderly persons and all persons whose income or livelihood is derived from any illegally or illegitimate business, calling, occupation or employment. (Ord. 47 §1, 1925).

9.32.020 Violation of Section 9.32.010 – Penalty.

All persons guilty of being vagrants, as defined in Section 9.32.010 shall be punished as provided in Section 1.12.010. (Ord. 47 §2, 1925).

⁴³ The material in this section was derived from Ord. 77 §11.

⁴⁴ For statutory provisions regulating vagrancy and vagrants, see ICA §§746.1 — 746.25.

CHAPTER 9.36

LOITERING – BEGGING

Sections:

9.36.010	Begging – Wandering – Sleeping in street – Disorderly persons.
9.36.020	Violation of Section 9.36.010 – Penalty.
9.36.030	Loitering – Annoying passers-by.

9.36.010 Begging – Wandering – Sleeping in street – Disorderly persons.

If any able-bodied person is found within the limits of his city begging food or money from any private family, hotel or restaurant, or from any passer-by upon any of the streets, alleys or public grounds of this city; if any person is found wandering about in any part of the city without satisfactory excuse or reason therefor; if any person is found sleeping out upon any street or alley, public ground or property other than his own, without permission from the owner thereof; or if anyone commits any disorderly act such as cursing, threatening or intimidating another, he is guilty of a misdemeanor. (Ord. 17 §10).⁴⁵

9.36.020 Violation of Section 9.36.010 – Penalty.

The penalty for violations of Section 9.36.010 shall be as prescribed in Section 1.12.010 (1973 codification).

9.36.030 Loitering – Annoying passers-by.

No person shall congregate, stand, loaf or loiter upon any sidewalk, bridge or crossing so as to obstruct the same or hinder, prevent or annoy persons passing or attempting or wishing to pass thereon, congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance to any public building, store, shop, office, factory, parking lot, filling station drive or other like building so as to obstruct the same or hinder, prevent or annoy persons passing along or make remarks or gestures or signs and like to disturb, annoy or insult any person being upon or passing along any street sidewalk. (Ord. 103 §1, 1970).

⁴⁵

Revised ordinances of 1922, passed January 3, 1922

V. OFFENSES AGAINST PROPERTY

CHAPTER 9.40

DISTURBING CEMETERY PROPERTY

Sections:

9.40.010	Trespassing – Defacing.
9.40.020	Violation – Penalty.

9.40.010 **Trespassing – Defacing.**

Any person who trespasses upon any cemetery within the city by wilfully destroying, injuring or defacing any grave, vault, tombstone or monument, or any building, fence, tree, shrub, flowers or anything belonging to the cemetery or placed therein by persons for the purpose of beautifying or decorating any part thereof, is guilty of a misdemeanor. (Ord. 17 §3).⁴⁶

9.40.020 **Violation – Penalty.**

The penalty for violations of Section 9.40.010 shall be as prescribed in Section 1.12.010. (1973 codification).

VI. CONSUMER PROTECTION

CHAPTER 9.44

UNFAIR OR DISCRIMINATORY HOUSING PRACTICES

Sections:

9.44.010	Purpose.
9.44.020	Discriminatory practices defined.
9.44.030	Exemptions.
9.44.040	Complaint procedure.

⁴⁶ Revised ordinances of 1922, passed January 3, 1922.

9.44.010 **Purpose.**

The purpose of this chapter is to provide for the general welfare of the citizens of Eldon, Iowa by declaring discriminatory practices in house to be against public policy, and to provide proper procedures for the administration and enforcement of this chapter. (Ord. 153 §1, 1980).

9.44.020 **Discriminatory practices defined.**

It is an unlawful discriminatory housing practice to engage in any of the following acts, if they are based on race, creed, color, age, disability, sex, national origin, religion or ancestry:

- A. Refusing to sell or rent to, deal or negotiate with any person;
- B. Discriminating in terms, conditions, or privileges for buying, renting, or any transfer of housing;
- C. Discriminating by advertising that housing is available only to persons of a certain race, etc.;
- D. Denying that housing is available for inspection, sale or rent when in fact it is so available;
- E. For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood;
- F. Denying or making different rates, terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies;
- G. Making a record or making available for public knowledge in any way a person's race, etc.;
- H. Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing. (Ord. 153 §2, 1980).

9.44.030 **Exemptions.**

Nothing in this chapter shall be construed to apply to:

- A. The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses provided;
 - 1. A broker is not used;
 - 2. Discriminatory advertising is not used,

9.44.040

3. Nor more than on house in which the owner was not the most recent resident is sold during any two-year period;
- B. Rentals of rooms or units in owner-occupied multi-dwellings for two or four families, if discriminatory advertising is not used;
- C. Limiting the sale, rental or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin;
- D. Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than commercial purpose. (Ord. 153 §3, 1980).

9.44.040 Complaint procedures.

In order to insure that the rights of all parties will adequately be protected, the following procedures are available:

- A. Any person claiming to be aggrieved by a discriminatory or unfair practice within the city may, by himself or through his attorney, make, sign and file a verified written charge of discriminatory practice with the fair housing officer of the city.
- B. If the local fair housing officer is unable to obtain voluntary compliance, the complainant may also send a notarized complaint to HUD within one hundred eighty days of the alleged discriminatory act.
- C. A person may also take a complaint directly to the U.S. District Court or state or local court within one hundred eighty days of the alleged discriminatory act.
- D. Information about possible discrimination in housing may also be brought to the attention of the Attorney General. (Ord. 153 §4, 1980).

VII. OFFENSES BY OR AGAINST MINORS

CHAPTER 9.48

CURFEW

Sections:

9.48.010	Definitions.
9.48.020	Persons under eighteen.
9.48.030	Exceptions.
9.48.040	Responsibility of adults.
9.48.050	Enforcement procedures.
9.48.060	Penalties.

9.48.010 Definitions.

As used in this chapter those words listed below shall be assigned the following meanings:

- A. *“Minor”* means an unemancipated person who has not yet reached their eighteenth birthday.

- B. *“Responsible adult”* means any parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody of a minor.

- C. *“Public place”* means a public place and shall include the general business district, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use and public areas; and shall also include such parts of buildings or other premises whether publicly or privately owned 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. For purposes of this definition a vehicle or other means of conveyance is considered to be a public place when located in the areas described herein whether moving or in a stationary position.

- D. *“Emergency errand”* means an errand which is of an emergency nature and is a nonrecurring event, and is generally limited to an errand relating to a fire, natural disaster, automobile accident, or other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life. (Ord. 218 §2, 1999).

9.48.020 Minors under eighteen.

It is unlawful for any person under eighteen years of age to be, or remain in or upon any of the streets, alleys or public places in the city between midnight and 6:00 a.m. the following morning unless such person is accompanied by his or her parent, guardian or some other person having the legal custody of such person unless permitted by this chapter. (Ord. 219 §2, 1999; Ord. 218 §3, 1999; Ord. 89 §2 (part), 1963).

9.48.030 Exceptions.

In the following cases the presence of a minor in or upon any public place during the curfew time set forth in this chapter shall not constitute a violation of this chapter:

- A. When a minor is accompanied by the minor's parents.
- B. When a minor is accompanied by an adult authorized by a parent of such minor to take such parent's place in accompanying said minor for a designated time and purpose. Such authorization shall be in writing and must be presented upon request.
- C. When a minor exercises their First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or the right to petition the government where the use of the public place is a necessity thereto.
- D. When a minor is traveling, by direct route, to or from a place of employment, or such travel is necessary in conjunction with employment duties.
- E. When a minor is traveling through the city from and to a destination outside of the city, with no point of destination within the city, when such travel is by the most direct route.
- F. When a minor is returning home by a direct route from and within thirty minutes of the termination of a school or church activity, or a government sponsored event or program.
- G. When a minor is traveling to or from a city or school sponsored, "after-prom" event.
- H. When a minor is going to or from and emergency errand as defined herein. (Ord. 218 §5, 1999).

9.48.040 Responsibility of adults.

It shall be unlawful for any responsible adult to knowingly permit or 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 provided in this chapter. (Ord. 218 §6, 1999).

9.48.050 Enforcement procedures.

The following shall be used in the enforcement of the provisions of this chapter:

- A. Determination of age. In determining the age of a minor, and in the absence of convincing evidence such as Birth Certificate or a driver's license, a peace officer shall use his or her best judgment in determining the age of a minor.
- B. Grounds for arrest and conditions of custody. Refusing to sign a citation without qualification; persisting in violating the provisions of this chapter; refusing to provide the proper identification or identifying the person's self; or committing actions that constitute an immediate threat to the person's own safety or the safety of the public, all will be grounds for immediate arrest. A peace officer who arrests a minor for a curfew violation may keep the minor in custody, either in a shelter care facility, or in a non-secured setting. The peace 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 for a curfew violation.
- C. Notification of responsible adult. After a minor is taken into custody the peace 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 condition that such person will produce the minor in court at such time as the court may direct.
- D. Minors without supervision. If, after a responsible amount of time and after a reasonable attempt to locate a minor's "responsible adult", a peace officer determines that a minor does not have any adult supervision, the officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the minor, or another adult person who is known to the minor.
- E. All contacts with minors under this section shall be referred to the chief of police for follow-up contact with the parent or guardian of the minor. (Ord. 218 §7, 1999).

9.48.060 Penalties.

The following shall be the penalties for infractions of this chapter:

- A. Responsible adult's first violation – Warning. In the case of a first violation by a minor, the chief of police, shall by certified mail, send to the adult responsible for the minor, a written notice of the violation, with a warning that any subsequent violation will result in full enforcement of this curfew ordinance against both the responsible adult, and the minor, with applicable penalties.

- B. Responsible adult's second violation – Simple Misdemeanor. Any responsible adult as defined in this chapter who, following the receipt of a warning, knowingly allows a minor to violate any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Chapter 1.12 of the Eldon Municipal Code.
- C. Minor's first violation – Warning. In the case of a first violation by a minor, the police officer shall give the minor a written warning which shall state that any subsequent violations will result in the full enforcement of this curfew ordinance against the responsible adult and the minor with applicable penalties.
- 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 misdemeanor and shall be punished as provided in Chapter 1.12 of the Eldon Municipal Code except that said minor shall not be sentenced to jail time, but shall in the alternative perform community service work as ordered by the court.
- E. Violation of other statutes. When a minor is found to be in violation of any other state statute or city ordinance and is also in violation of any provision of this chapter, the warning provision contained in Subsection C above will not apply and the minor shall be charged with those penalties provided in Subsection D hereof. (Ord. 218 §8, 1999).

CHAPTER 9.52

SUPPLYING LIQUOR TO MINORS⁴⁷

VIII. RESERVED

⁴⁷ For statutory provisions prohibiting the distribution of beer and liquor to persons under legal age, see ICA §123.47

IX. DRUG PARAPHERNALIA

CHAPTER 9.80

DRUG PARAPHERNALIA

Sections:

9.80.010	Definitions.
9.80.020	Possession of drug paraphernalia.
9.80.030	Manufacture or delivery of drug paraphernalia.
9.80.040	Penalty.

9.80.010 Definitions.

- A. The term “*controlled substances*” as used in this chapter shall be defined as the term “*controlled substance*” is defined in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, as now in force or as hereafter amended.
- B. The term “*drug paraphernalia*” as used in this chapter, shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:
1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant from which a controlled substance can be derived.
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
 4. Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances.
 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
 6. Diluents and Adulterants, such as Quinine Hydrochloride, Mannitol, Mannite, Dextrose, or Lactose, used, intended for use, or designed for use in cutting controlled substances.

7. Separation Gins and Sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Blenders, bowls, containers, spoons, and mixing devices, use, intended for use, or designed for use in compounding controlled substances.
9. Capsules, balloons, envelopes, bags, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Containers or other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning materials, such as marijuana cigarettes that have become too small or too short to be held in the hand or by the fingers;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bong;
 - m. Ice pipes or chillers;
13. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

- a. Statements by an owner or by anyone in the control of the object concerning its use;
 - b. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance;
 - c. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa;
 - d. The proximity of the object to controlled substances;
 - e. The existence of any residue of controlled substance on the object;
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa;
 - g. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
 - h. Instruction, oral or written, provided with the object concerning its use;
 - i. Descriptive materials accompanying the object which explain or depict its use;
 - j. National and local advertising concerning its use;
 - k. The manner in which the object is displayed for sale;
 - l. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - m. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
 - n. The existence and scope of legitimate uses for the object in the community;
 - o. Expert testimony concerning its use.
- C. “*Person*” as used in this chapter shall mean an individual, corporation, business, trust, estate, partnership, limited liability company or association, or any other legal entity. (Ord. 214 §2, 1999).

9.80.020 Possession of drug paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. (Ord. 214 §3, 1999).

9.80.030 Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, intending that the drug paraphernalia will be used, or knowingly, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. (Ord. 214 §4, 1999).

9.80.040 Penalty.

Any person, firm or corporation violating any provision, section or paragraph of this Chapter shall be subject to the general penalty provisions of the Eldon Municipal Code as provided in Chapter 1.12. (Ord. 214 §5, 1999).

TITLE 10

VEHICLES AND TRAFFIC

Chapters:

- 10.01 Parking
- 10.04 Traffic Code
- 10.08 Golf Carts
- 10.12 All-Terrain Vehicles

CHAPTER 10.01

PARKING

Sections:

- 10.01.010 Restricted parking on Elm Street.
- 10.01.020 No-parking zone.

10.01.010 **Restricted parking on Elm Street.**

On Elm Street, in the city of Eldon, from Fourth Street to Sixth Street, there shall be two-hour parking only from six a.m. to six p.m. daily. Any persons violating the provisions of this section shall be punished as provided in Chapter 1.12. (Ord. 161 §1, 1981).

10.01.020 **No-parking zone.**

- A. There shall be no parking on the west side of Fourth Street from the intersection of Elm Street and Fourth Street for a distance of one-half block north to the alley and Fourth Street intersection.
- B. There shall be no parking on either side of Caster Street from the intersection of Section Street to Finney Avenue.
- C. The penalty for violation of this section shall be as provided in Section 1.12.010. (Ord. 310 §§1, 2; Ord. 203 §19, 1993; Ord. 129 §1, 1977).

CHAPTER 10.04

TRAFFIC CODE

Sections:

10.04.010	Purpose.
10.04.020	Definitions.
10.04.030	Police administration.
10.04.040	Traffic accidents – Location studies.
10.04.050	Traffic accidents – Report requirements.
10.04.060	Traffic accidents – Report investigation.
10.04.070	Drivers' records on file.
10.04.080	Traffic report to mayor.
10.04.090	Police and fire department traffic authority.
10.04.100	Traffic control device installation.
10.04.110	Crosswalks – Traffic lanes.
10.04.115	Multi-Use Trail Crossing.
10.04.120	Speed limit changes.
10.04.130	Intersection turning markers, buttons and signs.
10.04.140	Turn restrictions – Sign posting.
10.04.150	Turn restrictions – Driver obedience.
10.04.160	U-turns.
10.04.170	One-way streets and alleys – Sign posting.
10.04.180	Through highways designated.
10.04.190	Stop signs – Through highway intersections
10.04.200	Stop and yield signs – Heavy traffic.
10.04.210	Stop for traffic obstruction.
10.04.220	School stops.
10.04.230	Pedestrians – Prohibited crossing.
10.04.240	Pedestrians – On left of roadway.
10.04.250	Truck routes.
10.04.260	Driving on sidewalk prohibited.
10.04.270	Clinging to vehicles prohibited.
10.04.280	Procession – Driving through prohibited.
10.04.290	Procession – Requirements.
10.04.300	Procession – Funeral identification.
10.04.310	Load restrictions – Sign posting.
10.04.320	Load restrictions – Bridges.
10.04.330	Load restrictions – Permits for excess size and weight.
10.04.340	Load restrictions – Temporary weight restrictions.
10.04.350	School buses – Signals required.
10.04.360	School buses – Discharging pupils.
10.04.370	School buses – Other moto vehicles to stop.
10.04.380	Bicycles – Traffic code applicability.
10.04.390	Bicycles – Riding regulations.
10.04.400	Bicycles – On roadways and paths.
10.04.410	Bicycles – Speed.
10.04.420	Bicycles – Emerging form alley or driveway.

10.04.430	Bicycles – Carrying articles.
10.04.440	Bicycles – Parking.
10.04.450	Bicycles – Riding on sidewalks.
10.04.460	Bicycles – Equipment requirements.
10.04.470	Parking – Requirements generally.
10.04.480	Parking – On one-way streets.
10.04.490	Parking – Time limit signs.
10.04.500	Parking – All night prohibited.
10.04.510	Parking – Truck limits.
10.04.520	Parking – Prohibited purposes.
10.04.530	Angle parking – Permitted when.
10.04.540	Angle parking – Obedience to signs required.
10.04.550	Stopping, standing or parking prohibited where.
10.04.560	Prohibited parking – Curb marking – Signs.
10.04.570	Illegal parking – Summons.
10.04.580	Illegal parking – Proof of violation.
10.04.585	Disturbing the public peace and quiet by excessive noise by a motor vehicle.
10.04.590	Violations designated – State law.
10.04.600	Impoundment – Authorized when.
10.04.605	Prohibition of operation of motorized vehicles on sidewalks in city park.
10.04.610	Arrest – Notice to appear.
10.04.620	Violation – Penalty.

10.04.010 Purpose.

The purpose of this chapter is to regulate traffic upon and use of the streets of Eldon, Iowa, and to provide for the enforcement of these regulations. (Ord. 166 §1, 1984).

10.04.020 Definitions.

Where words and phrases used in this chapter are defined by the law of Iowa such definitions shall apply to this chapter:

- A. “*Business districts*” means the intersection of Fourth and Walnut Northwest to Sixth and Walnut Streets, thence Southwest to the right-of-way of the former Chicago, Rock Island and Pacific Railroad, thence Southeast to Third Street, thence Northeast to Walnut Street, thence Northwest to the place of beginning, all in Eldon, Wapello County, Iowa.
- B. “*Park*” or “*parking*” means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engage in, loading or unloading merchandise or passengers.
- C. “*Residential districts*” means all areas of the city not included in business districts.

- D. “*Stand*” or “*standing*” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
- E. “*Stop*” means a complete cessation of movement.
- F. “*Stop or standing*” means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (Ord. 166 §3, 1984).

10.04.030 Police administration.

The traffic division shall be under the control of the police department. (Ord. 166 §4, 1984).

10.04.040 Traffic accidents – Location studies.

Whenever the accidents at any particular location becomes numerous, the chief of police shall conduct studies of such accidents and propose remedial measures to the city council. (Ord. 166 §5, 1984).

10.04.050 Traffic accidents – Report requirements.

The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report will be filed with the chief of police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa. The chief of police shall maintain a suitable system of filing traffic accident reports. (Ord. 166 §6, 1984).

10.04.060 Traffic accidents – Report investigation.

The chief of police or any other duly authorized and acting peace officer of the city shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator. (Ord. 166 §7, 1984).

10.04.070 Driver’s records on file.

The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, complaints reported for each driver, which shall be filed in the records of the police department. The chief of police shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such person suspended or revoked as provided by state law. Such records shall accumulate during at least a three-year period and from that time on such records shall be maintained complete for at least the three most recent three-year period. (Ord. 166 §8, 1984).

10.04.080 Traffic report to mayor.

The chief of police shall prepare annually a traffic report which shall be filed with the mayor. Such reports shall contain information on traffic matters in this city concerning the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities. (Ord. 166 §9, 1984).

10.04.090 Police and fire department traffic authority.

Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Ord. 166 §10, 1984).

10.04.100 Traffic control device installation.

The chief of police shall cause to be placed and maintained traffic control devices when and as required under the ordinances of this city to make effective its provisions, and may so cause to be placed and maintained such additional, emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic ordinances of this city or under the state law or to guide or warn traffic. All traffic control devices shall comply with the standards established by the *Manual of Uniform Traffic Control Devices for Streets and Highways* of the Iowa Department of Transportation. (Ord. 166 §12, 1984).

10.04.110 Crosswalks – Traffic lanes.

The chief of police is authorized:

- A. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require; and
- B. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic ordinances of this city. Where such traffic lanes have been marked, it is unlawful for the operation of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (Ord. 166 §13, 1984).

10.04.115 Multi-Use Trail Crossing.

A multi-use trail crossing shall be designated and maintained by appropriate devices, marks, or lines across that portion of Elm Street, also known as Highway 16, connecting the existing portion of the American Gothic Trail located on Lot 23 and the West 9 feet of Lot 22 in Block 28 and a portion of Lot 24 of Block 29, all in the original plat to the City of Eldon, Iowa. (Ord. 325 §1, 2011).

10.04.120 Speed limit changes.

It is determined that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

- A. The speed limit on Elm Street from Hearn Street to 9th Street shall be twenty-five miles per hour.
- B. The speed limit on 9th Street from Elm Street to High Street shall be thirty-five miles per hour.
- C. The speed limit on Walnut Street from 4th Street to 9th Street shall be thirty miles per hour. (Ord. 166 §14, 1984).

10.04.130 Intersection turning markers, buttons and signs.

The chief of police may cause markers, buttons or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs, including right-hand turns at intersections with automatic traffic signals. (Ord. 166 §15, 1984).

10.04.140 Turn restrictions – Sign posting.

The chief of police is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left-hand turn. The making of such turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs. (Ord. 166 §16, 1984).

10.04.150 Turn restrictions – Driver obedience.

Whenever authorized signs are erected indicating that no right or left-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. 166 §17, 1984).

10.04.160 U-turns.

It is unlawful for a driver to make a U-turn except at an intersection provided, however, that U-turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals. (Ord. 166 §18, 1984).

10.04.170 One-way streets and alleys – Sign posting.

Whenever any traffic ordinance of this city designates any one-way street or alley the chief of police shall place and maintain signs giving notice thereof and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It is unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section. (Ord. 166 §19, 1984).

10.04.180 Through highways designated.

Streets or portions of streets described below are declared to be through highways:

Elm Street from the Southeast corporate limit of the city of Eldon to the Northwest corporate limit of the city of Eldon and 9th Street from the intersection of Elm Street Northeast to the North corporate limit. (Ord. 166 §20, 1984).

10.04.190 Stop signs – Through highway intersections.

Whenever any ordinance of this city designates and describes a through highway is shall be the duty of the chief of police to cause to be placed and maintained a stop sign on each and every street intersecting such through highway except as hereinafter modified in the case of intersecting through highways. (Ord. 166 §21, 1984).

10.04.200 Stop and yield signs – Heavy traffic intersections.

At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazards exist, the chief of police is authorized to determine whether vehicles shall stop or yield at one or more entrances to any such intersection and shall present such recommendation to the city council, and upon approval by the council, shall erect an appropriate sign at every such place when a stop or yield is required.

- A. The following intersections have been determined by the city council as stop intersections and shall have signs erected thereon as follows:

Ross and Walnut on right facing north
 Ross and Walnut on right facing south
 Ross and Caster on right facing north
 Ross and Caster on right facing south
 Ross and Selma on right facing south
 Ross and Hearn on right facing north
 Selma and Finney on right facing west
 Finney and Caster on right facing north
 Finney and Caster on right facing south
 Finney and Cornell on right facing north
 Finney and Cornell on right facing south
 Finney and Highway 16 on right facing north
 Finney and East Walnut Street facing north
 Finney and East Walnut Street facing south
 Finney and Walnut on right facing south
 Finney and Walnut on right facing north

Bierce and Caster on right facing south
 Walnut and Bierce on right facing north
 Roy and Caster on right facing south
 Roy and Cornell on right facing north
 Roy and Walnut on right facing north
 Roy and Walnut on right facing south
 Eldon and Cornell on right facing south
 Eldon and Cornell on right facing north
 Walnut and Second on right facing east
 Walnut and Second on right facing west
 Walnut and Third on right facing east
 Walnut and Third on right facing west
 Fourth and K.D. on right facing north
 Fourth and K.D. on right facing south
 K.D. and First on right facing east
 K.D. and First on right facing west
 K.D. and Fourth on right facing east
 Water and First on right facing west
 Des Moines and Fourth on right facing east
 Second and Des Moines on right facing north
 Second and Des Moines on right facing south
 Second and South K.D. Avenue
 Des Moines and Norton on right facing south
 North and first on right facing west
 Fourth and Walnut on right facing north
 Fifth and Walnut on right facing north
 Wood and Fifth on right facing east
 Wood and Fifth on right facing west
 High and Eighth on right facing east
 High and Eighth on right facing west
 Wood and Eighth on right facing east
 Wood and Eighth on right facing west
 Wood and Seventh on right facing east
 Wood and Seventh on right facing west
 Church and Sixth on right facing east
 Church and Sixth on right facing west
 Church and Fifth on right facing west
 Church and Seventh on right facing east
 Church and Seventh on right facing west
 Church and Eighth on right facing east
 Church and Eighth on right facing west
 Sixth and Walnut on right facing north
 Sixth and Walnut on right facing south
 Seventh and Walnut on right facing north
 Seventh and Walnut on right facing south
 Eighth and Walnut on right facing north
 Eighth and Walnut on right facing south

- B. The following intersections have been determined by the city council as yield intersections in part and yield signs shall be erected thereon as follows:

Eldon and Walnut on right facing north
Eldon and Walnut on right facing south
High and Seventh on right facing east
High and Seventh on right facing west

- C. The following intersections have been determined by the city council as four-way stop intersections as follows:

East Walnut and Ross Street Facing North
East Walnut and Ross Street Facing South
East Walnut and Ross Street Facing East
East Walnut and Ross Street Facing West
Roy and Cornell
Third and South K.D. Avenue
Third and Des Moines

(Ord. 316 §1, 2008; Ord. 308 §§1, 2, 2007; Ord. 214 §§1, 2, 1998; Ord. 213 §§1, 2, 1998; Ord. 200 §1, 1993; Ord. 166 §22, 1984).

10.04.210 Stop for traffic obstruction.

Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle the driver is operating. (Ord. 166 §23, 1984).

10.04.220 School stops.

When a driver of a vehicle approaches an authorized school stop he shall bring such vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site. (Ord. 166 §24, 1984).

10.04.230 Pedestrians – Prohibited crossing.

Pedestrians crossing a street in the business district shall cross only at the intersections or crosswalks marked. (Ord. 166 §25, 1984).

10.04.240 Pedestrians – On left of roadway.

Where sidewalks are provided it is unlawful for any pedestrian to walk along or upon an adjacent roadway. Where sidewalks are not provided pedestrians shall at all times when walking on or along a roadway, walk on the left side of such roadway. (Ord. 166 §26, 1984).

10.04.250 Truck routes.

Every motor vehicle weighing six tons or more when loaded or empty, having no fixed terminal within the city or making no scheduled or definite stops within the city for the purpose of loading or unloading shall travel over or upon the following streets within the city and none other: Elm Street and Walnut Street. Any motor vehicle weighing six tons or more when loaded or empty having a fixed terminal, making a scheduled or definite stop within the city for purpose of loading or unloading shall proceed over or upon the designated route set in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return by the most direct route to its point of departure from said designated route. The owner or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in a manner contrary to this section. (Ord. 166 §37, 1984).

10.04.260 Driving on sidewalk prohibited.

The driver of a vehicle shall not drive upon or within any sidewalk area except a driveway. (Ord. 166 §38, 1984).

10.04.270 Clinging to vehicles prohibited.

No person shall drive a motor vehicle on the streets of this city unless all passengers of said vehicle are inside said vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers or cargo. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (Ord. 166 §39, 1984).

10.04.280 Procession – Driving through prohibited.

No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Ord. 166 §41, 1984).

10.04.290 Procession – Requirements.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe. (Ord. 166 §42, 1984).

10.04.300 Procession – Funeral identification.

A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia and/or shall all have their headlights illuminated on all such vehicles in the procession. (Ord. 166 §43, 1984).

10.04.310 Load restrictions – Sign posting.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amount specified on such signs at any time upon any of the following streets or parts of streets: Any street within the city where the combined gross weight of the vehicle is in excess of fifteen thousand pounds except upon Elm Street. (Ord. 166 §44, 1984).

10.04.320 Load restrictions - Bridges.

It is unlawful for any vehicle or special mobile equipment of a gross weight or combined gross weight in excess of eight thousand pounds to use, traverse or pass across the Walnut Street Bridge at Chippewa Creek. (Ord. 166 §45, 1984).

10.04.330 Load restrictions – Permits for excess size and weight.

The chief of police shall, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law over those streets names in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance. (Ord. 166 §46, 1984).

10.04.340 Load restrictions – Temporary weight restrictions.

If the city council declares embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs. (Ord. 166 §47, 1984).

10.04.350 School buses – Signals required.

The driver of any school bus used to transport children to and from a public or private point within the residence or business districts of the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred feet, nor more than three hundred feet where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring said bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred feet of clear vision in each direction. (Ord. 166 §48, 1984).

10.04.360 School buses – Discharging pupils.

All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they are required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver. (Ord. 166 §49, 1984).

10.04.370 School buses – Other motor vehicles to stop.

The driver of any vehicle when meeting a school bus on which the stop warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty miles per hour, and shall bring said vehicle to a complete stop when school bus stops and stop signal arm is extended and said vehicle shall remain stopped until the stop arm is retracted after which the driver may proceed with due caution. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing a stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and the arm is extended, and shall remain stopped until the stop arm is retracted and the school bus resumes motion, or until signaled by the driver of the school bus to proceed. (Ord. 166 §50, 1984).

10.04.380 Bicycles – Traffic code applicability.

Each person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians. (Ord. 166 §51, 1984).

10.04.390 Bicycles – Riding regulations.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. 166 §52, 1984).

10.04.400 Bicycles – On roadways and paths.

Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadway set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (Ord. 166 §53, 1984).

10.04.410 Bicycles – Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions existing. (Ord. 166 §54, 1984).

10.04.420 Bicycles – Emerging from alley or driveway.

The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across an alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway. (Ord. 166 §55, 1984).

10.04.430 Bicycles – Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars. (Ord. 166 §56, 1984).

10.04.440 Bicycles – Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic. (Ord. 166 §57, 1984).

10.04.450 Bicycles – Riding on sidewalks.

No person shall ride a bicycle upon a sidewalk within the business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 166 §58, 1984).

10.04.460 Bicycles – Equipment required.

Every bicycle when in use at nighttime shall be equipped with a lamp in the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. No person shall operate a bicycle unless it is equipped with a bell or other signal device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. Every bicycle shall be equipped with a brake which shall enable the operator to make the braked wheels skid on dry, level, clean pavement. (Ord. 166 §59, 1984).

10.04.470 Parking – Requirements generally.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets. (Ord. 166 §27, 1984).

10.04.480 Parking – On one-way streets.

No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking. (Ord. 166 §28, 1984).

10.04.490 Parking – Time limit signs.

Whenever by this chapter or any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the chief of police to erect appropriate signs giving notice thereof and so such regulation shall be effective unless signs are erected and in place at the time of any alleged offense. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (Ord. 166 §34, 1984).

10.04.500 Parking – All night prohibited.

No person except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all-night parking and give notice thereof, for a period of time longer than thirty minutes between the hours of two a.m. and five a.m. of any day. (Ord. 166 §35, 1984).

10.04.510 Parking – Truck limits.

Trucks weighing six tons or more, loaded or empty, shall not be parked on Elm Street from 4th Street to 9th Street. (Ord. 166 §36, 1984).

10.04.520 Parking – Prohibited purposes.

No person shall park a vehicle upon a roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency;
- C. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city; and
- D. Storage or as junkage or dead storage for more than forty-eight hours. (Ord. 166 §40, 1984).

10.04.530 Angle parking – Permitted when.

The chief of police as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or portions thereof indicating the method of angle parking. Such determination shall be subject to approval by council resolution. Angle parking is authorized on 5th Street between Elm Street and Walnut Street. (Ord. 166 §29, 1984).

10.04.540 Angle parking – Obedience to signs required.

Upon those street or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. (Ord. 166 §30, 1984).

10.04.550 Stopping, standing or parking prohibited.

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

- A. In any public alley of the city;
- B. In any private alley within the limits of this city in such a manner that ingress and egress of fire apparatus to or from such alley might be blocked;
- C. Within thirty-five feet of a crosswalk at an intersection.
- D. Upon any street designated as a snow emergency route when snow or ice removal is necessary as determined by the superintendent of public works;
- E. On the center parkway or dividing area of any divided street;
- F. Within twenty feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway. (Ord. 166 §31, 1984).

10.04.560 Prohibited parking – Curb marking – Signs.

When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the chief of police may cause curbing to be painted with a yellow or orange color and erect no parking or standing signs. It is unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. (Ord. 166 §32, 1984).

10.04.570 Illegal parking – Summons.

Whenever any motor vehicle or bicycle without a driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this city the officer or other authorized person finding such vehicle or bicycle shall attach a written summons as hereinbefore provided to such vehicle or bicycle in a conspicuous place and the driver of such vehicle or bicycle shall be held to appear at the time and place designated in the summons. (Ord. 166 §61, 1984).

10.04.580 Illegal parking – Proof of violation.

In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred, shall be raised by proof that:

- A. The particular vehicle described in the information was parked in violation of this chapter; and
- B. The defendant named in the information was the registered owner at the time in question. (Ord. 166 §62, 1984).

10.04.585 Disturbing the public peace and quiet by excessive noise by a motor vehicle.

- A. No horn or signal device upon any motor vehicle shall be unnecessarily sounded, or be sounded for any purpose other than to give warning of the approaching of said vehicle.
- B. Any person who shall operate any motor vehicle in such a manner as to disturb the public peace and quiet by creating excessive noise or unusual notice, by blowing horns or by ringing bells or by the use of sirens, radios or any other type of speaking device or noise maker, or the squealing of tires shall constitute the offense of disturbing the peace by auto and shall constitute a traffic offense.

Such offenses as set forth in subsections A and/or – hereof shall be punished as provided in Section 10.04.620 of the Eldon Municipal Code. (Ord. 204 §§1 - 4, 1994).

10.04.590 Violations designed – State law.

Any person who wilfully fails or refuses to comply with any lawful order of a police officer, or direction of a fire department officer during a fire, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code are:

- A. 321.32, 321.174, 321.190, 321.193, and 321.218 through 321. 224 – display of registration and licence to drive;
- B. 321.229 through 321.234 – obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.
- C. 321.256 through 321.260 – traffic signs, signals and markings;
- D. 321.261 through 321.266 and 321.268 – accidents and accident reporting;
- E. 321.275 – operation of motorcycles;
- F. 321.283 through 321.288 and 321.294 through 321.296 – reckless driving, drag racing, speed, control of vehicle and minimum speed;
- G. 321.297 through 321.310 – driving on right, meeting, overtaking, following or towing;

- H. 321.311 through 321.318 – turning and starting, signals on turning and stopping;
- I. 321.319 through 321.324 – right-of-way;
- J. 321.325 through 321.334 and 321.340 – pedestrian rights and duties and safety zones;
- K. 321.341 through 321.344 – railroad crossings;
- L. 321.353 through 321.360 – stop at sidewalks, stopping, standing and parking;
- M. 321.362 through 321.371 – unattended vehicle, obstructing driver’s view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc. on streets;
- N. 321.384 through 321.409, 321.415, 321.418 through 321.423 – lighting equipment required and time of use;
- O. 321.430 through 321.443 and 321.447 through 321.450 – brakes, horns, sirens, mufflers, wipers, mirrors, tires, flares, windows, safety belts, and special markings for transporting explosives;
- P. 321.452 through 321.463, 321.465 and 321.466 – size, weight and load. (Ord. 166 §11, 1984).

10.04.600 Impoundment authorized when.

- A. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city, under the circumstances hereinafter enumerated:
 1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
 2. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic;
 3. When a vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall be first made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle.
 4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the mayor.

- B. In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this ordinance shall be required to pay the reasonable cost of towing charges and storage. (Ord. 166 §33, 1984).

10.04.605 Prohibition of operation of motorized vehicles on sidewalks in city park.

It shall be unlawful for any person to operate a motorized vehicle, motorcycle, all terrain vehicle or automobile upon the paved trail of Greenbelt Park, the sidewalks of City Park or any other location in the city of Eldon posted as no motorized traffic allowed. That this section shall not apply to motorized wheel chairs or manner of conveyance for disabled persons. Anyone who violates the provisions of this section shall be subject, upon conviction, to imprisonment not exceeding thirty days or a fine not exceeding one hundred dollars. (Ord. 215 §§1 - 2, 1997).

10.04.610 Arrest – Notice to appear.

Whenever a police officer has reasonable cause to believe that a person has violated any provisions of this chapter such officer may:

- A. Immediately arrest such person and take him before a magistrate of Wapello County, Iowa, or
- B. Without arresting the person, prepare a written summons to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number of the vehicle, the offense charged, the time and place when such person shall appear and if the offense charged be speeding such summons shall also specify the speed at which such person is alleged to have driven and the speed limit applicable within the district or location. The person with whom charged shall be given a copy of the summons and a copy shall be retained by the arresting officer. (Ord. 166 §60, 1984).

10.04.620 Violation – Penalty.

Anyone violating any of the provisions of this Chapter shall, upon conviction, be subject to imprisonment, not exceeding 30 days, or a fine not exceeding \$100.00. A violation of this Chapter is also a municipal infraction. A violation of this Chapter may also be enforced through a civil “Notice of Violation”. (Ord. 327 §2, 2013)

CHAPTER 10.08

GOLF CARTS

Sections:

10.08.010	Operation on city streets
10.08.020	Violations

10.08.010 Operation on city streets.

Golf carts may be operated on the city streets by any adult possessing a valid motor vehicle license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city (Elm Street/Highway 16), but shall be allowed to cross a city street which is a primary road extension through the city. A golf cart shall be equipped with a slow-moving vehicle sign and a bicycle safety flag and may be operated on the city streets only from sunrise to sunset. A golf cart operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the city council. Golf carts are not subject to registration with the city council. A minor shall not operate a golf cart on any city street. A golf cart shall not be operated upon private property without the permission of the owner, the sidewalks of the city, any paved trail within the city, including Greenbelt Park and the American Gothic Trail, or any other location in the city posted as “no motorized traffic allowed”.

10.08.020 Violation.

A violation of this Chapter is a simple misdemeanor. A violation of this Chapter is also a municipal infraction. A violation of this Chapter may also be enforced through a civil “Notice of Violation”. (Ord. 327 §3, 2013)

CHAPTER 10.12

ALL-TERRAIN VEHICLES

Sections:

10.12.010	Definitions.
10.12.020	Operation on city streets.
10.12.040	Violations.

10.12.010 Definitions.

An “*all-terrain vehicle*” is defined under Iowa Code § 3211.1 and the provisions of Iowa Code Chapter 3211 are incorporated by this reference.

10.12.020 Operation on city streets.

An all-terrain vehicle registered as required by the State of Iowa may be operated on the city streets by an adult possessing a valid motor vehicle license. However, an all-terrain vehicle shall not be operated:

- A. At speeds of 35 miles per hour or greater.
- B. At a rate of speed greater than reasonable or proper under all existing circumstances.
- C. At a rate of speed in excess of the posted speed limit.
- D. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damages thereto.
- E. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- F. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.
- G. In any other manner in violation of the Eldon Municipal Code or the Code of the State of Iowa.
- H. With a firearm in the person's possession unless it is unloaded and enclosed in a carrying case.
- I. With more persons on the vehicle than it was designed to carry.
- J. On any private property within the city limits of Eldon without the permission of the property owner.
- K. On a primary road extension through the city (Elm Street/Highway 16), but shall be allowed to cross a city street which is a primary road extension through the city. However, an all-terrain vehicle may be operated on a primary road extension for a parade that has received the appropriate licenses from the city and state.
- L. On the sidewalks of the city, any paved trail within the city, including Greenbelt Park and the American Gothic Trail, or any other location in the city posted as "no motorized traffic allowed".
- M. By a minor.

All-terrain vehicles operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the city council or the state of Iowa.

10.12.040 Violation.

A violation of this Chapter is a simple misdemeanor. A violation of this Chapter is also a municipal infraction. A violation of this Chapter may also be enforced through a civil “Notice of Violation”. (Ord. 327 § 4, 2013)

TITLE 11

(Reserved)

TITLE 12

STREETS AND OTHER PUBLIC PLACES

Chapters:

- 12.04 Maintenance
- 12.08 Sidewalk Construction
- 12.12 Snow Removal
- 12.20 Trees
- 12.24 Driveway Repair
- 12.26 Public Parks

CHAPTER 12.04

MAINTENANCE⁴⁹

Sections:

- 12.04.010 Unlawful deposits on streets or alleys.
- 12.04.020 Damaging parks.
- 12.04.030 Obstructing streets.
- 12.04.040 Violation of Sections 12.04.010 through 12.04.030 – Penalty.
- 12.04.050 Weeds and grass on streets and alleys.
- 12.04.060 Leading or driving animals across parking.
- 12.04.070 Street and alley widths.
- 12.04.090 Excavations.
- 12.04.100 Building materials in street or alley.
- 12.04.110 Violation of Sections 12.04.070 through 12.04.100 – Penalty.
- 12.04.120 Defacing streets or grounds.
- 12.04.130 Undeveloped Alleys.

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For statutory provisions authorizing cities and towns to care for, supervise and control streets and alleys, see ICA §364.12; for provisions declaring obstructions in public streets to be a nuisance, see ICA §657.2(5).

12.04.010 Unlawful deposits on streets or alleys.

No person shall throw or deposit any ashes, straw, wastepaper, dirt, sweepings from shops or other buildings, brush, wood, rubbish, manure, slops, cans or other debris or refuse of any kind in the street, alley or street gutter; nor shall any person throw any of the above-named matter in any alley within the city. Any person violating any of the provisions of this section is guilty of a misdemeanor. (Ord. 17 §2).⁵⁰

12.04.020 Damaging parks.

Any person who injures or destroys the beauty of any of the public parks of the city, including the small sodded parks along paved or improved streets, is guilty of a misdemeanor. (Ord. 17 §4).⁵¹

12.04.030 Obstructing streets.

Any person, firm or corporation who, in any manner, obstructs or blockades any street, alley or sidewalk by placing therein or thereupon any vehicles, except for immediate use, or any boxes, goods or other obstructions is guilty of a misdemeanor. (Ord. 17 §5).⁵¹

12.04.040 Violation of Sections 12.04.010 through 12.04.030 – Penalty.

The penalty for violations of Sections 12.04.010 through 12.04.030 shall be as prescribed in Section 1.12.010. (1973 codification).

12.04.050 Weeds and grass on streets and alleys.

It shall be the duty of the owners of any lot or parcel of ground abutting on any street or alley of the street, to keep all weeds and grass cut down upon the lot or parcel of ground, between the lot line and established curb line of the street and between the lot line and the centerline of any alley upon which the same abuts, and to keep the parking and alleys free from all weeds, trash, grass or debris; and should the owner or tenant thereof fail or refuse to do so within ten days after receiving notice thereof, then the same may be cut down by the city, and the cost thereof assessed to the property. (Ord. 25 §1).⁵¹

12.04.060 Leading or driving animals across parking.

Any person or persons who willfully walk, drive or who cause any domestic animal to be led or driven over or across such parking or any parking established or maintained within the limits of the city, and thereby cause injury to the surface of said parking or to the grass, trees or other vegetation grown or planted on the parking and cared for by the owner of the property adjacent thereto, is guilty of a misdemeanor and shall be punished accordingly. (Ord. 25 §2).⁵¹

⁵⁰ Revised ordinances of 1922, passed January 3, 1922).

⁵¹ Revised ordinances of 1922, passed January 3, 1922.

12.04.070 Street and alley widths.

Hereafter all streets laid out in any addition or subdivision or the city shall be not less than fifty feet in width and all alleys in any addition or subdivision shall be at least sixteen feet in width. (Ord. 26 §1).⁵¹

12.04.080 Connecting with sewer or water and excavations in streets and public ways.

It is unlawful for any person or person to open, uncover or excavate any street or public way or in any manner make connections with any sewer pipes or water pipes in any street or alley without obtaining first any written permit from the mayor or council, which permit must be kept on the ground where the work is being carried on, and be exhibited to any official upon demand for the same. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee. A person performing the work must provide the City Clerk with a surety bond in the sum of \$10,000.00 secured by a responsible surety bonding company authorized to operate within the State of Iowa. The bond shall state that the surety company will indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of every nature and kind arising from carelessness, lack of skill or negligence in performing the work. (Ord. 330 §2, 2014)

12.04.090 Excavations.

In opening any street or public way, all materials shall be placed where they will cause the least inconvenience to the public and the whole enclosed by sufficient barriers and properly protected by red lights at night. In filling the trenches or drains, the earth must be carefully tamped around and over the pipes, the whole trench shall be filled in uniform layers of not exceeding nine inches; each layer must be thoroughly tamped or puddled as may be directed by the street commissioner, and all earth, paving, curbs, sidewalks, etc., shall be replaced in their former and permanent position. In no case shall streets be opened to the point of connection with sewer without tunneling so as to facilitate inspection of any settling trenches, curbs, sidewalks, paving, etc. Within twelve months after the completion of work it shall be the duty of the contractor or person excavating to make good all deficiencies that may occur, within twenty-four hours after receiving notice of the deficiency from the mayor or street commissioner. The filling or tamping shall be under the supervision of the street commissioner and the contractor or person excavating or digging trenches for any of the above purposes, when the work is completed, shall notify the street commissioner and shall not leave or abandon the work until the same is complete and is satisfactory to the street commissioner and according to the provisions of this chapter. (Ord. 26 §3).⁵²

12.04.100 Building materials in street or alley.

No person shall pile or deposit any building material in any street or alley or highway without first obtaining a permit from the mayor or council. (Ord. 26 §4).⁵²

12.04.110 Violation of Sections 12.04.070 through 12.04.100 – Penalty.

The penalty for violations of Sections 12.04.070 through 12.04.100 shall be as prescribed in Section 1.12.010. (1973 codification).

12.04.120 Defacing streets or grounds.

If any person, without authority or permission from the mayor or city council or their authorized representatives, in any manner obstructs, defaces or injures any public street, alley or public grounds within the corporate limits of the city by breaking up, plowing or digging or by any means whatsoever, he shall be punished as provided in Chapter 1.12. (1973 codification; Ord. 79 §1, 1954).

12.04.130 Undeveloped Alleys.

- A. The following alleys are hereby designated as undeveloped alleys and may be utilized for official emergency access or utility purposes only:
1. Cornell to Hearn
 2. South KD Avenue to Des Moines
 3. Des Moines to Second
 4. West Walnut to Church
 5. Wood to Church
 6. Wood to Church (Off Fifth)
 7. Cornell to East Walnut
 8. East Walnut to Castor
 9. Wood to Church
 10. Wood to Church
- B. Any person who, in any manner, accesses such an alley with any vehicle other than for official emergency or utility purposes, or who obstructs, damages, blockades, fences, or in any way causes injury to the surface of said alley shall be guilty of a misdemeanor and may also be punishable by a municipal infraction.
- C. Any adjacent property owner may petition the City Council for a temporary permit for access through an undeveloped alley under such conditions as approved by the city council. Any adjacent property owner may petition the City Council for the development of a portion or all of an alley to allow permanent access to adjacent property, subject to utility easements and access for official emergency purposes. (Ord. 320 §1, 2010)

CHAPTER 12.08

SIDEWALK CONSTRUCTION⁵³

Sections:

12.08.010	Order by council – Assessment of costs.
12.08.020	Laying, relaying or repair of sidewalks.
12.08.030	Notification of owner fronting proposed sidewalk.
12.08.040	Improvement made by city – Assessment.
12.08.050	Notice of construction of sidewalks contract.
12.08.060	Assessment procedure.
12.08.070	Objections to assessment to be in writing.
12.08.080	Interest.
12.08.090	Special assessment.
12.08.100	Certificates issued.
12.08.110	Manner of payment and collection of sidewalk taxes.
12.08.120	Certificate of levy of special assessment.
12.08.130	Permanent sidewalks.
12.08.140	Conformance of sidewalks in existence.
12.08.150	Repair of sidewalks – Assessment.
12.08.160	Defective sidewalks.
12.08.170	Snow and ice accumulations.
12.08.180	Grade required prior to laying sidewalk.
12.08.190	Residential street height – Width of business street.
12.08.200	Business zone.
12.08.210	Petition for permanent sidewalk.
12.08.220	Contracted construction.

12.08.010 Order by council – Assessment of costs.

The council may order, by resolution passed by three-fourths of its members, the construction or reconstruction of permanent sidewalks upon any street, highways, avenues or public grounds within the limits of this city, and the cost thereof may be assessed against and upon the lot, lots or parcels of ground in front of which the same shall be constructed or reconstructed and the city clerk shall certify the same to the county auditor, and it shall be collected the same as other taxes. (Ord. 30 §1).⁵⁴

⁵³ For statutory provisions authorizing cities and towns to provide for the construction, reconstruction and repair of sidewalks, and to assess the cost thereof, see ICA §§384.37–384.79.

⁵⁴ Revised ordinances of 1922, passed January 3, 1922.

12.08.020 Laying, relaying or repair of sidewalks.

The council may order, by resolution passed by three-fourths of its members, the laying, relaying and repairing of temporary sidewalks upon any streets, avenues, highways or public grounds within the limits of this city, and may regulate the grade of the same and assess the cost of laying, relaying or repairing against the lot or parcel of ground in front of which the same is done. (Ord. 30 §2).⁵⁵

12.08.030 Notification of owner fronting proposed sidewalk.

When the council has taken the action contemplated in Sections 12.08.010 and 12.08.020, written notice thereof shall be issued by the clerk and shall be served upon the owner or the agent of the premises fronting on such proposed sidewalk. The notice shall be upon the owner or his agent, if found, by delivering to or offering to him a copy thereof, at least ten clear days before the time stated in the resolution for the beginning of the work constructing or reconstructing of the sidewalk, the return thereof, showing upon whom service was had, and when the services was made, and by whom made, shall be made to the office of the clerk. In case the owner of the property or his agent cannot be found, the clerk shall make a notation to that effect upon the notice, and the same shall then be published for one issue in one of the newspapers of the city, of general circulation, the publication therefor being at least ten clear days before the time stated in the resolution for the beginning of the improvement. (Ord. 30 §3).⁵⁵

12.08.040 Improvement made by city – Assessment.

In case the property owner, or his agent, fails, neglects or refuses to begin the construction or reconstruction of such improvements within the time fixed by the resolution and notice, and prosecute the same diligently to the completion thereof, which shall be in no event in excess of thirty days after the service of such notice, the improvement shall be made by the city and the cost thereof assessed against the property and collected as provided by law. (Ord. 30 §4).⁵⁵

12.08.050 Notice of construction of sidewalks contract.

The clerk shall cause to be published in two consecutive weekly issues of one newspaper of general circulation published by the city, notice that the contract in the name of the city for the making of such improvements will be let to the lowest responsible bidder on sealed proposals, but any and all bids may be rejected and new bids ordered; provided, that such notice may provide that such bids and contracts shall pertain to all sidewalks built within the city for a period covering a period of time not exceeding one year. (Ord. 30 §5).⁵⁵

12.08.060 Assessment procedure.

The costs of constructing the sidewalk shall be apportioned to the respective property owners according to the linear feet fronting or abutting on such property, and such apportionment, together with the character of the work done, shall be reported to the council at the next regular meeting following the completion of the sidewalk, whereupon the city council shall proceed to assess and levy the tax upon the property, and such assessment shall be in proportion to the special benefits conferred upon the property thereby, and not in excess of such benefits; such assessments shall not exceed one-fourth of the actual value of the lot or parcel of land at the time of the levy. (Ord. 30 §6).⁵⁶

12.08.070 Objections to assessment to be in writing.

All objections to the cost of construction or reconstruction or permanent sidewalks against the lot, lots or parcels of ground in front of which the same is constructed, and all objections to the prior proceedings on account of errors, irregularities or inequalities must be made in writing and filed with the clerk prior to the date when such assessment shall be made, and all objections not so made shall be deemed waived, except where fraud is shown. (Ord. 30 §7).⁵⁶

12.08.080 Interest.

Each installment of any special assessment shall bear interest from the date of the assessment not to exceed six percent per year, and shall become due and payable at the end of March, semi-annual payment of ordinary taxes. Upon the payment of any installment there shall be computed and collected the installment and the interest on the whole assessment remaining unpaid up to the first day of April following. (Ord. 30 §8).⁵⁶

12.08.090 Special assessment.

The owner of any property against which the special assessment is made, shall have the right to pay the same or any of the unpaid installments thereof, with penalties and costs of any proceeding for the benefit of the property for such special assessment at any time. (Ord. 30 §9).⁵⁶

12.08.100 Certificates issued.

It shall be the duty of the clerk after the cost of the construction of permanent sidewalks has been apportioned to the respective fronting property owners, to prepare certificates payable to the bearer or contractors who have constructed the sidewalks, and each of such certificates shall state the amount of one or more assessments, or part thereof, made against the property, and the owner thereof liable to assessment, for the cost of the same. Such certificate shall transfer to the bearer, contractor or assign, all the right and interest of the city under every such assessment or part thereof described therein, with the power to collect as provided by law. The certificate shall bear interest at the rate of not to exceed six percent per year, payable annually. No certificate shall be issued or negotiated by the city for less than its par value with accrued interest up to the date of delivery or transfer thereof. The certificate shall be received by the contractor in full payment of all claims against the city for the sidewalk. (Ord. 30 §10).⁵⁶

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12.08.110 Manner of payment and collection of sidewalk taxes.

If any owner or any lot or parcel of land against which the assessment has been made, shall, at the time of making such special assessment, promise and agree in writing, endorsed on the certificate of and separate agreement, that in consideration of having the right to pay his assessment in installments, he will not be making any objections of illegality of irregularity as to the assessments or levy of such taxes or the amount thereof upon or against his property, and shall pay the assessment with the interest thereon not to exceed six percent per year as hereinafter prescribed, such taxes so levied against the lot or parcel of land of such owner shall be payable in ten equal installments, the first of which shall mature and be payable on the date of the assessment. But where any such promise or agreement in writing shall not be made by the owner of any lot or parcel of land, then the whole of the assessment shall become due and payable at once, and shall be assessed and collected as provided for in ICA Chapter 389. All such taxes with interest shall become delinquent on the 1st of March next, after their maturity, and shall bear the same rate of interest with the same penalty as ordinary taxes. (Ord. 30 §11).⁵⁷

12.08.120 Certificate of levy of special assessment.

A certificate of levy of such special assessment fixing the number of installments and the time of payments, certified to as correct by the clerk, shall be filed with the auditor of the county, and thereupon the special assessment, as shown therein, shall be placed on the tax list of the county, and the penalties thereon shall become and remain a lien upon such lot or parcel of land until the same is paid. (Ord. 30 §12).⁵⁷

12.08.130 Permanent sidewalks.

All permanent sidewalks shall be constructed of cement. (Ord. 30 §13).⁵⁷

12.08.140 Conformance of sidewalks in existence.

Sidewalks now in existence not in conformity with the requirements of this chapter may be, by three-fourths vote of the city council, required to be built in conformity herewith as to construction and material. (Ord. 30 §14).⁵⁷

12.08.150 Repair of sidewalks – Assessment.

The council may cause the repair of any sidewalk within the city limits, either with or without notice to the property owners, and assess the expense thereof on the property in front of which the repairs are made, and the expense shall be certified to the county auditor and collected as other taxes. (Ord. 30 §15).⁵⁷

⁵⁷

Revised ordinances of 1922, passed January 3, 1922.

12.08.160 Defective sidewalks.

When any sidewalk is defective in such a manner as may be dangerous to persons using the same, it shall be the duty of the street commissioner to immediately repair such defects and report his action to the council at the next regular meeting, and the expense of the repairs may be assessed on the property in front of which the same were made, certified to the county auditor and collected as other taxes. (Ord. 30 §16).⁵⁸

12.08.170 Snow and ice accumulations.

Snow, ice or other accumulations from abutting property may be removed under the instruction of either the mayor, street commissioner or marshal, from any sidewalk within the city limits, if the same has remained thereon for a period of ten hours, and the expense thereof shall be assessed against the property, from the front of which the same was removed, the same shall be certified to the county auditor and collected as other taxes. (Ord. 30 §17).⁵⁸

12.08.180 Grade required prior to laying sidewalk.

No permanent sidewalk shall be ordered in until the sidewalk grade for the laying of such sidewalk is established, such grade may be established by the same procedure of the council as other street grades. The establishing sidewalk grades on any parallel street shall in no case set the sidewalk grade for an intersecting street, and the establishing of a sidewalk grade upon one side of any street shall not thereby establish the sidewalk grade for the other side of such street. (Ord. 30 §18).⁵⁸

12.08.190 Residential street height – Width of business street.

On all streets in front of residence property the sidewalks shall be constructed two feet from the lot line, and shall not be less than four feet wide, except as otherwise provided in this chapter. The council may at the request of the property owner, if in its judgment the circumstances demand, grant such property owner a special permit to build a sidewalk otherwise than described in this section. On all business streets, within the business zone, the sidewalk shall extend from the lot line to the curb line, as may be determined by resolution of the city council. (Ord. 30 §19).⁵⁸

12.08.200 Business zone.

The business zone shall be as follows: Commencing on Elm Street at Sixth Street, running to the intersection of the Chicago, Rock Island and Pacific Railroad at Fourth Street, thence south on Fourth Street on the eastward side of Block Twenty-six and Block Twenty-seven. (Ord. 30 §20).⁵⁸

⁵⁸ Revised ordinances of 1922, passed January 3, 1922.

12.08.210 Petition for permanent sidewalk.

Whenever two-thirds of the owners in any block fronting on any public street, avenue or highway within the city limits, shall petition the council for the construction or reconstruction of a permanent sidewalk on that side of the street in the block on which the owners' property fronts, the same shall be ordered constructed by the council. (Ord. 30 §21).⁵⁹

12.08.220 Contracted construction.

In case the city shall build or construct, or cause to be constructed any sidewalk, it may let the construction thereof, by contract, and the person taking such contract shall forthwith execute and deliver to the city a bond with security to be approved by the mayor, in an amount equal to fifty percent of the contract, and conditioned for the faithful performance of such contract. (Ord. 30 §22).⁵⁹

CHAPTER 12.12**SNOW REMOVAL⁶⁰****Sections:**

12.12.010	Removal by abutting property owner.
12.12.020	Removal by city – Cost.
12.12.030	Failure to pay – Action.
12.12.040	Snow emergency routes designated.
12.12.050	Parking on snow emergency routes.
12.12.060	Duration of prohibition.
12.12.070	Provisions temporarily effective to take precedence.
12.12.090	Termination of parking prohibition by superintendent.
12.12.100	Snow emergency route signs.
12.12.110	Stalled vehicles.
12.12.120	Removal and impounding of vehicles.
12.12.130	Citation on vehicle parked or left in violation of code.
12.12.140	Evidence with respect to vehicles parked or left in violation of article.
12.12.150	Deposit of snow on roadway.
12.12.160	Violation.

12.12.010 Removal by abutting property owner.

The owner of abutting property must remove all snow and ice from sidewalks before noon where the snow falls in the nighttime, and in no event shall snow or ice be allowed to remain on any sidewalk for more than twenty-four hours. (Ord. 31 §1).⁵⁹

⁵⁹ Revised ordinances of 1922, passed January 3, 1922.

⁶⁰ For statutory provisions making it the responsibility of the abutting owner to remove promptly snow and ice accumulations from sidewalks, or, in the event of failure to do so, for the municipal corporation to do so and assess the cost thereof against the property, see ICA §368.33.

12.12.020 Removal by city – Cost.

When the owner of abutting property fails or refuses to remove snow from sidewalks within the time prescribed by Section 12.12.010, then the same shall be removed by the city, and the cost of removal taxed to the property, but in no event shall the costs of such removal exceed twenty-five cents per lineal foot for each and every foot of the sidewalk cleaned. (Ord. 31 §2).⁶¹

12.12.030 Failure to pay – Action.

Where the owner of the property fails or refuses to pay for cleaning of the sidewalk or sidewalks at the time same is cleaned, then it shall be the duty of the clerk to prepare a list, in accordance with the directions of the council, showing the cost of the removal of such snow from sidewalk and the same shall be certified to the county auditor in manner and form as provided by law, and collected the same as other taxes. (Ord. 31 §3).⁶¹

12.12.040 Snow emergency routes designated.

The City hereby establishes this snow emergency ordinance and designates certain streets as snow emergency routes. The following streets, roadways, alleys, and highways or portions thereof in the city are hereby designated as “snow emergency routes,” subject to the snow emergency route provisions of this Code:

Cornell Street (Highway 16 to Bierce Street)
 Second Street (Highway 16 to Caster Street)
 Caster Street (Second Street to Bierce Street)
 West Walnut Street (Fourth Street to Ninth Street)
 Church Street (Fifth Street to Ninth Street)
 Wood Street (Fifth to Ninth Street)
 KD South (First to Fourth Street)

(Ord. 307 §1, 2007)^{61A}

12.12.050 Parking on snow emergency routes.

Whenever the superintendent of public works finds, on the basis of falling snow, sleet or freezing rain, that weather conditions will make it necessary that vehicle traffic be expedited and that parking in the city streets, designated as snow emergency routes, be prohibited for snow plowing and other purpose, he shall declare a snow emergency to exist and he shall put into effect a snow emergency parking prohibition on the said snow emergency routes by declaring it in a manner prescribed in this Code. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on the snow emergency route to which it applies. However, nothing in this section permits parking at any time or place where it is forbidden by any other provision of law. If for any reason the superintendent of public works is not available or able to make said determination and declaration, the mayor shall make the same, and references hereinafter to the superintendent of public works shall apply to the mayor. (Ord. 307 §1, 2007).

⁶¹ Revised ordinances of 1922, passed January 3, 1922.

^{61A} See Iowa Code §§ 321.358(14), 321.236 and 321.237.

12.12.060 Duration of prohibition.

Once in effect, a prohibition shall remain in effect until terminated by announcement of the superintendent of public works in accordance with this Code. (Ord. 307 §1, 2007).

12.12.070 Provisions temporarily effective to take precedence.

Any provision of this Code which becomes effective by declaration of the superintendent takes precedence over other conflicting provisions of law normally in effect, except that it does not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a police officer. (Ord. 307 §1, 2007).

12.12.090 Termination of parking prohibition by superintendent.

Whenever the superintendent of public works finds that some or all of the conditions which gave rise to the snow emergency parking prohibition in effect under this Code no longer exist, he may declare the prohibition terminated, in whole or in part, effective immediately upon announcement. (Ord. 307 §1, 2007).

12.12.100 Snow emergency route signs.

On each street, roadway, alley or highway designated by this Code as a snow emergency route, the superintendent shall post special signs at reasonable intervals with the wording: "snow route" or any other signage required by the Department of Transportation's Manual on uniform traffic control devices. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the said designated route. (Ord. 307 §1, 2007).

12.12.110 Stalled vehicles.

Whenever a vehicle becomes stalled or is unable to move under its own power, on any part of a snow emergency route while there is a parking prohibition in effect, the person operating that vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the snow emergency route, either onto the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of such snow emergency route except for a reasonable time necessary to receive assistance. (Ord. 307 §1, 2007)

12.12.120 Removal and impounding of vehicles.

The police chief is authorized to remove or have removed a vehicle from a street to the nearest public vehicle pound or other place of impoundment when:

- A. The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect; or
- B. The vehicle is stalled or is unable to move under its own power on a part of a snow emergency route on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Code; or

- C. The vehicle is parked in violation of any other parking prohibition of this snow emergency code and is interfering or about to interfere with snow removal operations; or
- D. The vehicle is parked in violation of any other parking prohibition under Iowa law and is interfering or about to interfere with snow removal operations.

When the police chief removes or has removed a vehicle from a street as authorized in this section and the police department knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the police chief shall, within 24 hours, give notice in writing to such owner of the fact of the removal and the reasons therefore and the place to which the vehicle has been removed. If the owner does not appear within three days to identify and claim the vehicle, such vehicle is considered to be an abandoned vehicle and impoundment and sale steps may be taken by the police chief regarding abandoned vehicles. (Ord. 307 §1, 2007)

12.12.130 Citation on vehicle parked or left in violation of code.

Whenever any vehicle without a driver is found parked or left in violation of any provision of this Code and is not removed and impounded, the officer finding such vehicle may take its registration number and any other information displayed on the vehicle which identifies its user, and conspicuously affix to such vehicle a traffic citation for the driver to answer the charge against him on the date, time and place specified in the citation. (Ord. 307 §1, 2007)

12.12.140 Evidence with respect to vehicles parked or left in violation of article.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Code, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Code, together with proof that the defendant named in the complaint was at the time the registered owner of that vehicle, is presumptive evidence that the defendant was the person who parked or left the vehicle in violation of this article. (Ord. 307 §1, 2007)

12.12.150 Deposit of snow on roadway.

It shall be unlawful for any person to remove snow, ice and accumulations from private property and deposit the same upon any public street, highway, alley or sidewalk. Nothing in this section shall prohibit the depositing of the same upon the parking area abutting the private property from which the snow, ice or accumulations have been removed. (Ord. 307 §1, 2007)

12.12.160 Penalties.

A violation of this Chapter is a simple misdemeanor. A violation of this Chapter is also a municipal infraction. A violation of this Chapter may also be enforced through a civil “Notice of Violation”. (Ord. 327 §5, 2013)

CHAPTER 12.20

TREES⁶⁴

Sections:

12.20.010	Short title.
12.20.020	City forester designation – Jurisdiction.
12.20.030	Duties of city forester.
12.20.040	Permit required to plant or remove tree.
12.20.050	Duties of private owners.
12.20.060	Removal of trees infected with Dutch Elm disease.
12.20.070	Obstruction of enforcement.
12.20.080	Abuse or mutilation of trees.
12.20.090	Nuisance declared when.

12.20.010 Short title.

This chapter shall be known and may be cited as the “Eldon tree ordinance.” (Ord. 91 §1, 1967).

12.20.020 City forester designation – Jurisdiction.

- A. The city council shall designate a city employee as city forester.
- B. The city forester shall have jurisdiction over all trees and other plantings on the streets, alleys and public places within the city in order to provide orderly tree planting to protect the health of all trees from disease, and to require trees and plantings to be maintained in a manner not dangerous to public safety. (Ord. 91 §2, 1967).

⁶⁴ For statutory provisions authorizing cities and towns to assume charge, custody and control of all trees and shrubs upon public streets, and to plant, prune and care for and remove all trees and shrubbery upon public street, see ICA §368.32.

12.20.030 Duties of city forester.

The city forester shall have the authority and it shall be his duty to prevent the indiscriminate trimming or removal of trees or plants within streets. He shall have the authority to regulate new planting of trees or other plantings in streets in accordance with street tree planting regulations approved by council on filed in the office of the city clerk. He shall have authority to order private persons to comply with duties placed upon them by this chapter. He shall have supervision of all work by city employees or contractors in the trimming, preservation, planting, or removal of trees or other plantings in the streets. The city forester shall issue all tree and planting permits for work in compliance with this chapter. He shall have authority to affix reasonable conditions to the grant of a permit under this chapter, and shall supervise work done under permit. (Ord. 91 §3, 1967).

12.20.040 Permit required to plant or remove trees.

No person shall plant or remove trees or other plants in streets without first applying for and receiving a permit from the city forester. A permit shall be denied if the planting will create a public danger or nuisance. A permit shall be issued when the city forester finds that the method and workmanship will be satisfactory; that when tree surgeons are engaged, that they are competent; and that new plantings will conform to the street tree planting regulations. When the city council has adopted and filed with the city clerk a street tree plan, he shall cause new plantings to comply therewith. Utility companies may operate under an annual or semi-annual permit with programmed trimming under conditions agreed upon with the city. (Ord. 91 §4, 1967).

12.20.050 Duties of private owners.

It shall be the duty of a person growing a tree or other plantings on private property abutting on streets, alleys or public places:

- A. To trim his trees or plantings so that they shall not cause a hazard to the public or block public walks or ways or interfere with property lighting of public streets or places. The minimum clearance of any overhanging portion shall be eight feet over walks and fourteen feet above the surface of the traveled portion of the street;
- B. To not plant any tree or other planting on private property which would cause public danger or nuisance;
- C. To not plant any tree or other planting on corner lots or lots adjacent to an alley in the area bounded by the street or alley lines of such lots and a line joining points along the street or alley lines twenty-five feet from the point of intersection of the right-of-way lines;
- D. To not plant any tree nearer than four feet to the sidewalk line or alley right-of-way line;
- E. To treat in an accepted manner or remove any trees or plant so diseased or insect-ridden as to constitute a hazard to other trees and especially those dangerous to trees or other plants in public streets or places;

- F. To not plant any of the following species: Cottonwood (unless cottonless), cotton-bearing poplar and box-elder. (Ord. 91 §5, 1967).

12.20.060 Removal of trees infected with Dutch Elm disease.

In accordance with Section 368.3 Code of Iowa, any owner, occupant or person in charge of any property shall remove at his own expense any tree, brush, wood or debris infected with Dutch Elm disease found thereon when so notified by the city forester. The city forester shall cause to be mailed to such owner, occupant or person written notice that he may appear before the city council at an appointed time no less than fourteen days from the date of mailing to show why the trees, brush, wood or debris should not be declared a public nuisance. At the meeting the city council may resolve and declare the same to be a public nuisance and may order its removal by the owner, occupant or person. In the event the owner, occupant or person fails to comply with the resolution and order of the city council to so remove the public nuisance, the city forester shall cause the public nuisance to be removed and shall submit the costs incident to the service and removal to the city council, which shall certify the same to the county auditor for collection with and in the same manner as general property taxes. (Ord. 91 §6, 1967).

12.20.070 Obstruction of enforcement.

It is unlawful for any person to hinder, obstruct or otherwise interfere with the agents or employees of the city while engaged in carrying out the provisions of Section 12.20.060 upon order of the council made thereunder. (Ord. 91 §7, 1967).

12.20.080 Abuse or mutilation of trees.

No person shall wilfully damage, cut, carve, pick the seeds of or injure the bark of any tree or plant on the streets or public places of the city. Tree trimming shall be done in accordance with good practice and the regulations of the city. (Ord. 91 §8, 1967).

12.20.090 Nuisance declared when.

It is declared that any violation of Section 12.20.050 is dangerous to the health and welfare of the citizens of Eldon and is a nuisance under the provisions of Sections 657.1 and 368.3 of the Code of Iowa. (Ord. 91 §9, 1967).

CHAPTER 12.24

DRIVEWAY REPAIR

Sections:

- 12.24.010 Definitions.
- 12.24.020 Permit.
- 12.24.030 Fee for permit.

Sections: (Continued)

12.24.040	Driveway requirements.
12.24.050	Sidewalks.
12.24.060	Excavations.
12.24.070	Revocation of permit.
12.24.080	Inspection and approval.
12.24.090	Penalty.

12.24.010 **Definitions.**

For use in this chapter the following terms are defined:

- A. “*Person*” means an individual, firm, corporation, trust, or other association.
- B. “*Driveway*” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
- C. “*Paving*” includes any kind of hard surface including, but not limited to, portland cement, concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. “*Paving*” does not include surfacing with oil or chloride. (Ord. 167 §1, 1986).

12.24.020 **Permit.**

Before any person shall construct or repair a driveway, he shall obtain a written permit from the city council. A written application for the permit shall be filed with the city clerk. The application shall include the address of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. No other plans shall be followed except by written permission of the city council who may allow amendments to the application or permit that do not conflict with this chapter. The city council shall issue the permit, bearing the signature of the city clerk and the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six months from the date of issuance, if not constructed within that time period. (Ord. 167 §2, 1986).

12.24.030 **Fee for permit.**

Before any permit is issued the person who makes the application shall pay the sum of ten dollars to accompany the permit. The drainage tube to be installed shall be purchased from the city, and the cost of the same shall be paid unto the city, prior to the installation thereof. (Ord. 203 §20, 1993; Ord. 167 §3, 1986).

12.24.040 Driveway requirements.

All drainage tubes placed, shall be approved by the city council, as to the diameter and the length of the same. The city will, upon approval of the city council, remove the old drainage facility, if one exists, and install the new drainage tube at no expense to the land owner. The land owner shall be responsible for purchasing the drainage tube from the city and for covering the drainage tube and placing the surface paving cover in place at land owner's expense. Before application of the paving surface, the landlord shall stabilize the drainage tube directly with compacted and well-drained soil or gravel. (Ord. 167 §3, 1986).

12.24.050 Sidewalks.

The grade of any sidewalks shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk. (Ord. 167 §5, 1986).

12.24.060 Excavations.

Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter or drainage ditch in the street right away. All such excavations shall have proper barricades at all times. In refilling the excavation, the earth must be laid in layers and each layer compacted or compacted thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected areas shall be maintained in good repair to the satisfaction of the city council for twelve months after refilling. (Ord. 167 §6, 1986).

12.24.070 Revocation of permit.

The city council may at any time revoke the permit for any violation of this chapter and may require that the work be stopped. (Ord. 167 §7, 1986).

12.24.080 Inspection and approval.

The driveway must be inspected and approved in writing by the superintendent of public works within thirty days after completion of the work. The superintendent of public works shall provide such approval unto the city clerk which such approval shall be maintained in the office of the city clerk. If the superintendent of public works refuses to approve the work, it must be corrected immediately so that it will meet with his approval. If the work has been done improperly, the superintendent of public works shall have the right to finish or correct the work, and the council shall assess the costs to the property owner. Such assessment shall be collected with general property taxes and in the same manner. (Ord. 167 §8, 1986).

12.24.090 Penalty.

Anyone violating any of the provisions of this chapter shall upon conviction be subjected to imprisonment not exceeding thirty days or a fine not exceeding one hundred dollars. (Ord. 167 §9, 1986).

CHAPTER 12.26

PUBLIC PARKS

Sections:

12.26.010	Purpose.
12.26.020	Vehicles.
12.26.030	Fires.
12.26.040	Refuse.
12.26.050	Disturbing improvements for wildlife.
12.26.060	Trespass.
12.26.070	Entertainment, business, public meetings, and camps.
12.26.080	Alcoholic beverages prohibited.
12.26.090	Hours of operation.
12.26.100	Lounging, loafing or loitering prohibited.
12.26.110	Violation – Penalty.

12.26.010 Purpose.

The purpose of this chapter is to provide for municipal regulation of public works in furtherance of the public health, safety, morals and welfare. (Ord. 205 §2, 1995).

12.26.020 Vehicles.

No person shall drive, ride, or operate any motor vehicle, motorcycle, or motorized means of conveyance in the parks of the city, except on established roadways, and then only at a moderate rate of speed and at no time at a rate of speed greater than fifteen miles per hour except when otherwise posted. No person other than employees, agents or authorized invitees of the city shall drive any vehicle upon any portion of any public park in the city not designated as a road or otherwise designated for use of vehicular traffic. Motor vehicles may not be parked in such manner as to obstruct roadway, and unless otherwise designated by signed, must be parked in designated areas. (Ord. 205 §3, 1995).

12.26.030 Fires.

No fires shall be lighted or made in parks except in places provided therefor by the city. (Ord. 205 §4, 1995).

12.26.040 Refuse.

No person shall scatter about or litter the grounds of any park with any form of waste material. All litter, papers and refuse must be deposited in the receptacles provided therefore. (Ord. 205 §5, 1995).

12.26.050 Disturbing improvements for wildlife.

No person shall disturb or interfere with any improvements made in or about the parks or disturb or interfere with birds, animals, fish, flowers or plants kept or found therein. (Ord. 205 §6, 1995).

12.26.060 Trespass.

No person shall enter upon portions of any park in disregard of signs or posted notices forbidding the same as may be directed from time to time by the city council. (Ord. 205 §7, 1995).

12.26.070 Entertainment, business, public meetings, and camps.

No person shall give entertainment of any kind, transact business of any kind, or hold public meetings or assemblies, or establish or operate a camp in any park without the express consent of the city council. (Ord. 205 §8, 1995).

12.26.080 Alcoholic beverages prohibited.

No person shall consume or sell alcoholic beverages in a public park. (Ord. 205 §9, 1995).

12.26.090 Hours of operation.

The parks shall be open to the public between the hours of six a.m. to ten p.m. each day unless special permission is granted by the city council for earlier opening or later closing hours on a specific occasion. In addition, a park or a portion thereof may be closed at any time it is deemed in the best interest of the health, safety and welfare of the public by the city council to so close the same; and also the park or a portion thereof may be ordered open for shorter times each day if the city council deems necessary but the closing of a park or shorter hours shall not take effect unless posted in a conspicuous place in the park affected. (Ord. 205 §10, 1995).

12.26.100 Lounging, loafing or loitering prohibited.

Lounging, loafing or loitering is prohibited in any public park and in the parking lot adjacent to City Park at all times, and the parking lot adjacent to City Park shall not be used as an assembly area at any time. (Ord. 205 §11, 1995).

12.26.110 Violation – Penalty.

The penalty for violations of this chapter shall be as prescribed in Section 1.12.010 of the City Code of the city of Eldon. (Ord. 205 §12, 1995).

TITLE 13

UTILITIES

Chapters:

- 13.04 Required Connections
- 13.08 New Water Equipment Installation
- 13.12 Water Connections
- 13.14 Water Service Regulations
- 13.15 Water Service Rates, Charges and Revenue Regulations
- 13.16 Water Rates
- 13.18 Sanitary Sewer System
- 13.24 Sewer Rentals
- 13.28 National Electric Code
- 13.32 Storm Sewer Rentals

CHAPTER 13.04

REQUIRED CONNECTIONS⁶⁵

Sections:

- 13.04.010 Pipes to be connected prior to paving streets
- 13.04.020 Connections by city.
- 13.04.030 Corporation failing to connect.
- 13.04.040 Assessment of costs incurred by city.

13.04.010 Pipes to be connected prior to paving streets.

The council, prior to the time of passing any resolution to pave or macadamize any street or alley in Eldon, may by resolution, require the connections from as pipes, water pipes, sewer pipes and steam heating pipes to the curb line of all adjacent property to be made upon such street or alley as it may desire to pave or macadamize. (Ord. 34 §1).⁶⁶

13.04.020 Connections by city.

Should the property owner or owners fail to make the connections with water pipes and sewer pipes as provide for in Section 13.04.010 within the time to be fixed by such resolution, the street commissioner or other person directed by the council, shall proceed to cause such connections to be made. (Ord. 34 §2).⁶⁶

⁶⁵ For statutory provisions authorizing cities and towns to provide utility services, see ICA §384.24.

⁶⁶ Revised ordinances of 1922, passed January 3, 1922.

13.04.030 Corporation failing to connect.

In the event that any corporation, firm or individual owning and operating a gas plant within this city fails to make such connections within the time fixed by such resolution it shall be prohibited from ever disturbing any pavement for the purpose of making such connections. (Ord. 34 §3).⁶⁷

13.04.040 Assessment of costs incurred by city.

In the event that the property owner or owners fails to make the connections with the water pipes and sewer pipes and they are made under and by direction of the council, the cost of making the same shall be assessed against the property in front of which such connections are made. (Ord. 34 §4).⁶⁷

CHAPTER 13.08**NEW WATER EQUIPMENT INSTALLED****Sections:**

13.08.010	Replacement pipe.
13.08.020	Water meters.
13.08.030	Water meter ground pits.
13.08.060	Nuisance declared when.

13.08.010 Replacement pipe.

It is unlawful for any water custody of the city to replace or to install any lead-in pipe for the conveyance of water to his or her property with other than a three-fourths inch diameter K copper water line from the main to the meter at the expense of the property owner. (Ord. 183 §1, 1988; Ord. 92 §1, 1967).

13.08.020 Water meters.

Hereafter, all water customers of the city shall have their water metered through a water meter installed in a ground pit, including therein cement, tile, lid and a water meter yoke. This section applies only to outdoor meter installations. Equipment required for the installations may be purchased from the city, at the actual cost thereof. All installations must be approved by an authorized representative of the city. (Ord. 92 §2, 1967).

⁶⁷

Revised ordinances of 1922, passed January 3, 1922.

13.08.030 Water meter ground pits.

The water meter ground pits are to be located by mutual agreement between the authorized representative of the city and the customer, and the placement of such water meter ground pits as required herein shall be done at the sole expense of the customer. (Ord. 2-90 §1, 1990).

13.08.060 Nuisance declared when.

It is declared that any violation of this chapter constitutes a public nuisance by virtue of its danger to the health and welfare of the citizens of Eldon and as a public nuisance, the city may refuse to provide water service to any person, firm or corporation in violation of this chapter. (Ord. 203 §21, 1993).

CHAPTER 13.12**WATER CONNECTIONS⁶⁸****Sections:**

13.12.010	Rules and regulations generally.
13.12.015	Mandatory Water Connection.
13.12.020	Application – Blanks required.
13.12.030	Permit issuance.
13.12.040	One house per tap – Exceptions.
13.12.050	Keeping in good repair.
13.12.070	Prevention of water waste – Repair cost assessment.
13.12.080	Cut off water for repair or other purpose.
13.12.100	Unmetered use of water.
13.12.110	Defective or leaky pipe lines.
13.12.130	Inspection of connections – Notice to inspect.
13.12.140	Water meters – Ownership.
13.12.150	Relocation of meter.
13.12.160	Service pipes to be flushed before meter attached.
13.12.170	Testing meter after attachment.
13.12.190	Water charged to user.
13.12.200	Turning on water – Permission required – Exception.
13.12.210	Shut off of water by plumber – Report.
13.12.215	Private Wells Prohibited.
13.12.220	Violation – Penalty.

⁶⁸ For statutory provisions authorizing cities and towns to establish and maintain a waterworks system, see ICA §384.81.

13.12.010 Rules and regulations generally.

The rules and regulations in this chapter shall be a part of the contract with consumers, companies, corporations or individuals supplied with water by the city and every such party shall be considered to express consent to be bound thereby, and whenever these or other rules and conditions hereafter adopted are violated, the city is empowered to cut off the supply of water from the property affected, although more than one party may receive a supply of water through the same service pipes, charges for shutting off the water to be against the property. (Ord. 35 §1(part)).⁶⁹

13.12.015 Mandatory Water Connection.

All residences and business establishments within the city limits intended or used for human habitation, occupancy, use, or consumption of water shall be connected to the city water supply provided that the residence or business establishment is within 100 feet of a public water main and the property does not meet the exceptions contained in section 13.12.215. The owner of the residence or business establishment must make the connection at the owner's expense in accordance with the provisions of this chapter within three hundred sixty (360) days after initial notice to do so. (Ord. 300 §1, 2005)

13.12.020 Application – Blanks required.

Any person, firm or corporation desiring water service must make application upon blanks obtained from the city council. (Ord. 35 §1 (Rule 1)).⁶⁹

13.12.030 Permit Issuance

A permit will then be issued authorizing any bonded plumber to make application to the city tapper for the desired connection to the water main. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee. All excavations and installations of water service pipes and connections to the water system shall be made by a bonded plumber, except as set forth below. The plumber shall provide the City Clerk with a surety bond in the sum of \$10,000.00 secured by a responsible surety bonding company authorized to operate within the State of Iowa. The bond shall state that the surety company will indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of every nature and kind arising from carelessness, lack of skill or negligence in performing the work. No plumber's license or bond shall be required for a homeowner personally to excavate only between the meter and the dwelling in which the homeowner resides, but this exemption does not authorize the homeowner to install service pipes or make any connections to the water system. Any homeowner desiring to perform such excavation must apply for a permit and shall indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of any nature and kind. (Ord. 330 §1, 2014; Ord. 331 §1, 2014).

⁶⁹

Revised ordinances of 1922, passed January 3, 1922.

13.12.040 On house per tap – Exceptions.

No more than one house shall be supplied from one tap except by permission from the council. (Ord. 35 §1 (Rule 3)).⁶⁹

13.12.050 Keeping in good repair.

All persons using city water shall keep the tap, hose, water closets, urinals, bath or other fixtures in good repair, and shall be responsible for any damage or injury resulting to others from improper use or waste of water. (Ord. 35 §1 (Rule 4)).⁶⁹

13.12.070 Prevention of water waste – Repair cost assessment.

All persons taking city water shall keep their own pipes, stop cocks and apparatus in good repair and prevent unnecessary waste of water. Should any service pipe, stop cock, boxes or apparatus get out of order, or the stop boxes become covered up so they cannot be seen readily, the city is authorized to repair the same in proper condition charging the cost thereof to the property as a bill for water used. (Ord. 35 §1 (Rule 6)).⁶⁹

13.12.080 Cut off water for repair or other purpose.

No claims shall be made against the city by reason of breaking of service pipes or cocks, or from damage arising from shutting off water to repair mains, make connections or extensions, or other purpose deemed necessary. The right is reserved to cut off the supply of water at any time, notwithstanding any permit granted to the contrary. (Ord. 35 §1 (Rule 7)).⁶⁹

13.12.100 Unmetered use of water.

No person shall use city water for sprinkling, fountains or hose who has not his own meter, except by written permission from the city council. (Ord. 35 §1 (Rule 9)).⁷⁰

13.12.110 Defective or leaky pipe lines.

Defective or leaky pipelines will be cut off until adjustment has been made by the city's authorized representative. (Ord. 35 §1 (Rule 10)).⁷⁰

13.12.130 Inspection of connections – Notice to inspect.

Upon making connections with water mains and laying of service pipes, they shall be left exposed for inspection by the mayor or other authorized person, and notice must be given promptly that the work is ready for inspection. (Ord. 35 §1 (Rule 12)).⁷⁰

13.12.140 Water meters – Ownership.

A water meter, the property of the municipality, shall be attached to every service pipe at the expense of the municipality, by the city's authorized representative or by any plumber working under his direction. (Ord. 174 §2 (part), 1987; Ord. 63 §§1, 2, 1932; Ord. 62 §1, 1932; Ord. 35 §1 (Rule 13)).⁷¹

⁷⁰ Revised ordinances of 1922, passed January 3, 1922.

⁷¹ Ord. 35: Revised ordinances of 1922, passed January 3, 1922.

13.12.150 Relocation of meter.

The authorized representative of the city may order the relocation of any meter when same is not located satisfactory to the representative, and shut off the water when owner refuses or neglects to do so after begin properly notified to make such change, within ten days from the service of notice. All meters shall be placed easily accessible to meter readers and inspectors and must be kept uncovered. If meters should be inaccessible or covered, the city representative may order the water turned off at expense to the property. The location of the meter shall not be changed without permission of the authorized representative of the city in writing. (Ord. 35 §1 (Rule 14)).⁷⁰

13.12.160 Service pipes to be flushed before meter attached.

Service pipes must be thoroughly flushed before meters are attached and space left prepared in an approved location for the attachment of meter and conditions. (Ord. 35 §1 (Rule 15)).⁷⁰

13.12.170 Testing meter after attachment.

When meters are attached to service pipes, at least ten cubic feet of water shall be run through the meter to ascertain working order and reading shown on the returns. Upon customer request, a city representative shall cause a water meter to be tested for accuracy. Should said water meter be found to be in proper working order, the custody shall pay for testing services. Should the water meter fail to be in proper working order, the city shall be responsible for paying for the water test and to average the customer's bill in accordance with Section 13.14.140. (Ord. 174 §3(A), 1987; Ord. 115 §2, 1974; Ord. 35 §1 (Rule 16)).⁷²

13.12.190 Water charged to user.

All water passing through the meter will be charged for whether used or wasted. (Ord. 35 §1 (Rule 18)).⁷²

13.12.200 Turning on water – Permission required – Exception.

Plumbers and others are prohibited from turning on water in any service pipe except by permission of the city's authorized representative. This rule is not to apply to testing pipes. (Ord. 35 §1 (Rule 19)).⁷²

13.12.210 Shut off water by plumber – Report.

Any plumber shutting off water from any property except for a few days' repairs shall report same to the city's representative. (Ord. 35 §1 (Rule 20)).⁷²

⁷²

Revised ordinances of 1922, passed January 3, 1922.

13.12.215 Private Wells Prohibited.

Except as hereinafter provided, private wells and water systems shall not be maintained or constructed by any individual or property owner within 100 feet of the city limits or a public water main. Private wells or water systems shall be allowed only if one or more of the following conditions are met:

- A. Pre-existing Well. A private well or water system was in existence prior to October 1, 2005 is allowed if duly registered. Any individual or property owner who has a private well or water system in existence prior to the effective date of this Ordinance must register the private well or water system with the city. The registration shall specify the location, including address and legal description, of the private well or water system, the name and address of the property owner of the well of the private well or water system, the name and address of all persons using the private well or water system, and the address and legal description of all properties serviced by the private well or water system. There shall be no fee for registration of a pre-existing private well or water system.
- B. Shallow Well. A shallow well, sometimes known as a “sand point,” will be allowed if used for purposes other than for human consumption.
- C. Monitoring Well. A monitoring well, used for soil and groundwater investigation, will be allowed. (Ord. 301 §1, 2005).

13.12.220 Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and on conviction, in addition to the enforcements of the forfeitures, liabilities, stipulations and reservations, shall be punished as provided in Chapter 1.12. (Ord. 35 §1 (Rule 26)).⁷²

CHAPTER 13.14

WATER SERVICE REGULATIONS

Sections:

- 13.14.010 Written application by customer required.
- 13.14.020 Compliance with chapter required.
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- 13.14.250 Line extensions – Conditions of construction.
- 13.14.260 Right of municipality to refuse service when facilities inadequate.
- 13.14.270 Complaints and appeals.
- 13.14.280 Power of amendment.

13.14.010 Written application by customer required.

The property owner of his agent, hereinafter called customer, must make written application for water service at the clerk's office of the municipality, and said application, including service receiving thereunder, is unassignable by the customer. (Ord. 146 §1, 1979).

13.14.020 Compliance with chapter required.

All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this chapter. (Ord. 146 §2, 1979).

13.14.030 Cost responsibility of municipality and customer.

The municipality shall install the tap, saddle and corporation stop and the customer shall install and maintain at the customer's expense all other fittings, piping and valves from the city's main to the customer's premises, including a stop and waste cock at the end of the house service on the customer's premises. The minimum earth cover of the customer's service shall be five feet. The municipality shall determine the size and kind of service to be installed. (Ord. 2-90 §2, 1990).

13.14.040 Application or service discontinuance for violation.

Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- A. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water;
- B. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water;
- C. Resale or giving away of water;
- D. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair;
- E. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others;
- F. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality;
- G. Nonpayment of bills. (Ord. 146 §4, 1979).

13.14.080 Fees and regulations after discontinuance for non-payment of bills.

Where the water supply to a customer has been discontinued for nonpayment of delinquent bills, a charge of fifty dollars (\$50.00) will be made for the disconnection of water services. An additional charge of fifty dollars (\$50.00) will be made for reconnection of water services, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid. A fee of forty dollars (\$40.00) shall be charged for dishonored checks, and customers shall be placed on cash only payment after incurring three (3) dishonored checks. Once all delinquent bills and other charges, if any, have been paid, including charges for disconnection and reconnection of water services, the City shall be required to reconnect water services to the premises no sooner than the next business day. (Ord. 292 §2, 2004)

13.14.100 Customer desiring discontinuance of service must give written notice.

Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality. (Ord. 146 §5, 1979).

13.14.110 Meters – Installation and routine maintenance at municipality expense.

All meters shall be installed, provided routine maintenance, and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used. If, however, non-routine maintenance or replacement is required due to a meter freezing or breaking as a result of the homeowner's failure to insulate or protect the meter, the property owner is responsible for reimbursing the municipality for replacement costs.

13.14.130 Removal of structures – Capping of water service line.

Any property owner who causes a building or other structure to be destroyed, demolished and removed, where water service has been provided by the city, shall be responsible at the owner's expense, to remove any service line, curb stop or other appurtenance which has been attached to the city water main and to cap the same. The capping of the water service line at the main shall be inspected by an authorized representative of the city and should a property owner fail to cause the removal of the service line, curb stop or other appurtenance to be removed from the city's water main, then and in such event the city may remove the same at the property owner's expense. (Ord. 17 §4, 1987).

13.14.140 Bases for determining charge when no meter reading.

Where a meter has ceased to register, or meter reading could no be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six months' consumption, and the conditions of water service prevailing during the period in which the meter failed to register. (Ord. 146 §12, 1979).

13.14.150 Conditions of water supply for building or construction purposes.

Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being one hundred dollars and the amount to be determined by the municipality, depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice. (Ord. 174 §3(D), 1987; Ord. 146 §13, 1979).

13.14.160 Service interruption to be minimal – Advance notification if possible.

The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so. (Ord. 146 §14, 1979).

13.14.170 Municipality nonliability for claims and damages.

The municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary. (Ord. 146 §15, 1979).

13.14.180 Check valves and vacuum valves required for boilers or pressure vessels.

Customers having boiler and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice. (Ord. 146 §16, 1979).

13.14.190 Premises, service lines and fixtures subject to inspection by authorized employees.

The premises receiving a supply of water and all service lines, meters and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality. (Ord. 146 §17, 1979).

13.14.200 Special terms and conditions for municipality or community use.

Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc. (Ord. 146 §18, 1979).

13.14.210 Permit and bond required for uncovering or working on appurtenances of water works - Requirements.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. A permit may be issued to a bonded contractor, or to the homeowner in limited circumstances set forth in subsection E. below. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the application fee.
- B. Before such a permit may be issued, the person applying for such permit shall have executed unto the municipality and deposited with the clerk a corporation surety in the minimum sum of ten thousand dollars (\$10,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of a minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.
- C. There shall be two classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of forty dollars for a residential service connection and forty dollars for a commercial or industrial service connection shall be paid to the municipality at the time the permit application is filed.
- D. Service lines and appurtenances shall be constructed in according with the State Plumbing Code.
- E. A homeowner personally may excavate only between the meter and the dwelling in which the homeowner resides without the necessity of posting a bond or having a plumber's license. However, the homeowner must apply for a permit from the City Clerk but the permit will not authorize the homeowner to install service pipes or make any connections to the water system. Any homeowner desiring to perform such excavation must apply for a permit and shall indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of every nature and kind arising from the work. (Ord. 330 §3, 2014)

13.14.220 Loss or damages of municipality property is responsibility of customer under certain conditions.

If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent or employee, the cost of necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer. (Ord. 146 §21, 1979).

13.14.230 Sale or gift of water furnished by municipality prohibited.

Water furnished by the municipality may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell or give the water to any other person. (Ord. 146 §22, 1979).

13.14.240 Easement and right-of-way to be granted by customer.

Each customer shall grant or convey, or shall cause to be granted or conveyed, to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer. (Ord. 146 §23, 1979).

13.14.250 Line extensions – Conditions of construction.

- A. The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation.
- B. All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extensions.
- C. If refund of the advance is to be made, the following method shall apply: twenty percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.
- D. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein. (Ord. 174 §2(part), 1987; Ord. 146 §24, 1979).

13.14.260 Right of municipality to refuse service when facilities inadequate.

The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service. (Ord. 146 §25, 1979).

13.14.270 Complaints and appeals.

Complaints may be made to the operator of the system and may be appealed to the council within ten days. (Ord. 146 §25, 1979).

13.14.280 Power of amendment.

These rules may be changed or amended. (Ord. 146 §26, 1979).

13.14.300 Unauthorized use of water and other violations.

- A. Unauthorized water use at any location for any purpose, without prior authorization of the City Council, shall be billed at the usual water service rates set by the City Council; See Code §§ 13.16.050 and 13.14.140. In addition, continued usage of water under any circumstances after a customer has been notified of discontinuance of service by the City for any reason shall constitute a theft of city services, punishable either as a simple misdemeanor or municipal infraction.
- B. In addition to the remedies previously set forth in this chapter or elsewhere in this Code, a violation of this chapter is a simple misdemeanor. A violation of this chapter is also a municipal infraction and the relief requested from the court may include injunctive relief. (Ord. 317 § 1, 2008).

CHAPTER 13.15

WATER SERVICE RATES, CHARGES AND REVENUE REGULATIONS

Sections:

13.15.010	Water service application – Filing requirements and fee.
13.15.020	Owner of premises liable – Deposit required from tenants.
13.15.040	Bills – Payment and delinquency.
13.15.050	City to read meters.
13.15.060	Disposition of revenues and moneys in waterworks fund account.
13.15.070	Record keeping.

13.15.010 Water service applications – Filing requirements and fee.

Applications for water service shall be filed with the council upon a form to be supplied by the municipality. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the water system shall be accompanied by a fee of one hundred dollars (\$100.00) payable to the municipality for the connection charge. The fee shall be applied towards the final bill. Any fee remaining shall not be returned until service is disconnected. (Ord. 330 §4, 2014).

13.15.020 Owner of premises liable – Deposit required from tenants.

The owner of the premises served and the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises. (Ord. 2-90 §4, 1990; Ord. 174 §2 (part), 1987; Ord. 147 §4, 1979).

13.15.040 Bills – Payment and delinquency.

The customers of the municipal water system shall be provided self-billing books and coupons, for purposes of paying monthly water bills. The customers shall read their water meter, on the first day of each month, complete the coupon and pay for water usage to the city clerk or an authorized collection agent for the city on or before the tenth day of the month. If any charge for the services of the system is not paid by the tenth day of the month in which it becomes due and payable, a delayed payment penalty of ten percent of the amount of the bill shall be added thereto and paid therewith. If any charge for usage of the city municipal water system remains unpaid by the twentieth day of the month, the water supply for the customer or for the lot, parcel, land or premises affected may be shut off by the city and shall not be turned on except on payment in full of the delinquent charges therefor. (Ord. 178 §2, 1988).

13.15.050 City to read meters.

The city through its authorized representatives, shall cause each water meter being serviced by the municipal water system, to be read at least annually, to verify that all customer readings being received from the customers of the municipal water system are being reported accurately. In the event that it is found that a user or users of the municipal water system are inaccurately reporting water usage or purposely failing to report accurate water usage to the city, the city council may, in its discretion, terminate water service unto a customer. (Ord. 178 §3, 1988).

13.15.060 Disposition of revenues and moneys in waterworks fund account.

All revenues and moneys derived from the operation of the water system shall be paid to and held by the municipality separate and apart from all other funds of the municipality and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the municipality, shall be deposited in a separate fund designated the “waterworks fund account” and said council shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto. (Ord. 147 §6, 1979).

13.15.070 Record keeping.

The municipality shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular annual intervals to the council shall cause to be made an audit by an independent audit concern of the books to show the receipts and disbursements of the water system. (Ord. 147 §7, 1979).

CHAPTER 13.16**WATER RATES****Sections:**

- 13.16.040 Deposit for service.
 13.16.050 Water service rates designated.

13.16.040 Deposit for service.

All applications for water service from the city, received by customers, shall be accompanied by a deposit of one hundred dollars for residents and commercial property, and the deposit sum may be increased at the discretion of the city clerk for commercial property to an amount not to exceed three months estimated monthly consumption of water. Such deposit shall be held by the city as a meter deposit and guaranty of prompt payment of all charges for water service from the consumer. Said deposit shall not bear interest. All such deposits received shall be held by the city as security for the payment of water service charges by the consumer and a refund may be made at any time in the sole discretion of the city. In all events, a refund shall be made when the consumer ceases to be a water service customer of the city and the deposit shall be returned to the consumer less any sums due for water service from the consumer due unto the city after service has been disconnected. (Ord. 177 §2, 1987).

13.16.050 Water service rates designated.

- A. Charges for water service effective for all water meters of the city on and after September 1, 2013, shall be as follows:

<u>Rate of Use</u>	<u>Charge</u>
First 1000 gallons	\$13.50 per month (minimum monthly charge)
Over 1000 gallons	\$9.00 per 1000 gallons per month

- B. The charge for bulk delivery of water by the city to customer's receptacles or tanks shall be ten dollars and fifty cents (\$10.50) for each 1000 gallons.
- C. Charges for water service usage to users of the municipal water system become due and payable on the first day of the month, and become delinquent after the tenth day of the month, at which time a penalty of ten percent shall become due and payable, and if charges for water usage are not paid by the twentieth day of the month, service may be disconnected without notice to the consumer or user of the municipal water system. (Ord. 328 §2, 2013; Ord. 312 §2, 2007; Ord. 306 §2, 2007; Ord. 210 §§1, 2, 1996; Ord. 202 §2, 1993; Ord. 196 §2, 1991; Ord. 178 §4, 1988).

CHAPTER 13.18

SANITARY SEWER SERVICE

Sections:

I. PUBLIC SEWERS – GENERALLY

- 13.18.010 Definitions.
- 13.18.020 Unlawful deposit of sewage or industrial waste prohibited.
- 13.18.030 Discharge of pollutants into natural outlet – Restricted.
- 13.18.040 Privy, privy vault, septic tanks – General prohibition.
- 13.18.050 Toilet facilities – Construction, connection to public sewer required.
- 13.18.060 Construction and maintenance responsibilities – General designation.
- 13.18.070 Private sewage disposal system – Permitted when.
- 13.18.080 Private sewage disposal system – Abandonment of facilities.
- 13.18.090 Private sewage disposal system – Maintenance.
- 13.18.100 Private sewage disposal system – Provisions nonexclusive.
- 13.18.110 Discharge of specified substances into sanitary sewer prohibited.
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- 13.18.150 Grease, oil and sand interceptors – Requirement specified.

II. BUILDING SEWERS AND CONNECTIONS

- 13.18.160 Waste water testing – Control manhole.
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- 13.18.180 Permits – Classifications – Fees.
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- 13.18.300 City not liable for damage caused by utility.
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I. PUBLIC SEWERS – GENERALLY

13.18.010 **Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

- A. “*Building drain*” means that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- B. “*Industrial waste*” means the liquid wastes from industrial processes as distinct from sanitary sewage.
- C. “*Inspector*” means any person or persons duly authorized by the city council to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D. “*Person*” means any individual firm, company, association, society, corporation or group.
- E. “*Sewage*” means a combination of the water carried wastes from residence, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- F. “*Sewage works*” means all facilities for collection, pumping, treating, and disposing of sewage.
- G. “*Sewer*” means a pipe or conduit for carrying sewage.
- H. “*Sewer, building*” means the extension from the building drain to the public sewer or other place of disposal.

- I. “*Sewer, combined*” means a sewer receiving both surface runoff and sewage.
- J. “*Sewer, public*” means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- K. “*Sewer, sanitary*” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- L. “*Shall*” is mandatory. “*May*” is permissive.
- M. “*Superintendent*” means the superintendent of the municipal sewage works of the city, or his authorized deputy, agent or representative, as designated by the city council. (Ord. 123 §I, 1974).

13.18.020 Unlawful deposit of sewage or industrial waste prohibited.

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes. (Ord. 123 §II(A), 1974).

13.18.030 Discharge of pollutants into natural outlet – Restricted.

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 123 §II(B), 1974).

13.18.040 Privy, privy vault, septic tanks – General prohibition.

Except as provided in this chapter, it is unlawful to construct or maintain and privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage. (Ord. 123 §II(C), 1974).

13.18.050 Toilet facilities – Construction, connection to public sewer required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within three hundred sixty days after date of official notice to do so; provided that said public sewer is within one hundred feet of the property line. Billing for sanitary sewer service will begin the date of official notice to connect to public sewer. (Ord. 123 §II(D), 1974).

13.18.060 Construction and maintenance responsibilities – General designation.

The municipality shall install and maintain at its expense all public (sanitary) sewers and the customer shall maintain at his expense the building sewer extending to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the municipality, but in no event shall the diameter be less than four inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. (Ord. 123 §II(E), 1974).

13.18.070 Private sewage disposal system – Permitted when.

Where a public sanitary or combined sewer is not available under the provisions of Section 13.18.050, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Iowa State Board of Health. (Ord. 123 §III(A), 1974).

13.18.080 Private sewage disposal system – Abandonment of facilities.

At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 13.18.050, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and rendered unusable. (Ord. 123 §III(B), 1974).

13.18.090 Private sewage disposal system – Maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord 123 §III(C), 1974).

13.18.100 Private sewage disposal system – Provisions nonexclusive.

No statement contained in Sections 13.18.070 through 13.18.090 shall be construed to interfere with any additional requirements that may be imposed by the Iowa State Department of Health. Properties with private sewage systems are subject to the Iowa Code and Iowa Administrative Code and any rules of the Iowa Department of Natural Resources, including inspection and time of transfer requirements. The property owner is responsible for any fees, including inspection or transfer fees, as set forth in the 28E Agreement with Wapello County.

13.18.110 Discharge of specified substances into sanitary sewer prohibited.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, foundation drainage, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 123 §V(A), 1974).

13.18.120 Discharge of substances obstructing or interfering with sewer function prohibited.

No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works. (Ord. 123 §V(B), 1974).

13.18.130 Service disconnection – Grounds.

Applications may be cancelled and/or sewer serviced discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- A. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system;
- B. Nonpayment of bills;
- C. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair. (Ord. 123 §V(C), 1974).

13.18.140 Regulation of discharges into public sewers – Authority designated.

The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Iowa State Department of Health. No construction of such facilities shall be commenced until approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 123 §V(D), 1974).

13.18.150 Grease, oil and sand interceptors – Requirement specified.

Grease, oil and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 123 §V(F), 1974).

II. BUILDING SEWERS AND CONNECTIONS

13.18.160 Waste water testing – Control manhole.

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. 123 §V(E), 1974).

13.18.170 Connections and constructions – Permit required – Bond required for excavations – limited exception for homeowner.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Clerk, Mayor or Council, which permit must be kept on the ground where the work is being carried on, and be exhibited to any official upon demand for the same. A tapping fee of \$100.00 shall be submitted with the permit application in addition to the forty dollar application fee. Before a permit may be issued for excavation for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the city and deposited with the City Clerk a corporate surety in the sum of ten thousand dollars (\$10,000.00) conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules and regulations established under the authority or any ordinances of the city pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this chapter. Such bond shall remain in force and must be executed for a period of one year except that on expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. (Ord. 123 §IV(A), 1974). A homeowner personally may excavate only between the curb stop and the dwelling in which the homeowner resides without the necessity of posting a bond or having a plumber's license. However, the homeowner must apply for a permit from the City Clerk but the permit will not authorize the homeowner to install service pipes or make any connections to the sewer system. Any homeowner desiring to perform such excavation must apply for a permit and shall indemnify and save harmless the City of Eldon against all damages, costs, expenses, outlays and claims of every nature and kind arising from the work. (Ord. 330 §5, 2014).

13.18.180 Permits – Classification – Fees.

There shall be two classes of building sewer permits:

- A. For residential service;
- B. For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the city clerk. The permit applications shall be supplemented by any specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of forty dollars for a residential or commercial building sewer permit and forty dollars for industrial building sewer permit shall be paid to the city clerk at the time the application is filed. (Ord. 330 §6, 2014)

13.18.190 Liability and expense responsibility designated.

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation. A property owner shall, upon the destruction and removal of a dwelling or other building which has been served by city sewer, disconnect the building sewer service line from the city sewer main at the sewer main, and cap the same. All such work shall be inspected and approved by an authorized representative of the city and all costs of removing the sewer line and capping the same shall be borne by the property owner and should the property owner fail to perform removal of the service lines, the same may be done by the city and the costs thereof charged to the property owner. (Ord. 174 §5, 1987; Ord. 123 §IV(C), 1974).

13.18.200 Separate sewers required for separate building – Exception.

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 through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the city council upon recommendation from the superintendent. (Ord. 123 §IV(D), 1974).

13.18.210 Connection of old sewers to new buildings.

Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter. (Ord. 123 §IV(E), 1974).

13.18.220 Construction – Material specifications.

The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength clay sewer pipe, asbestos cement, plastic P.V.C. pipe and fittings meeting the current A.S.T.M. specifications (Schedule 40), extra heavy cast iron soil pipe meeting the current A.S.T.M. specifications or the Department of Commerce commercial standards for extra heavy cast iron soil pipe and fittings or concrete sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength concrete sewer pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by the inspector. (Ord. 123 §IV(F), 1974).

13.18.230 Construction – Joint specifications.

All joints and connections shall be made gastight and watertight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (designation C425). Concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specifications for vitrified clay pipe.

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead, well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Joints for cast iron soil pipe may also be of an acceptable compression type.

Asbestos cement pipe joints shall be made with sleeves and rubber sealing rings. Plastic P.V.C. pipe joints shall be made with sleeves and/or rubber sealing rings. (Ord. 123 §IV(G), 1974).

13.18.240 Construction – Size and slope.

The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. A slope of one-fourth inch per foot shall be used wherever practical. (Ord. 123 §IV(H), 1974).

13.18.250 Construction – Excavation – Depth of pipe.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification, except that no backfill shall be placed until the work has been inspected by the inspector or his representative. (Ord. 123 §IV(I), 1974).

13.18.260 Specifications for building drains too low to permit gravity flow to public sewers

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used. (Ord. 123 §IV(J), 1974).

13.18.270 Connection to public sewer – Y branch designated.

The connection of the building sewer into the public sewer shall be made at the “Y” branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated “Y” branch in the main sewer shall be made only as directed by the inspector. (Ord. 123 §IV(K), 1974).

13.18.280 Construction – Inspection and connection.

The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (Ord. 123 §IV(L), 1974).

13.18.290 Construction – Excavations require barricades and lights.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the building from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the inspector. (Ord. 123 §IV(M), 1974).

13.18.300 City not liable for damage caused by utility.

The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor have any portion of a payment refunded for any interruption. (Ord. 123 §IV(N), 1974).

13.18.310 Right of entry to inspect premises receiving sewage service.

The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the municipality. (Ord. 123 §IV(O), 1974).

III. ADMINISTRATION AND ENFORCEMENT

13.18.320 Vandalism of municipal property unlawful.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or other appropriate law or ordinance of the city or the state. (Ord. 123 §VI, 1974).

13.18.330 Right of entry to inspect – Authority assigned.

The superintendent, inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. (Ord. 123 §VII, 1974).

13.18.370 Interruption of service.

The municipality shall make all reasonable efforts to eliminate interruption of service. When such interruption occurs, the city will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so. (Ord. 123 §VIII(D), 1974).

13.18.380 Violation – Misdemeanor.

Any violations of the rules and regulations after written notice to cease and desist shall constitute misdemeanors. (Ord. 123 §VIII(E), 1974).

13.18.390 Violation – Service of notice to desist.

Any person found to be violating any provisions of this chapter except Section 13.18.320 shall be served by the city marshal with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 123 §VIII(F), 1974).

13.18.400 Violation – Penalty.

Any person who continues any violation beyond the time limit provided for in Section 13.18.390 is guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount no less than twenty dollars and not more than one hundred dollars for each violation. Each day in which any such violation continues is a separate offense. (Ord. 123 §VIII(G), 1974).

13.18.410 Violation – Liability for expenses.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation. (Ord. 123 §VIII(H), 1974).

CHAPTER 13.24

SEWER RENTALS⁷³

Sections:

- 13.24.010 Purpose.
- 13.24.020 Sewer district created.
- 13.24.030 Sewer system defined.

⁷³

For statutory purposes authorizing cities and towns to charge rentals to customers of the local sewage systems, see ICA §384.84.

Sections: (Continued)

13.24.040	Persons served to pay.
13.24.050	Rate of sewer use charge.
13.24.060	Method of payment.
13.24.070	Private water systems.
13.24.080	Special rates.
13.24.090	Nonpayment – Lien – Suspension of service.

13.24.010 **Purpose.**

The purpose of this chapter is to collect from all users of the city sewer system the cost in whole or in part of constructing and maintaining the main sewers and sewage treatment plant in proportion to the service provided to each user. (Ord. 104 §1, 1971).

13.24.020 **Sewer district created.**

One sewer district is created which includes all of the city. (Ord. 104 §2, 1971).

13.24.030 **Sewer system defined.**

For use within this chapter, “*sewer system*” includes main sewers, sewage pumping stations, treatment and disposal of plants, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property. (Ord. 104 §3, 1971).

13.24.040 **Persons served to pay.**

Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the city sewer system shall pay rent to the city at the rate and in the manner provided in Sections 13.24.050 and 13.24.060. (Ord. 104 §4, 1971).

13.24.050 **Rate of sewer use charge.**

The rate of sewer use charge for users of the city sewer system on and after January 1, 1997, shall be a minimum monthly billing of \$12.00 for 3,000 gallons of water usage as billed on the water bill and an additional charge of \$4.00 for each additional 1,000 gallons of water used for each premises within the sewer district created in Section 13.24.020, and a minimum monthly bill of \$12.00 for 3,000 gallons of water used and \$4.00 for each additional 1,000 gallons of water used for premises outside the district. (Ord. 211 §§1, 2, 1996).

13.24.060 Method of payment.

- A. Users of the municipal sewer system of the municipality, shall complete a coupon for billing of municipal sewer usage, as a percentage of water service as provided in Section 13.24.050 of this code, upon books and coupons provided by the city, and pay the sewer use charge thereby to the city clerk or an authorized collection agent for the city. Sewer use charges shall become due and payable on the first day of the month, and delinquent after the tenth day of the month, at which time a penalty of ten percent shall be added to the sewer use charge and if not paid by the twentieth day of the month service may be disconnected without notice to the user. Any notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at City Hall of the municipality and the municipality shall not otherwise be responsible for delivery of any notice not will a customer be excused from nonpayment or from any performance required in said notice.
- B. Where the water and/or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the municipality reserves the right to request that sum be placed on deposit with the municipality for the purpose of establishing or maintaining a customer's credit. Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid in full. Such deposit shall be held by the city as a deposit guaranty of prompt payment of all charges and shall not bear interest. All such deposits shall be held as the security for the payment of sewer charges by the consumer and a refund may be made at any time in the sole discretion of the city. In all events, a refund shall be made when the consumer ceases to be a sewer use customer of the city and the deposit shall be returned to the consumer less any sums due for sewer use from the consumer due unto the city. (Ord. 178 §6, 1988).

13.24.070 Private water systems.

All sewer users of the city who have and maintain private water systems, shall cause said private water systems to be metered at the consumer's expense. All charges for sewer service shall be based upon the amount of water metered and used by the consumer, and shall be reported monthly to the city and the charges for such sewer use paid as provided in Sections 13.24.050 and 13.24.060. (Ord. 178 §7, 1988).

13.24.080 Special rates.

Where, in the judgment of the city council, special conditions exist that would make the application of the basic sewer rental inequitable or unfair to either the city or the sewer user, a special rate may be established by the city. Such rates shall be subject to approval by resolution of the city council.

13.24.080 – 13.24.090

Special rates shall be established in the same way for all sewer users under like situations and shall take into account the quantity of sewage and its strength, concentration and river pollution qualities in general.

Whenever sewer users desire special rates, they shall at their own expense supply the information required by the council to establish special rates. Whenever the city desires to establish special rates, the sewer user shall cooperate with the city in obtaining the necessary information at the expense of the city. (Ord. 104 §7, 1971).

13.24.090 Nonpayment – Lien – Suspension of service.

The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Water or sewerage service, or both, to the property for which rent has not been paid may be suspended until that payment is made. (Ord. 104 §8, 1971).

CHAPTER 13.28

NATIONAL ELECTRIC CODE⁷⁴

Sections:

13.28.010	Purpose.
13.28.020	Conformance with National Electrical Code.
13.28.030	Inspection.

13.28.010 Purpose.

The purpose of this chapter is to provide for the adoption of the National Electrical Safety Code for the installation of electric services in the city, and to protect the health, safety and welfare which would otherwise result from the uncontrolled installation of electrical services and to provide for the final disposition of electric funds. (Ord. 175 §2, 1987).

13.28.020 Conformance with National Electrical Code.

All electrical installations shall be in accordance with the National Electrical Code, issued by the National Board of Fire Underwriters, as now or hereafter adopted, any copy of the same is on file in the office of the clerk, and no installation of electric equipment or wiring shall be made in the city except in conformance thereto. (Ord. 175 §3, 1987).

13.28.030 Inspection.

The mayor or an authorized representative of the city may inspect electric service wire, electric fixtures, and electrical installation for conformance to the National Electrical Code and unless the same does not comply, changes for compliance shall be so ordered. Such inspector shall have free access to any premises or buildings at all reasonable times to inspect the wiring and fixtures to see that they are in proper condition. (Ord. 175 §4, 1987).

⁷⁴

For statutory provisions authorizing cities and towns to sell the products of electric light or power plants, see ICA §384.84.

CHAPTER 13.32

STORM SEWER RENTALS⁷⁵

Sections:

13.32.010	Purpose.
13.32.020	Storm water drainage system.
13.32.030	Sewer water drainage system defined.
13.32.040	Persons served to pay.
13.32.050	Rate of sewer use charge.
13.32.060	Method of payment.
13.32.070	Special rates.
13.32.080	Nonpayment – Lien – Suspension of service.

13.32.010 Purpose.

The purpose of this chapter is to collect for the city storm sewer drainage system the cost in whole or in part of constructing, operating, and maintaining the main sewers and appurtenances thereto. (Ord. 299 §1, 2004).

13.32.020 Storm water drainage system.

One storm water drainage system is created which includes all of the city. (Ord. 299 §1, 2004).

13.32.030 Sewer water drainage system defined.

For use within this chapter, “*sewer water drainage system*” includes main sewers, pumping stations, lateral sewers, drainage conduits or channels and sewer connections in public streets for drainage of surface waters. (Ord. 299 §1, 2004).

13.32.040 Persons served to pay.

Every person, firm or corporation whose premises are in the city limits and now or hereafter are directly or indirectly served by a connection to the city sewer system or who are City water customers shall pay rent to the city at the rate and in the manner provided in Sections 13.32.050 and 13.32.060. (Ord. 299 §1, 2004).

13.32.050 Rate of storm sewer use charge.

The rate of storm sewer use charge for users of the city sanitary sewer system or water system shall be three dollars each month. (Ord. 329 §2, 2013)

⁷⁵

For statutory purposes authorizing cities and towns to charge rentals to customers of the local storm sewer systems, see ICA §384.84.

13.32.060 Method of payment.

- A. The office of the city clerk is authorized and directed to bill for the storm sewer use charges and collect for such charges in the same manner as water and sanitary sewer charges.

- B. Where the water and/or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the municipality reserves the right to request that sum be placed on deposit with the municipality for the purpose of establishing or maintaining a customer's credit. Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid in full. Such deposit shall be held by the city as a deposit guaranty of prompt payment of all charges and shall not bear interest. All such deposits shall be held as the security for the payment of sewer charges by the consumer and a refund may be made at any time in the sole discretion of the city. In all events, a refund shall be made when the consumer ceases to be a sewer use customer of the city and the deposit shall be returned to the consumer less any sums due for sewer use from the consumer due unto the city. (Ord. 299 §1, 2004).

13.32.070 Special rates.

Where, in the judgment of the city council special conditions exist that would make the application of the basic storm sewer rental inequitable or unfair to either the city or the sewer user, a special rate may be established by the city. Such rates shall be subject to approval by resolution of the city council.

Whenever sewer users desire special rates, they shall at their own expense supply the information required by the council to establish special rates. Whenever the city desires to establish special rates, the sewer user shall cooperate with the city in obtaining the necessary information at the expense of the city. (Ord. 299 §1, 2004).

13.32.080 Nonpayment – Lien – Suspension of service.

The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Water or sewerage service, or both, to the property for which rent has not been paid may be suspended until that payment is made. (Ord. 299 §1, 2004).

TITLE 14

(Reserved)

TITLE 15
BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Fire Limits – Fire Protection
- 15.08 Building Code
- 15.12 Moving Buildings
- 15.16 Signs and Awnings
- 15.20 Minimum Housing Code
- 15.24 Floodplain Management
- 15.28 Rental Property Maintenance Code
- 15.32 Fences, Walls and Hedges

CHAPTER 15.04

FIRE LIMITS – FIRE PROTECTION⁷⁶

Sections:

- 15.04.010 Fire limits designated.
- 15.04.020 Defective or dangerous equipment.
- 15.04.030 Failure to comply with Section 15.04.020 – Action.
- 15.04.040 Obstructing aisles.
- 15.04.050 Fire escapes.
- 15.04.090 Gunpowder or blasting powder.
- 15.04.100 Nitroglycerine – Dynamite – Giant powder.
- 15.04.110 Selling powder.

15.04.010 Fire limits designated.

The fire limits are established as follows:

All of Block Twenty-six and Block Twenty-seven, the north half of Block Twenty-nine, the north half of Block Seventeen, the south half of Block Sixteen and the north half of Block Twenty. (Ord. 10 (part)).⁷⁷

⁷⁶ For statutory provisions regarding local fire protection measures and the establishment by cities and towns of fire limits, see ICA §364.16.

⁷⁷ Revised ordinances of 1922, passed January 3, 1922.

15.04.020 Defective or dangerous equipment.

It is unlawful for any person or persons within the limits of Eldon to keep any defective flue or chimney, or to keep fires in any stove, fireplace, or otherwise, in any manner or place or by putting stove pipes through any roof or ceiling, instead of flues or to otherwise keep fires in the limits which would be dangerous to the safety of the city; and it is unlawful for any person to put any stove pipe through any floor, roof or ceiling or partition in any building in the city limits without passing the same through good and substantial ventilators. (Ord. 11 §1).⁷⁸

15.04.030 Failure to comply with Section 15.04.020 – Action.

When any person fails to comply within five days after notice of any change of construction to be made in order to comply with Section 15.04.020, it is lawful for the council to enter upon the premises of such person, either by its marshal or any person by the council designated, and build or alter or repair any such flue or chimney, the costs thereof to be entered against the property of such person as a tax, the same shall be collected by a civil action before the mayor or a justice of the peace within the city.⁷⁹ (Ord. 11 §2).⁷⁷

15.04.040 Obstructing aisles.

No person, firm or corporation owning, operating or conducting any hall, opera house, theater, church or place of amusement, resorted to by the public, shall cause or suffer the aisle between the seats in any such place as abovementioned to become in any manner obstructed by chairs, benches or other obstructions, but such aisles shall at all times be kept open and free for the use of the public attending any of the places herein mentioned. (Ord. 11 §3).⁷⁷

15.04.050 Fire escapes.

Every person, firm or corporation, owning or erecting any hotel, boardinghouse, factory or office building, exceeding two stories in height, shall cause to be constructed fire escapes of iron or steel, firmly attached to the outer walls of said building, easy of access to any person within the building, which fire escapes shall extend to the full heights of the building, and not less than one of the fire escapes shall be constructed for each twenty foot front of the building, and the sides and rear of the same also, and when constructed shall at all times be maintained in good repair and shall be easy of access to any person from the inside of the building. (Ord. 11 §4).⁷⁷

15.04.090 Gunpowder or blasting powder.

No person, company, firm or corporation shall keep within the city limits in any store, house, shop or any place any gunpowder or blasting powder in any quantity exceeding twenty-five pounds. (Ord. 12 §4).⁷⁷

15.04.100 Nitroglycerine – Dynamite – Giant powder.

No nitroglycerine, dynamite or giant powder shall be kept within the corporate limits of the city. (Ord. 12 §5).⁷⁷

⁷⁸ Revised ordinances of 1922, passed January 3, 1922.

⁷⁹ For regulations governing general right of entry, see Chapter 1.08.

15.04.110 Selling powder.

All powder kept and held for sale by retail shall be kept in the manufacturer's original packages, and such packages shall in all cases be labeled "Powder" and shall be kept remote from fires. (Ord. 12 §6).⁸⁰

CHAPTER 15.08**BUILDING CODE⁸¹****Sections:**

15.08.010	Short title.
15.08.020	International Building Code and Standards for Mobile Homes – Adopted.
15.08.030	International Building Code and Standards for Mobile Homes on file.
15.08.040	Building permit fees.
15.08.050	Mobile homes – Compliance with standards – Permit fee.
15.08.060	Mobile homes – Installation requirements – Building official enforcement authority.
15.08.070	Modular or sectional homes.
15.08.080	Conflict with state laws.

15.08.010 Short title.

The ordinance codified herein shall be known as the "Eldon, Iowa, Building Code," and may be cited as such, and will be referred to herein as "this chapter." (Ord. 128 §1, 1976).

15.08.020 International Building Code and Standards for Mobile Homes – Adopted.

The International Building Code, and all provisions of the International Building Code Standards, published by the International Code Council and commonly known as the International Building Code, as now or hereafter adopted, is adopted as the standard for all building in and as the building code for the city of Eldon. (Ord. 203 §24, 1993).

15.08.030 International Building Code and Standards for Mobile Homes on file.

A copy of the International Building Code and Standards, and the Standards for Mobile Homes, are on file in the office of the city clerk. (Ord. 203 §25, 1993).

⁸⁰ Revised ordinances of 1922, passed January 3, 1922.

⁸¹ For statutory provisions authorizing cities and towns to provide for the regulation and inspection of buildings, see ICA §364.12.

15.08.040 Building permit fees.

A permit fee of fifty dollars shall accompany all applications for building permits for dwellings, buildings, commercial buildings and structures of one thousand square feet or more. A permit fee of twenty dollars shall accompany all building permit applications for structures of one thousand square feet or less. (Ord. 203 §26, 1993).

15.08.050 Mobile homes – Compliance with standards – Permit fee.

- A. After the effective date of the ordinance codified in this chapter, no mobile home, except those already located within the corporate limits, shall be used for dwelling purposes within this city which do not meet the standards set out in the Standards for Mobile Homes adopted by this chapter. The building official shall require such certifications as necessary to prove compliance therewith and such specification plats attached to the mobile home as required by said mobile home code.
- B. The permit and inspection fee for a mobile home to be placed in the city of Eldon and outside of a mobile home park shall be fifty dollars payable with the application to the city for the placement of such mobile home. (Ord. 203 §27, 1993; Ord. 128 §4(1), 1976).

15.08.060 Mobile homes – Installation requirements – Building official enforcement authority.

The building official shall insure that the following installation requirements are enforced:

- A. All mobile homes shall be no older than ten years.
- B. All mobile homes shall be enclosed and tied down in a manner at least equivalent to the following:
 - 1. Mobile homes up to thirty-foot length must have two frame ties per side;
 - 2. Mobile homes thirty-foot to fifty-foot length must have three frame ties per side;
 - 3. Mobile homes fifty-foot to seventy-foot length must have four frame ties per side;
 - 4. Mobile homes over seventy-foot length must have five frame ties per side;
 - 5. In addition, over-the-home ties must be as close to each end as possible, with straps at stud and rafter locations.
- C. Soil tests must be made to assure that the following anchors will withstand three thousand seven hundred fifty pounds of pull per ten feet of mobile home:
 - 1. Auger or dead man, six inches in diameter, arrowhead eight inches;
 - 2. Auger of arrowhead depth of four feet, dead man five feet. All augers must be screwed into the earth the full four-foot depth;
 - 3. Anchor rod 5/8" diameter with welded eye at top must be hooked into concrete when used in dead man anchors;

4. Anchors to slabs must equal the above in pull resistance.
- D. Connectors shall be required as follows:
1. Galvanized or stainless steel cable, 3/8" (7x7, seven wires each); or
 2. Galvanized aircraft cable, 3" (7x19, seven strands of nineteen wires each); or
 3. Steel strap, 1 3/4" x .035", galvanized with tensioning device;
 4. Cable ends secured by two four-bolt clamps;
 5. Steel rods, 5/8" with ends welded closed to form an eye;
 6. Thinbuckles 5/8" drop forged, closed eyes; other tensioning devices of similar strength approved.
- E. Piers and footing shall be required as follows:
1. Spaced at ten-foot intervals on both frame rails with end ones no further than five feet from the end of the mobile home;
 2. Footings of solid concrete 16" x 16" x 4"; or
 3. Piers of standard 8" x 16" solid concrete block;
 4. Wood blocks used for leveling shall not exceed maximum thickness of four inches. Such blocks must be of nominal 8" x 16" dimensions;
 5. Other equivalent piers accepted. An adjustable screw-anchor-type column fastened to both frame rail and to a concrete pad or four-foot thickness extending the length and width of the mobile home is especially recommended.
- F. Patio awning and cabana roofs shall be required as follows:
1. Two rows of vertical support bars, spacing twelve feet. Second row to be down the middle or at the mobile home edge, anchored to concrete floor or equivalent footing;
 2. Other structures on the lot must be secured;
 3. Tip-out rooms to be held by over-the-home tie at the outer edge;
 4. Clerestory roof required over-the-home tie at the end of each raised section. (Ord. 128 §4(2), 1976).

15.08.070 Modular or sectional homes.

Modular or sectional homes shall not be deemed mobile homes, but must comply with the International Building Code. (Ord. 128 §6, 1976).

15.08.080 Conflict with state laws.

Nothing in this chapter or in the International Building Code and the Standards for Mobile Homes, as adopted, shall be construed to be in conflict with state laws or the State Housing Code. In the event of such conflict, the state law shall prevail. (Ord. 128 §7, 1976).

CHAPTER 15.12
MOVING BUILDINGS

Sections:

15.12.010	Permission – Bond.
15.12.020	Authorization required to move electric lights, telephone wires and poles.
15.12.030	Violation – Fine.

15.12.010 Permission – Bond.

No building shall be moved over any street or alley within the limits of the city without written permission from the mayor. Before receiving permission, applicant shall file with the mayor a written statement describing the building, from whence and the location to which it is proposed to move same, together with good and sufficient bond in the sum of two thousand dollars, condition for payment of damage for which the city may be liable in consequence of removal of the building, and payment of any penalty incurred for violation of the provisions of this chapter. (Ord. 13 §1).⁸²

15.12.020 Authorization required to move electric lights, telephone wires and poles.

Electric lights, telephone wires and poles shall not be moved or disturbed in moving any building except under authority of the mayor, and the same shall be replaced in good order by the person moving the building. (Ord. 13 §2).⁸¹

15.12.030 Violation – Fine.

Any person or firm moving a building along any street or alley, who wilfully or negligently permits the building, while in transit on the street, alley or highway, to remain thereon an unreasonable period of time, shall be fined not less than ten dollars nor more than one hundred dollars. A violation of this chapter is also a municipal infraction. (Ord. 13 §3).⁸¹

⁸²

Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 15.16

SIGNS AND AWNINGS⁸³

Sections:

15.16.010	Awning elevation – Projection – Roof or covering materials.
15.16.020	Sign elevation – Projection.
15.16.030	Violation – Penalty.

15.16.010 Awning elevation – Projection – Roof or covering materials.

All awnings hereafter erected on any of the streets of the city shall be elevated at least eight feet above the upper surface of the sidewalk, and shall not project over the same to exceed three-fourths of the width thereof. The roof or covering of all such awnings shall be made of duck, canvas or other suitable cloth, supported by iron frames or brackets firmly and securely fastened to the building in front of which the same shall be erected, without posts or other device that will in any manner obstruct the sidewalk or hinder or interfere with the free passage of pedestrians thereon. (Ord. 19 §1).⁸⁴

15.16.020 Sign elevation – Projection.

No sign shall be affixed to the front of any building and over any sidewalk or street a distance of less than eight feet above the sidewalk or street, and no sign of more than two feet in length shall be affixed at a distance of less than fourteen feet above the sidewalk or street, and it is unlawful to so affix to any building any sign over eight feet in length. (Ord. 19 §2).⁸³

15.16.030 Violation – Penalty.

Any person violating or causing to be violated any of the provisions of this chapter, shall upon conviction thereof, be fined in any sum not exceeding twenty dollars, and the costs, and shall stand committed until such fine and costs are paid; and all signs, awnings, and other obstructions existing contrary to the provisions of this chapter shall be considered nuisances, and if so adjudged shall be removed and abated forthwith by the city marshal as provided for the removal of other nuisances. A violation of this chapter is also a municipal infraction. (Ord. 19 §3).⁸³

⁸³ For statutory provisions authorizing cities and towns to regulate and license the construction, location and maintenance of billboards, see ICA §368.6; for provisions authorizing the city to remove, repair or dismantle any dangerous structures, see ICA §368.9.

⁸⁴ Revised ordinances of 1922, passed January 3, 1922.

CHAPTER 15.20

MINIMUM HOUSING CODE

Sections:

15.20.010	Short title.
15.20.020	Purpose.
15.20.030	Definitions and grammatical interpretation.
15.20.040	Standards – Exterior.
15.20.050	Standards – Interior.
15.20.060	Appointment of building inspector.
15.20.070	Inspection of dwellings.
15.20.080	Water and/or sewer connections.
15.20.100	Inspection to determine conformance.
15.20.110	Complaints – Processing.
15.20.120	Complaints – Deemed unreasonable.
15.20.130	Change of occupancy.
15.20.140	Inspection.
15.20.150	Appeals – Procedure.
15.20.160	Violation – Penalty.

15.20.010 **Short title.**

For purposes of brevity, the ordinance may be cited as “The Minimum Housing Code of the City of Eldon, Iowa.” (Ord. 144 §1, 1978).

15.20.020 **Purpose.**

The purpose of this chapter is to establish minimum standards and shall be used to determine when one or more building conditions would result in a condition that would make a structure unsafe for human habitants in furtherance of the public health, safety and welfare. (Ord. 144 §2, 1978).

15.20.030 **Definitions and grammatical interpretation.**

For use in this chapter, certain words used herein shall be interpreted or defined as follows:

- A. “*Dwelling*” means a building used as the living quarters for one or more families.
- B. “*Minimum*” means the lowest basic standard allowance.
- C. “*Person*” includes a corporation, partnership or limited partnership as well as an individual.
- D. The singular includes the plural. (Ord. 144 §3, 1978).

15.20.040 Standards – Exterior.

The following standards are hereby established for the structure's exterior:

- A. Foundation Walls and Roof. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.
- B. Foundations. The foundation elements shall adequately support the building at all points.
- C. Roof. The roof shall be structurally sound, tight, and have not defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building. Every gutter and down spout shall be firmly fastened and maintained in good condition.
- D. Doors. Every exterior door, door hinge, and door latch and lock shall be maintained in good and workable condition. Every exterior door, when closed, shall fit reasonably well within its frame.
- E. Windows. Every window hatchway shall be substantially tight and shall be kept in sound and operable condition and good repair.
- F. Structural Safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed which it is subjected and shall be kept in sound condition and good repair.
- G. Handrails. Where necessary for safety, every flight of stairs and porch which is more than two (2) risers high, shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
- H. Accessory Structures. Accessory structures shall be maintained in a similar condition to living units taking into consideration the use of the structure.
- I. Chimneys. Chimneys and vents shall be structurally safe, durable, smoke tight, and capable of withstanding the action of flue gases and fireproof from the rest of the structure.
- J. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon. (Ord. 144 §4(part), 1978).
- K. All buildings or other structures hereinafter erected, reconstructed or altered shall be placed not closer than five feet to the adjoining side lot line or rear lot line and not closer than twenty feet to the front lot line. At corner lots, setbacks shall be twenty feet at the front and side lot lines adjacent to the intersecting street.

15.20.050 Standards – Interior.

The following standards are established for the structure's interior.

15.20.060

- A. Interior Doors. The structure shall provide a door for each opening to a bathroom or toilet compartment.
- B. Plumbing. The plumbing system and its appurtenances for each building shall provide satisfactory water supply, drainage, venting and operation of fixtures.
- C. Electrical. All habitable rooms and other appropriate spaces requiring electrical service shall be provided with a system or wiring, wiring devices, and equipment to safely supply electrical energy for proper illumination, appliances, resident security, and other electrical equipment.
- D. Heating. Every dwelling and multifamily dwelling shall have heating facilities properly installed , safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein.
- E. Floors. All floor construction shall provide safe and adequate support for all existing or probably loads and shall be reasonably free of objectionable vibration. A suitable surface for finish flooring shall exist or be provided.
- F. Interior Walls, Ceilings and Floors. All interior walls, ceilings and floors shall be structurally sound, in good repair.
- G. Stairs. All stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so construed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.
- H. Bath and Kitchen Floor. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- I. Every bathroom and water closet compartment shall have light and ventilation. (Ord. 144 §4(part), 1978).

15.20.060 **Appointment of building inspector.**

The city council authorizes the appointment of a building inspector. Said inspector shall be an authorized representative of the city as designated by city council action or a 28E Agreement for such services to be performed by another governmental entity. The inspector, who may be a consultant or a member of the staff of said city, shall be qualified to determine degree of standards of the dwelling in accordance with this code and to determine what corrections are needed to bring a structure up to minimum standards. (Ord. 144 §5, 1978).

15.20.070 Inspection of dwellings.

In accordance with the rights of entry as provided in Section 19 and 22, Chapter 103A, Code of Iowa 1977, the city may require an entry E inspection and will, as a matter of policy, require an inspection when any of the following conditions exist:

- A. On any dwelling when funds for renovation or demolition of a building are provided through a program sponsored by the city;
- B. In all cases when there is reasonable evidence that hazardous conditions existing on the property represent a threat to surrounding properties and when a reasonable complaint has been filed by a resident of the city;
- C. When the city has found a property to be a public nuisance;
- D. When the property has been condemned by the state fire marshal, or where there has been substantial recent fire damage, an inspection may be required in order to determine what measures are necessary to bring the property back up to standard;
- E. When there is a change of occupancy in a structure and there is reasonable evidence, as determined by the council, to suspect that the property does not meet minimum standards, as provided for in this chapter or a previous tenant has filed a complaint with the city stating that minimum standards, as provided for in this chapter, are not being met within a specific dwelling and the inspection has not yet been accomplished. (Ord. 144 §6, 1978).

15.20.080 Water and/or sewer connections.

If water and/or sewer adjoins a property and it is determined that existing water supplies are not safe, sanitary or reliable and/or it has been found that onsite waste disposal systems have contributed to surface or subsurface pollution, the property shall be connected to the adjoining water and/or sewer facilities. The city shall automatically require connection(s) to facilities adjoining the property whenever there is a change of occupancy. This connection shall be made prior to the new occupants moving into the structure. (Ord. 144 §7, 1978).

15.20.100 Inspection to determine conformance.

When reasonable doubt exists that a dwelling does not meet the minimum standards as set forth in this code, the council may require an inspection of the property. (Ord. 144 §9, 1978).

15.20.110 Complaints – Processing.

All complaints of residents of the city must be filed with the city clerk. The city clerk will, at the next regular session of council, present the complaint to the council. The council may, at its discretion, investigate said complaints and order inspections when it is deemed reasonable by the council. (Ord. 144 §10, 1978).

15.20.120 Complaints – Deemed unreasonable.

In the event that unreasonable or false complaints are filed, and the council deems said complaints as being of a harassing nature, the council may levy a fine, equal to the amount of the costs associated with the inspection, against the complaining resident. In no case shall the said fine exceed one hundred dollars or the maximum fine set forth in state code. (Ord. 144 §11, 1978).

15.20.130 Change of occupancy.

It shall be the responsibility of an owner, or his authorized agent, to notify the city clerk whenever there is a change of occupancy in a structure, either as a result of rental agreements, lease or sale of the property. The city council may require inspection of a building prior to the occupancy change if there is a reasonable questions as to whether or not such building meets the standards provided for in this chapter. If, after inspection of the structure, said structure is found to be in violation of the standards in this chapter, the structure shall be posed in a conspicuous place on the front exterior of the structure, and the structure may not be reoccupied until the deficiencies have been corrected and the city notified of the corrections. (Ord. 144 §12, 1978).

15.20.140 Inspection.

The council will order inspections as it deems necessary to carry out the intent of this chapter. The inspector shall report the results of said inspection to the council or authorized officials so that notice may be sent to correct the deficiencies that exist. Said notification and posting of the deficiencies shall be accomplished within sixty days of the inspection. (Ord. 144 §13, 1978).

15.20.150 Appeals – Procedure.

Any person who is required by any section of this chapter to make repairs to his property or restrained from sale or rental of the property because of the provisions of this chapter may appeal said findings within a thirty-day period. The city council shall provide a hearing within thirty days of receipt of the appeal to hear the appeal. Within fifteen days after said hearing, the city shall formally, in writing, make its findings known to the property owner. (Ord. 144 §14, 1978).

15.20.160 Violation – Penalty.

Any person who fails to comply with a notice to correct deficiencies issued by the City or its authorized agent or fails to comply with any restrictions or prohibitions on the occupancy of a deficient structure issued under this Chapter, violates this Chapter. Anyone violating any of the provisions of this Chapter may be charged with a simple misdemeanor. A violation of this Chapter is also a municipal infraction and the relief requested from the Court may including injunctive relief. (Ord. 326 §2, 2012)

CHAPTER 15.24

FLOODPLAIN MANAGEMENT

Sections:

15.24.010	Statutory authority.
15.24.020	Findings and fact.
15.24.030	Statement of purpose.
15.24.040	Definitions.
15.24.050	Lands to which this chapter applies.
15.24.060	Rules for interpretation of flood hazard boundaries.
15.24.070	Compliance.
15.24.080	Abrogation and greater restrictions.
15.24.090	Interpretation.
15.24.100	Warning and disclaimer of liability.
15.24.110	Administrator – Designated.
15.24.120	Administrator – Duties.
15.24.130	Floodplain development permit – Required.
15.24.140	Floodplain development permit – Application – Contents.
15.24.150	Procedure for acting on permit.
15.24.160	Subdivision review.
15.24.170	Standards for floodplain development.

15.24.010 Statutory authority.

The Legislature of the state of Iowa has, in Chapter 364, Code of Iowa, as amended, delegated the power to the 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. 171 §1(A), 1987).

15.24.020 Findings of fact.

- A. The flood hazard areas of the city 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. 171 §1(B), 1987).

15.24.030 Statement of purpose.

It is the purpose of this chapter to protect and preserve the rights, privileges and property of the city 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 15.24.020(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 flood, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
- C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard;
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program. (Ord. 171 §1(C), 1987).

15.24.040 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:

- A. “*Basement*” means any enclosed area of building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “*lowest floor*”.
- B. “*Development*” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- C. “*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 park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.
- D. “*Factory-built home park*” or “*subdivision*” means a parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.

- E. “*Flood*” means a temporary rise in stream’s flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.
- F. “*Floodproofing*” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- G. “*Floodway*” means the channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge floodwaters or floodflows so that confinement of floodflows to the floodway area will not result in substantially higher flood levels and flow velocities.
- H. “*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 15.24.170(B)(3)(a);
 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; and
 3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 feet 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 1 through 4 of this subsection, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- I. “*One-hundred-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.
- J. “*Special flood hazard area*” means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map.
- K. “*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.

- L. “*Substantial improvement*” means any improvement to a structure which satisfies either of the following criteria:
1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition “*substantial improvement*” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use;

2. Any addition which increases the original floor area of a building by twenty-five percent or more. All additions constructed after May 1, 1987, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent. (Ord. 171 §5, 1987).

15.24.050 Lands to which this chapter applies.

The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of the city. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for the city, as amended, which is adopted and made a part of the ordinance codified in this chapter. (Ord. 171 §2(A), 1987).

15.24.060 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 mayor or city clerk shall make the necessary interpretation. (Ord. 171 §2(B), 1987).

15.24.070 Compliance.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. (Ord. 171 §2(C), 1987).

15.24.080 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate or impair any existing easement, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with the ordinance codified in this chapter are repealed to the extent of the inconsistency only. (Ord. 171 §2(D), 1987).

15.24.090 Interpretation.

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. 171 §2(E), 1987).

15.24.100 Warning and disclaimer of liability.

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 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. 171 §2(F), 1987).

15.24.110 Administrator – Designated.

The mayor is appointed to implement and administer the provisions of this chapter and will be referred to as the administrator in this chapter. (Ord. 171 §4(A)(1), 1987).

15.24.120 Administrator – Duties.

Duties of the administrator shall include, but not necessarily be limited to the following:

- A. Review floodplain development permit applications to assure that the provisions of this chapter will be satisfied;
- B. 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 Iowa Department of Natural Resources for floodplain construction;
- C. 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;
- D. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter. (Ord. 171 §4(A)(2), 1987).

15.24.130 Floodplain development permit – Required.

A floodplain development permit issued by the administrator shall be secured prior to any floodplain development (any manmade 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. (Ord. 171 §4(B)(1), 1987).

15.24.140 Floodplain development permit – Application – Contents.

Application shall be made on forms furnished by the administrator and shall include the following:

- A. Description of the work to be covered by the permit for which application is to be made;
- B. 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;
- C. Indication of the use or occupancy for which the proposed work is intended;
- D. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements;
- E. For developments involving more than five acres, the elevation of the one-hundred-year flood.
- F. Such other information as the administrator deems necessary for the purpose of this chapter. (Ord. 171 §4(B)(2), 1987).

15.24.150 Procedure for acting on permit.

The administrator shall make a determination as to whether the floodplain development, as proposed, meets the applicable provisions of Section 15.24.170 and shall approve or disapprove the application. In reviewing proposed development, the administrator shall obtain, review and reasonably utilize any available floodplain information or data from federal, state or other sources. (Ord. 171 §4(B)(3), 1987).

15.24.160 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 15.24.130. For proposals greater than fifty lots, the subdivider shall be responsible for providing flood elevation data. (Ord. 171 §4(C), 1987).

15.24.170 Standards for floodplain development.

All uses shall meet the following applicable performance standards. When needed, the Iowa Department of Natural Resources shall be contacted to compute 100-year flood elevation and floodway data.

- A. Developments Within Special Flood Hazard Areas. All development within the special flood hazard areas shall:
 - 1. Be consistent with the need to minimize flood damage;
 - 2. Use construction methods and practices that will minimize flood damage;
 - 3. Use construction materials and utility equipment that are resistant to flood damage;
 - 4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

- A. Structures.
 - 1. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one foot above the 100-year flood level.
 - 2. New or substantially improved nonresidential structures shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, 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 depth, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the administrator.

3. All new and substantially improved structures:
 - a. Fully enclosed areas below the “*lowest level*” (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:
 - i. A minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - a. 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 effect of buoyancy.
 - b. 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.
- C. Factory-built Homes.
 1. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.
 2. 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 flood of the structure is a minimum of one foot above the 100-year flood level.
- D. 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.

- E. Utility and Sanitary Sewer Systems.
1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.
 2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damage or impaired systems.
- F. Watercourse Alterations or Relocations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion.
- G. Storage of Flammable or Explosive Materials. 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 foot above the 100-year flood level. Other material and equipment must either be similarly elevated or:
1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
 2. Be readily removable after flood warning. (Ord. 171 §3, 1987).

CHAPTER 15.28

RENTAL PROPERTY MAINTENANCE CODE

Sections:

15.28.010	Short title.
15.28.020	International Property Maintenance Code – Adopted.
15.28.030	Revisions.
15.28.040	Failure to comply with deficiencies – Utility discontinuation.
15.28.050	Rights or remedies unimpaired.

15.28.010 Short title.

The ordinance codified herein shall be known as the Rental Property Maintenance Code for the City of Eldon, Iowa, and may be cited as such. (Ord. 220 §1, 1999).

15.28.020 International property maintenance code - Adopted.

That a certain document, one (1) copy of which is on file in the office of the City of Eldon, being marked and designated as "The International Property Maintenance Code, Second Edition, 2012" as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Eldon, in the State of Iowa; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. In addition, the City adopts the most recent fee schedule entered into agreement with its designated inspector, Area XV Multi-County Housing Agency. (Ord. 220 §1, 1999).

15.28.030 Revisions.

The following sections are hereby revised:

Section 101.1	Insert:	City of Eldon , Iowa.
Section 101.2	Revise:	The provisions of this code shall apply only to residential rental property.
Section 103	Rename:	"Code Official"
Section 103.1	Remove:	Entire paragraph.
Section 103.6	Insert:	Inspections will be required once every three years for each rental unit.
Section 103.6	Insert:	House Inspection Fees Schedule (see attached schedule).
Section 111.2	Revise:	Strike the first sentence, and insert "the Board of Appeals shall be the " Eldon City Council "."
Section 111.2.1	Revise:	Strike all "shall" and insert "may" and strike the last sentence.
Section 303.15	Insert:	May 1 to October 1.
Section 602.3	Insert:	October 1 to May 1.
Section 602.4	Insert:	October 1 to May 1.
Chapter 8, Codes.	Insert:	International Building Code and Uniform Fire Code.

(Ord. 220 §2, 1999)

15.28.040 Failure to comply with deficiencies - Utility discontinuation.

City may discontinue utility services to an inhabited structure if the owner thereof has refused and neglected to comply with notice of code deficiencies or repair directions from City or any other Eldon City Code deficiency. (Ord. 220 §3, 1999).

15.28.050 Rights or remedies unimpaired.

That nothing in this ordinance or in the *Rental Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. 220 §4, 1999).

CHAPTER 15.32

WALLS, FENCES AND HEDGES

Sections:

15.32.010	Definitions
15.32.020	Back yards and side yards.
15.32.030	Front yards.
15.32.040	Adjoining lots.
15.32.050	Adjoining street or alley.
15.32.060	Corner lots.
15.32.070	Barbed wire.
15.32.080	Notice to remove barbed wire fence – Failure to remove – action
15.32.090	Failure to remove barbed wire fence along sidewalk – Penalty
15.32.100	Electric fences
15.32.110	Notice to remove electric fence.
15.32.120	Building permit required.
15.32.130	Violations.

15.32.010 **Definitions.**

For use in this chapter, the words set out in this section are defined as follows:

- A. “*Fence*” means a barrier, railing, or other upright structure, typically made of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

15.32.020 **Back yards and side yards.**

Fences, walls, and hedges not exceeding six feet in height are permitted within a side yard or back yard. (Ord. 294 §1, 2004).

15.32.030 **Front yards.**

Fences, walls, and hedges not exceeding four feet in height are permitted within a required front yard. (Ord. 294 §1, 2004).

15.32.040 **Adjoining lots.**

Fences, walls, and hedges may be placed up to the property line of adjoining lots, with the finished side of a wall or fence facing out to the adjoining lot. (Ord. 294 §1, 2004).

15.32.050 **Adjoining street or alley.**

No fence, wall, or hedge shall be constructed within fifteen feet of the right-of-way for a street or alley. (Ord. 294 §1, 2004).

15.32.060 Corner lots.

On corner lots, fences or walls must be constructed to allow adequate line of sight for traffic on intersecting streets and alleys. (Ord. 294 §1, 2004).

15.32.070 Barbed wire.

It is unlawful to use any barbed wire either in the construction or maintenance of any fence along-side of which, or adjacent to which any sidewalk is now laid, or to use barbed wire for the construction or maintenance of any fence enclosing in whole or in part any lot or tract of land within the corporate limits of this city, except such tracts of land as are used exclusively for the purpose of pasture or for farming purposes. The owner of the land as above excepted may use barbed wire for the construction of all fences except such as are adjacent to or lying along any sidewalk now laid or that hereafter are laid, and in the event of the laying of a sidewalk along-side of any barbed wire fence, such fence shall be immediately removed by the owner. (Ord. 29 §1).⁶²

15.32.080 Notice to remove barbed wire fence – Failure to remove – Action.

It shall be the duty of the mayor to give notice in writing to the owner or occupant of any premises upon which, or along which, barbed wire fences are being erected or maintained in violation of this chapter, to remove such barbed wire fence, and if the owner does not, within ten days after service of such notice, remove the same, then it shall be the duty of the mayor to cause the same to be removed, and to ascertain the cost thereof and report the same to the council, who shall, after first giving such owner ten days notice of the time and place fixed for hearing, assess upon and against such property, and against the owner thereof, the actual cost of serving such notice on him. (Ord. 29 §2).⁶²

15.32.090 Failure to remove barbed wire fence along sidewalk – Penalty.

The owner of any property who fails, refuses or neglects to remove any barbed wire fence enclosing a piece of ground in front of which, or along by which a sidewalk is constructed and maintained, after the service of a written notice has been made on him, to remove the same within a period of ten days, shall upon conviction thereof be fined no less than five dollars, nor more than one hundred dollars, and the costs of prosecution, and shall be committed to jail for a period of not more than thirty days, or until such fine and costs are paid. (Ord. 29 §3).⁶³

15.32.100 Electric fences.

It is unlawful to use any electric wire either in the construction or maintenance of any fence along-side of which, or adjacent to which any sidewalk is now laid, or to use electric wire for the construction or maintenance of any fence enclosing in whole or in part any lot or tract of land within the corporate limits of this city. (Ord. 297 §1, 2004).

⁶³

Revised ordinances of 1922, passed January 3, 1922.

15.32.110 Notice to remove electric fence.

It shall be the duty of the chief of police to give notice in writing to the owner or occupant of any premises upon which, or along which, electric wire fences are being erected or maintained in violation of this chapter, to remove such electric wire fence, and if the owner does not, within ten days after service of such notice, remove the same, then it shall be the duty of the mayor to cause the same to be removed, and to ascertain the cost thereof and report the same to the council, who shall, after first giving such owner ten days' notice of the time and place fixed for hearing, assess upon and against such property, and against the owner thereof, the actual cost of serving such notice on him. (Ord. 297 §1, 2004).

15.32.120 Building permit required.

A building permit must be obtained prior to construction of a wall or fence. A twenty-dollar (\$20.00) permit fee shall apply. The City Council, by majority vote of the City Council, may issue a variance if an appropriate request is made in the application for the building permit. (Ord. 294 §1, 2004).

15.32.130 Violations.

A violation of this Ordinance is a simple misdemeanor. A violation of this Ordinance is also a municipal infraction. (Ord. 294 §1, 2004).

TITLE 16
SUBDIVISIONS
(Reserved)

TITLE 17

(Reserved)

TITLE 18**ZONING****Chapters:**

- 18.04 Mobile Homes and Mobile Home Parks
- 18.08 Factory-Built Mobile Homes
- 18.10 Restricted Residence District

CHAPTER 18.04**MOBILE HOMES AND MOBILE HOME PARKS****Sections:**

- 18.04.010 Purpose.
- 18.04.020 Definitions.
- 18.04.030 Age of mobile homes.
- 18.04.040 Location of mobile homes.
- 18.04.050 Permanent occupancy.
- 18.04.060 Special permits for location of mobile homes outside mobile home parks.
- 18.04.070 Emergency and temporary parking.
- 18.04.080 Regulations to which mobile home park owners are subject.
- 18.04.090 Mobile home park area and yard requirements.
- 18.04.100 Compliance with state building code.
- 18.04.110 Violation – Penalty.

18.04.010 Purpose.

The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare. (Ord. 179 §2, 1988).

18.04.020 Definitions.

For use within this chapter the following terms are defined:

- A. “*Mobile home*” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. Mobile homes are structures defined in Rule 661-16.620(3)(103A), Iowa State Building Code and Iowa Code §103A.51(8). (Ord. 318 §1, 2009).

- B. “*Mobile home park*” means any site, lot, field, or tract of land upon which two or more occupies mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. The term “*mobile home park*” shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by an individual, education institution, or company on their own premises and used exclusively to house their own labor or students. (Ord. 318 §1; Ord. 179 §3, 1988).

18.04.030 Age of mobile homes.

Mobile homes shall be no older than ten years.

18.04.040 Location of mobile homes.

It shall be unlawful for any person, firm, or corporation to park or place any mobile home on a street, alley, highway, or public place, of on any private land within this city, except as is provided by state law and this chapter. This section shall not apply to mobile homes parked or placed within duly licensed mobile home parks, or upon private property as part of a dealer’s or a manufacturer’s stock not used as a place for human habitation. (Ord. 179 §4, 1988).

18.04.050 Permanent occupancy.

A mobile home shall not be used as a permanent dwelling place nor for indefinite periods of time except in a mobile home park, except those so used on September 1, 1988. Any mobile home removed from property that is not a mobile home park shall not be replaced by a mobile home, unless it meets the construction and safety standards established under the authority of 42 USC Section 5403, which have been adopted by the Iowa state building code. However, if a mobile home is converted to real estate under the provisions of Section 435.26 and conforms to the provisions of 42 USC Section 5403, it may be located in any part of the city subject to meeting requirements of any zoning ordinance. (Ord. 179 §5, 1988).

18.04.060 Special permits for location of mobile homes outside mobile home parks.

No mobile home shall be placed outside of licensed mobile home parks unless converted to real estate in accordance with the Iowa Code Section 435.26 and connected permanently to city water and sanitary sewer facilities. The owner must have a certificate that shows that the mobile home complies with the construction and safety standards under 42 USC Section 5403. The owner also must have a permit granted by the council as set forth herein. The council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The council shall issue such special permits when it appears that location within a local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the excess of two years but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

- A. A statement concerning the practicability of location within a local mobile home park;
- B. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location;

- C. A statement of desired duration of the special permit. (Ord. 179 §6, 1988).

18.04.070 Emergency and temporary parking.

Emergency or temporary parking of mobile homes upon the streets, alleys or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of Section 18.04.030, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city. (Ord. 179 §7, 1988).

18.04.080 Regulations to which mobile home park owners are subject.

No person, firm, or corporation shall establish, maintain, conduct or operate a mobile home park within this city without first obtaining an annual license therefor from the state department of health. No person, firm, or corporation shall make alterations to the sanitary facilities or construct, expand, or remodel a mobile home park within this city without first obtaining a permit therefor from the State Department of Health. Said park, its facilities, and the mobile homes therein shall comply with all other applicable ordinances of this city. (Ord. 179 §8, 1988).

18.04.090 Mobile home park area and yard requirements.

Mobile home or trailer parks shall be designed and maintained in accordance with the following requirements:

A. Park – Minimum Requirements:

1. Mobile home park area, eight acres;
2. Front yard (to be measured from all streets on which park abuts), fifty feet;
3. Side yard, thirty-five feet;
4. Rear yard, thirty-five feet;
5. Sanitary facilities, connection with the municipal sewer system or adequate private sewage disposal facilities;
6. Streets, each mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:

One-way, no parking	11 feet
One-way, parking one side	18 feet
One-way, parking on both sides	24 feet
Two-way, no parking	24 feet
Two-way, parking on one side	27 feet
Two-way, parking on both sides	34 feet

Such streets shall be surfaced with asphaltic or portland cement concrete according to city specifications for residential streets, and be maintained in good condition and lighted at night.

B. Mobile Home Spaces – Minimum Requirements:

1. Area, fifty feet by eighty feet;
2. Size, four thousand square feet;
3. Off drive parking, one parking space for each “home” space;
4. One on- or off-street space for each two such lots to accommodate guests;
5. Front yard, fifteen feet;
6. Rear yard, ten feet;

7. Side yard, five feet each side, with a minimum of twenty feet between any two homes.
- B. Sidewalks. Sidewalks shall be provided from the entrance of each trailer to the service facilities. These walks shall be constructed of concrete.
- C. Landscaping – Unused Area. All areas not for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land, not less than ten feet in width, shall be established and maintained within the trailer park along its exterior boundaries.
- D. Concrete Slab. Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight feet by ten feet and a minimum thickness of four inches.
- E. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of one hundred square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.
- F. Length of Occupancy. No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen days without connection to the permanent sanitary sewer system of the park. (Ord. 179 §9, 1988).

18.04.100 Compliance with state building code.

Before being located, whether permanently or for a temporary period of time allowed by a temporary permit, all mobile homes located in the city limits shall have a certificate that shows the mobile home is in compliance with the current state building code as to mobile home construction. A copy of this permit shall be filed with the city clerk. (Ord. 179 §10, 1988).

18.04.110 Violation – Penalty.

Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars. A violation of this chapter is also a municipal infraction. (Ord. 179 §11, 1988).

CHAPTER 18.08

FACTORY-BUILT AND MOBILE HOMES

Sections:

18.08.010	Modular Homes (Foundation-Ready)
18.08.020	Manufactured Homes (Foundation-Ready)
18.08.030	Manufactured or Modular Homes (Mobile Homes)
18.08.040	Transfer or sale of ownership – Conditions
18.08.050	Adoption of Iowa Building Code and Regulations
18.08.060	Violations

18.08.010 Modular Homes (foundation-ready).

A modular home is a structure built at a factory and inspected for compliance with the International Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, and the National Electrical Code, or the one and two-family dwelling code, each with certain amendments as adopted as the Iowa State Building Code and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the State Building Code Commissioner and attached to the home and accompanied by a copy of the manufacturer's certificate of compliance. A certified modular home shall be permitted anywhere a site-built or pre-fabricated site-erected building is permitted whether meeting the same code requirements or not. A modular home may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria that would apply to a site-built dwelling on the same lot. A modular home is not a mobile home or mobile home add-on unit, and is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (Ord. 318 §3, 2009).

18.08.020 Manufactured Homes (Foundation-Ready).

A manufactured home is a structure built at a factory under the authority of 42 U.S.C. § 5403, that is required by Federal law to display a seal required by the United States Department of Housing and Urban Development, which was constructed after June 15, 1976, and which include display data plates including the name of the manufacturer and the date of manufacture. Certified manufactured homes shall be permitted anywhere a site built or prefabricated site erected building is permitted whether meeting the same Code requirements or not. A manufactured home may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria that would apply to a site-built dwelling on the same lot. A manufactured home is not a mobile home or mobile home add on unit, and is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame, any wheel or axles. (Ord. 318 §3, 2009).

18.08.030 Manufactured or Modular Homes (Mobile Homes).

- A. A manufactured or modular home (mobile home) is a prefabricated or factory-built structure, otherwise meeting the definitions of Code Sections 18.08.010 or 18.08.020 above, but which are constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which has permanently attached to its body or frame wheels or axles.
- B. Such manufactured or modular (mobile) home to be located outside a mobile home park must apply for a permit and provide proof of compliance with applicable provisions of the State and Federal Building Codes and Regulations, display a seal and provide proof of construction within ten years of the date of the permit. Manufactured and modular (mobile homes) constructed more than ten years prior to the permit application date shall not be placed outside a licensed mobile home park, unless the owner applies for a temporary special permit and meets the requirements set forth in Code Section 18.04.040. In addition, an owner who applies for a special permit must meet the requirements set forth in Eldon Municipal Code Chapter 15.08.
- C. A manufactured or modular (mobile) home located outside a mobile home park, unless granted a temporary special permit for location outside a mobile home park as provided by a city ordinance, shall have a minimum width of twenty-four feet on its shortest side, and the structure shall meet minimum front, rear, and side yard requirements of the lot in its residential or other permitted zone.
- D. Such manufactured or modular (mobile) home shall be placed on a permanent support foundation constructed of solid concrete blocks set in mortar or on a poured concrete support foundation. The footings for the solid concrete blocks set in mortar or the poured concrete foundation shall be at least fifty-four inches below the final finish grade of the surface of the earth or fifty-four inches below the undisturbed earth. The foundation footings shall be not less than twelve inches wide and six inches thick. The foundation and footings shall be properly backfilled and compacted to prevent excessive frost penetration. In the event that cylindrical foundation supports of poured concrete are utilized, they must be placed upon a footing extending fifty-four inches below the final finish grade at the surface of the earth or the undisturbed earth, and the same shall be not less than eighteen inches in diameter and placed according to the manufacturer's specifications. The manufactured or modular (mobile) home shall be firmly anchored to the foundation in accordance with the manufacturer's anchoring specifications or in the alternative shall be tied down by a proper anchoring system to the foundation. The foundation shall provide support unto the manufactured or modular (mobile) home so as to prevent subsidence. Before a manufactured or modular (mobile) home may be placed upon a foundation as herein specified, the footings shall be inspected by the mayor or public works director before backfill and the manufactured or modular (mobile) home and the placement thereof upon the foundation shall be inspected before the manufactured or modular (mobile) home is skirted as hereinafter provided. The manufactured or modular (mobile) home shall be fully skirted with a manufactured or modular (mobile) home skirting.

- E. A manufactured or modular (mobile) home in place within the city outside a mobile home park on the effective date of this section and not complying with the standards required for mobile homes since July 1976 under the State Building Code shall not be permitted to be converted to real estate under Section 435.26 of the Iowa Code. Only manufactured or modular (mobile) homes complying with the Eldon Municipal Code and with the standards of safety and construction required since July 1976, with a medallion and certificate of compliance may be placed outside a mobile home park after the effective date of this section. (Ord. 318 §3, 2009).
- F. A manufactured or modular (mobile) home shall be no older than ten years.

18.08.040 Transfer or sale of ownership – Conditions.

Any manufactured or modular (mobile) home in place prior to the enactment of this chapter and which is hereafter sold or the ownership transferred, shall be removed to a mobile home park in the city or removed from the city unless such manufactured or modular (mobile) home shall comply with all of the requirements of this chapter. (Ord. 318 §3, 2009).

18.08.050 Adoption of Iowa Building Code and Regulations.

The City of Eldon adopts the Iowa State Building Code and Regulations, as amended from time to time. The public works director is designated to perform any inspections or compliance reviews for installation of factory built structures under Federal or Iowa State Building Codes and Regulations. (Ord. 318 §3, 2009).

18.08.060 Violations.

Anyone violating any of the provisions of this Chapter shall be subject to a civic infraction or simple misdemeanor. A violation of this chapter is also a municipal infraction. A violation of this Chapter is also a nuisance and remedies may include removal of the home determined to be in violation of the Eldon Municipal Code and/or State or Federal regulations. (Ord. 318 §3, 2009).

CHAPTER 18.10

RESTRICTED RESIDENCE DISTRICTS

Sections:

18.10.010	Purpose.
18.10.020	District designation.
18.10.030	Variance requires permit.
18.10.040	Setbacks.
18.10.050	Variance application.
18.10.060	Public notice.
18.10.070	Council action.
18.10.080	Violation – Nuisance.
18.10.090	Violation – Penalty.

18.10.010 Purpose.

The purpose of this chapter is to provide for and to establish a restricted residential district in the city, and to provide reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches and other similar structures. (Ord. 1-89 §3, 1989).

18.10.020 District designation.

The following restricted residence district is designated and established:

The entire platted corporate limits of the city, including all area within its corporate limits as now established or hereinafter extended except that area enclosed in the tract hereinafter described as follows:

- a. Commencing on Ninth Street at the intersection of the alley between Elm and Walnut Streets, thence Southeast through said alley to Fifth Street; thence Northeast to the alley between Walnut and Church Street on Fifth Street; thence Southeast on the alley between Walnut Street and Church Street to the intersection of said alley with the right-of-way of the former Chicago Rock Island and Pacific Railroad; thence North-East to American Gothic Street; thence East along American Gothic Street to the City Corporate Line (Finney Avenue Extended); thence South to the South right-of-way line of the former Chicago Rock Island and Pacific Railroad right-of-way; thence in a Westerly and Southerly direction along said right-of-way to the alley located between Walnut and Cornell Street; thence Southeast through said alley to Eldon Street; thence South along Eldon Street to Hearn Street; thence East on Hearn Street to Finney

Avenue; thence South on Finney Avenue to its intersection with Prairie Street; thence continuing due South to State Highway Number Sixteen; thence Northwest along State Highway Sixteen to a point of intersection with Norton Street extended; thence West along Norton Street extended and Norton Street to the intersection of Norton Street and Des Moines Street; thence Northeast along Third Street to the South boundary of the former Chicago Rock Island and Pacific Railroad right-of-way; thence Northeast along the South boundary line of the former Chicago Rock Island and Pacific Railroad right-of-way to the intersection of said right-of-way and Ninth Street; thence Northeast along Ninth Street to Elm Street and the place of beginning; Also Lots Three and Four, Block Three, Fairview Addition; Also, Lot Thirty-seven Block Two Second Addition; Also, Lot Eighteen, Block Thirty-nine Eldon Original.

- b. The North 22 acres of the Northwest Quarter of the Northwest Quarter of Section 26, Township 71 North, Range 12 West of the 5th P.M., Wapello County, Iowa. (Ord. 5-90 §2, 1990; Ord. 4-90 §2, 1990; Ord. 1-89 §4, 1989).

18.10.030 Variance requires permit.

No building or other structure, except single-family residences, school houses, churches or other similar structures, shall hereafter be erected, altered, repaired or occupied within the restricted residential district enumerated. (Ord. 1-89 §5, 1989).

18.10.040 Setbacks.

All buildings or other structures hereinafter erected, reconstructed or altered within the restricted residential district shall be placed not closer than five feet to the adjoining side lot line or rear lot line and not closer than twenty feet to the front lot line. At corner lots setbacks shall be twenty feet at the front and side lot lines adjacent to the intersecting street. (Ord. 1-89 §6, 1989).

18.10.050 Variance application.

Plans and specifications of any proposed land use in the restricted residential district, other than those uses permitted herein, shall be set forth in an application to the city council and shall be accompanied with a twenty-dollar application fee. In addition, the applicant shall pay the cost of publication of the public notice as hereinafter provided. (Ord. 1-89 §7, 1989).

18.10.060 Public notice.

- A. Upon filing of the application for the variance permit with the city clerk, the city clerk shall cause a notice to be published once in a newspaper having general circulation within the city. The notice shall be in substantially the following form:

Notice is hereby given that there is now on file in the office of the City Clerk of the city of Eldon, Iowa, plans and specifications for proposed land or building use or occupancy not permitted by the restricted residential district ordinance of the City of Eldon. Said nonconforming use is proposed at the following location:

(Include legal description and common street address, if available)

The use proposed is as follows:

You are hereby notified that the City Council of the City of Eldon, Iowa, will consider said application at a meeting to be held by the City Council in the City Council Chambers in City Hall on the _____ day of _____, 2____, at _____ o'clock _____m. at which time owners of record of property within the restricted residential district may appear and file objections, if any, they have.

Town Clerk

- B. The publication shall be not less than seven nor more than twenty days prior to the council meeting at which the application is to be considered. No application shall be considered unless this applicant files with the city clerk the application, the filing fee, and the cost of publication of said notice. (Ord. 1-89 §8, 1989).

18.10.070 Council action.

The city council, by a majority vote of the city council, may issue special variance permits for building and occupancy if no objections are filed. If written or oral objections are filed by the owners of record of the adjacent property within two hundred feet of the proposed building or occupancy, no permit shall be issued except by affirmative vote of four of the five members of the city council after hearing. (Ord. 1-89 §9, 1989).

18.10.080 Violation – Nuisance.

Any building or structure erected, altered, repaired, occupied or used in violation of any of the provisions of this chapter is a nuisance and may be abated as such in any action brought by the city in any court of competent jurisdiction. (Ord. 1-89 §10, 1989).

18.10.090 Violation – Penalty.

Any person, firm or corporation who refuses or neglects to remove or abate any such nuisance when notified by the city, or any person, firm or corporation violating any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or be imprisoned not more than thirty days in accordance with the provisions of Section 1.12.010 of this code. A violation of this chapter is also a municipal infraction. (Ord. 1-89 §11, 1989).

ORDINANCE LIST AND DISPOSITION TABLE

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3	Ward boundariesNot codified
4	Street and avenue namesNot codified
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6	Council rules of order2.16
7	Elections, terms of office and officials' bondsRepealed by 111
8	Officers' duties and compensation2.20, 2.24 – 2.36
9	Fire department2.40
10	Fire limits15.04
11	Fire protection15.04
12	Inflammable and combustible materials15.04
13	Moving buildings15.12
14	Business licensesRepealed by 127
15	Pool and billiard hallsNot codified
16	Houses of ill fameRepealed by 46
17	Misdemeanors9.12, 9.24, 9.28, 9.36, 9.40, 9.56, 12.04
18	ScavengersRepealed by 110
19	Awnings and signs15.16
20	Animals at large8.04
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22	Dogs8.12
23	Traffic Not codified
24	Injuring paved streetsNot codified
25	Removal of weeds12.04
26	Streets and alleys12.04
27	Street and alley vacation continuationSpecial
28	Vehicles with cleats, lugs or raised rimsNot codified
29	Barbed wire fences12.16
30	Sidewalks12.08
31	Snow and ice removal12.12
32	Electric light and power installationRepealed by 175
33	Electric light ratesNot codified
34	Utility pipe connections13.04
35	Water rates and regulations13.12, 13.16
36	Sewer construction and street improvementRepealed by 203
37	Health regulations7.08
38	SlaughterhousesRepealed by 203
39	Road poll taxNot codified
40	Claims against cityNot codified
41	Amends Ord. 14 §§10, 11, business licensesRepealed by 127
42	Amends Ord. 8 §1, Officers' duties and compensationNot codified
43	Street gradesSpecial
44	Street gradesSpecial
45	Street gradesSpecial
46	Disorderly houses, Repeals Ord. 169.16
47	Vagrancy9.32

48	Public vehicles used for immoral purposes	Repealed by 203
49	Street grades.....	Special
50	Street grades.....	Special
51	Street grades.....	Special
52	Street vacation	Special
53	Franchise	Special
54	Building numbering	1.28
55	Franchise	Special
56	Business and residence districts, speed limits.....	Not codified
57	Repeals and replaces Ord. 21 §§1, 2, Fowl keeping	8.08
58	Cemetery regulations	7.32
59	Bond issuance.....	Special
60	Electric system	Repealed by 175
61	Street narrowing and vacation	Special
62	Repeals and replaces Ord. 35, Rule 13, Water regulations	13.12
63	Water meters.....	13.12
64	Beer sales	Repealed by 108
65	Grants contract.....	Special
66	Repeals and replaces Ord. 60 §26, Electric rates and repeals Ord. 60 §27	Repealed by 131
67	Grants contract.....	Special
68	Amends Ord. 4, line 20, Street names	Not codified
69	School zones.....	Not codified
70	Repeals Ord. 15 §§1, 2, 5	Repealer
71	Street vacation title conveyance	Special
72	Parking	Not codified
73	Repeals and replaces Ord. 35, Rule 21, Water rates; Repeals Ord. 35, Rules 22, 23	Repealed by 86
74	Prohibited parking	Not codified
75	Franchise	Special
76	Grants contract.....	Special
77	Intoxication, traffic	9.24, 9.28
78	Repeals and replaces Ord. 58 §3, Cemetery lot prices.....	7.32
79	Street obstruction and injury	12.04
80	Nuisances	7.12
81	Careless driving	Not codified
82	Throwing debris on streets.....	7.16
83	Dogs	8.12
84	Board of library trustees	2.44
85	Salaries of councilmen	Not codified
86	Water rates, repeals Ord. 73, Rule 21	13.16
87	Curfew for minors.....	Repealed by 89
88	Grants contract.....	Special
89	Curfew for minors, repeals Ord. 87	9.48
90	Minors in taverns.....	Repealed by 108
91	Street trees.....	12.20
92	Replacements or new installations by water customers.....	13.08
93	Abandoned vehicles.....	Not codified
94	Parking regulations	Not codified
95	Overtime parking and abandoned vehicles	Not codified
96	Amends Ord. 94 §6, Prohibited parking	Not codified
97	Amends Ord. 89 §2, paragraph 1, Curfew for minors	9.48
98	Amends Ord. 94 §5, Prohibited parking	Not codified
99	Refuse collection permit.....	Repealed by 107

100	Compensation for councilmen.....	Repealed by 197
101	Compensation for mayor.....	Repealed by 197
102	Amends Ord. 94 §5, Prohibited parking.....	Not codified
103	Loitering.....	9.36
104	Sewer district and sewer rental.....	13.24
105	Mobile homes and mobile home parks.....	Repealed by 179
106	Amends Ord. 60, Electrical system.....	Repealed by 175
107	Garbage and refuse, repeals Ord. 99.....	Repealed by 172
108	Alcoholic beverages, repeals Ord. 64, 90.....	5.08
109	Sanitation, burning, repeals Ord. 37, except §35 Rules 1–7.....	7.04
110	Scavenging, repeals Ord. 18.....	Repealed by 203
111	Elections, repeals Ord. 7.....	2.04, 2.08, 2.12
112	Charter adoption.....	2.01
113	Street vacation.....	Special
114	Street vacation.....	Special
115	Amends §13.12.070, Water meter testing.....	13.12
116	Abandoned vehicles.....	7.40
117	Adds Chapter 12.24, Vehicle weight limits.....	Repealed by 166
118	Amends §13.28.250, Electric rates.....	Repealed by 131
119	Amends §7.32.030, Cemetery lots.....	7.32
120	Amends §7.28.140(B)(1), Refuse collection rates.....	Repealed by 172
121	Amends §13.16.050, Water service rates.....	Repealed by 137
122	Establishes restricted residential areas.....	Repealed by 1-89
123	Sewer service regulations.....	13.18
124	Parking.....	Not codified
125	Amends §13.28.250, Electric rates.....	Repealed by 131
126	Code action.....	1.01
127	Repeals Ch. 5.04, Business licenses.....	Repealer
128	Adopts International Building Code, 1973 Edition; repeals Ch. 15.08, Building permits.....	15.08
129	Adds §12.04.130 [renumbered to be §10.01.020 by Ord. 203, Parking.....	10.01
130	Repeals and replaces §7.28.140(B)(1), Refuse fees.....	7.28
131	Repeals and replaces §13.28.250, Electric meter rates.....	Repealed by 175
132	Telephone franchise.....	Special
133	Adds to Ord. 122 §2, Restricted residential districts.....	Not codified
134	Amends §2.40.020, Fire department.....	2.40
135	Amends §§2.16.020, Councilmen compensation, 2.20.030, Mayor compensation.....	Repealed by 197
136	Adds to §5.08.280, Alcoholic beverages.....	5.08
137	Deletes and replaces §13.16.050, Charges for sewer service.....	Repealed by 149
138	Deletes and replaces §13.24.050, Sewer rentals.....	Repealed by 150
139	Cable television franchise.....	Special
140	Adds (C) to §13.28.250, Rates for electricity.....	Repealed by 175
141	Electric franchise.....	Special
142	Electric franchise.....	Special
143	Amends 7.32.030, Prices of cemetery lots.....	7.32
144	Adopts Minimum Housing Code.....	15.20
145	Amends §§5.08.190 and 5.08.280; renumbers subsection H of §5.08.300; repeals subsection F of §5.08.300, Alcoholic beverages.....	5.08
146	Water service regulations and conditions of service.....	13.14
147	Water service rates, charges and rules.....	13.15
148	Amends §§13.28.250 and 13.28.255, Electric system rates.....	Repealed by 175

149	Repeals and replaces §13.16.050; supersedes §1 of Ord. 47, Water service rates	Repealed by 174
150	Repeals and replaces §13.24.050, Sewer system rental rate.....	Repealed by 160
151	Amends §5 of Ord. 94, Parking regulations	Not codified
152	Repeals and replaces subsection B(1) of §7.28.140, Garbage and refuse collection fees.....	Repealed by 172
153	Prohibits unfair or discriminatory housing practices	9.44
154	Amends §7.32.030, Cemetery lot prices	7.32
155	<i>(Number not used)</i>	
156	Repeals and replaces subsections A and – of §13.28.250; amends §13.28.255, Electric rates.....	Repealed by 158
157	Adds language to §13.24.050, Special sewer rate.....	Repealed by 160
158	Amends §13.28.255; repeals and replaces §13.28.250 A and B, Electric rates.....	Repealed by 175
159	Repeals and replaces §13.16.050, Water rates.....	Repealed by 178
160	Repeals and replaces §13.24.050, Sewer rental	Repealed by 170
161	Adds Chapter 10.01, Parking	10.01
162	Authorizes negotiations for purchase of electrical distribution facilities	Special
163	Electric franchise.....	Special
164	Amends §§2.16.020 and 2.20.030, Councilmen and mayor compensation	Repealed by 197
165	Adds subsection G to §5.08.040, Alcoholic beverages.....	5.08
166	Traffic code; repeals Chapter 12.24.....	10.04
167	Driveway repair	12.24
168	Amends §7.32.030, Cemetery lots.....	7.32
169	Amends §13.16.040, Water service application.....	13.16
170	Amends §13.24.050, Sewer system rate	13.24
171	Floodplain management.....	15.24
172	Repeals and replaces Chapter 7.28, Garbage and refuse.....	Repealed by 194
173	Adds subsection D to §13 of Ord. 172, Garbage and refuse	Repealed by 194
174	Amends §§13.12.140, 13.12.170, 13.14.080, 13.14.120, 13.14.150, 13.14.250B, 13.15.020 and 13.18.190; repeals and replaces §13.14.130, Utilities; repeals §§13.08.040, 13.08.050, 13.12.060, 13.12.090, 13.12.120, 13.12.180, 13.14.090, 13.15.030, 13.16.010, 13.16.020 and 13.16.030.....	13.12, 13.14, 13.15, 13.18
175	National Electrical Safety Code; Repeals Ch. 13.28 and 13.32.....	13.28
176	Amends §§2.08.010, 2.08.020 and 2.08.030, Appointive offices.....	2.08
177	Repeals and replaces §13.16.040, Water rates.....	13.16
178	Amends §13.24.050; repeals and replaces §§13.15.040, 13.15.050, 13.16.050, 13.24.060 and 13.24.070, Utilities; repeals §§13.14.050, 13.14.060, 13.14.070, 13.18.340, 13.18.350, and 13.18.360	13.15, 13.16,
13.24		
179	Adds Ch. 18.04, Zoning; repeals Ch. 7.36	18.04
180	Adds Ch. 18.08, Zoning	18.08
181	Adds Ch. 7.36, Dilapidated buildings	7.36
182	Repeals and replaces §7.32.140, Cemetery	7.32
183	Amends §13.08.010, New water equipment installation	13.08
1-89	Adds Ch. 18.10, Zoning; repeals Ord. 122.....	18.10
2-89	Amends 7.28.120(A) and (B), Garbage and refuse	Repealed by 194
1-90	Amends §2.16.010 (Rule 1), City council.....	2.16
2-90	Amends §13.15.020; repeals and replaces §§13.08.030	

	and 13.14.030, Utilities; repeals §13.14.120	13.14, 13.15
3-90	Adds Ch. 2.46, Historical museum board.....	Repealed by 203
4-90	Amends §4 of Ord. 1-89, Zoning.....	18.10
5-90	Amends §4 of Ord. 1-89, Zoning.....	18.10
191	Amends paragraphs 3 and 4 of §3 of Ord. 180, Mobile homes.....	18.08
192	Historic preservation committee	2.48
193	Renames streets	Special
194	Repeals and replaces Ch. 7.28, Garbage and refuse.....	7.28
194A	Amends §13(A) and (B) of Ord. 194, Garbage and refuse.....	Repealed by 201
195	Natural gas franchise	Special
196	Repeals and replaces §13.16.050(A), Water service rates.....	13.16
197	Repeals and replaces §§2.16.020, 2.20.030 and 2.24.020, City officers§ salaries	2.16, 2.20, 2.24
198	Repeals and replaces §8.12.070, Dogs	8.12
199	Adds Ch. 9.60, Carrying and discharging weapons	9.60
200	Amends §10.04.200, Stop signs	10.04
201	Amends §7.28.130 and repeals and replaces §§7.28.080 and 7.28.120, Garbage and refuse.....	7.28
202	Repeals and replaces §13.16.050(A), Water service rates.....	13.16
203	Amends §§2.12.010, 5.08.020(J), 12.24.030 and 13.18.180 and renumbers §12.04.130 to be 10.01.020, and repeals and replaces §§1.01.040, 2.40.040 [2.04.030], 5.08.130, 5.08.170, 7.08.070, 7.12.020(N) and (Y), 7.32.010, 7.32.190, 7.32.350, 7.32.480, 13.08.060, 15.08.020, 15.08.030, 15.08.040 and 15.08.050(B); repeals Ch. 2.46, §§5.08.280(C), 7.08.060, Chs. 7.20 and 7.24, §§7.32.540, 7.32.580, 8.04.030, 8.04.040, Ch. 9.20, §9.24.030, Ch. 13.20, §§13.28.040 and 15.04.060 – 15.04.080, Various provisions	1.01, 2.12, 2.40, 5.08, 7.08, 7.12, 7.32, 10.01, 12.24, 13.08, 13.18, 15.08
204	Adopts municipal code	1.01
205	Adds Ch. 12.26, Parks	12.26
206	<i>(Number not used)</i>	
207	<i>(Number not used)</i>	
208	<i>(Number not used)</i>	
209	<i>(Number not used)</i>	
210	Repeals and amends §13.16.050(A), Water Rates (1996)	13.16
211	Repeals and amends §13.24.050, Sewer Rentals (1996).....	13.24
212	<i>(Number not used)</i>	
213	Amends §10.04.200(B); adds §10.04.200(C), Traffic Code (1998).....	10.04
214	Adds Chapter 9.80, Drug Paraphernalia (1999).....	9.80
215	Adds Ch. 10.04.605 (1997)	10.04
216	<i>(Number not used)</i>	
217	<i>(Number not used)</i>	
218	(Renumbered from 215) Repeals and amends Ch. 9.48, Curfew (1999)	9.48
219	Repeals and amends Ord. 218, §3; repeals Ord. 218 §4, Curfew (1999).....	9.48
220	Adds Ch. 15.28, Rental Property and Maintenance Code (1999)	15.28
221	Repeals and amends Ch. 2.44, Library Trustees (2000)	2.44
222	Repeals and amends §7.32.030, Cemetery (2000)	7.32
223	Repeals and amends §§7.28.030, 7.28.120,	

	and 7.28.140, Garbage and Refuse (2001).....	7.28
224	Amends §7.32.080; Adds §7.32.230, Cemetery (2001).....	7.32
225	Repeals and amends §§8.12.030, 8.12.080; Adds §§8.12.060, 8.12.110, 8.12.120, 8.12.130, 8.12.140, and 8.12.150; Amends §8.12.070, Dogs (2001).....	8.12
226	Establishing a restricted area in the city limits	Special
227	Amends Ch. 2.40.020, Fire Department (2003)	2.40
228	<i>(Number not used)</i>	
229	<i>(Number not used)</i>	
230	<i>(Number not used)</i>	
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287	(Number not used)	
288	Adds Ch. 7.44, Weeds and Offensive Growth (2003)	7.44
289	Adopts January 1, 2004 Eldon Municipal Code (2004)	1.01
290	Amends Ch. 1.12, General Penalty, Adds § 1.12.020, Municipal Infraction (2004)	1.12
291	Amends §7.12.060, Method of Serving Notice (2004)	7.12
292	Repeals and Amends §13.14.080, Fees and regulations after discontinuance for nonpayment of bills (2004)	13.14
293	Adds §2.36.020, City Marshal - Defined (2004)	2.36
294	Adds Ch. 15.32, Walls, Fences and Hedges (2004)	15.32
295	Adds Ch. 8.16, Dangerous Animals (2004)	8.16
296	Adds §8.12.160, Violations Relating to Regulation of Dogs (2004)	8.12
297	Adds §§12.16.040, 12.16.050, and 12.16.060 Electric Fences (2004)	12.16
298	Amends §7.28.120, Schedule of Fees for Collection of Additional Cans and Containers (2004)	7.28
299	Adds Ch. 13.32, Storm Sewer Rentals (2004)	13.32
300	Adds §13.12.015, Mandatory Water Connection (2005)	13.12
301	Adds §13.12.215, Private Water Wells Prohibited (2005)	13.12
302	(Number not used)	
303	Adds Ch. 9.90, Sex Offenders (2005)	9.90
304	Amends §7.44.030, Notice to Property Owners, and §7.44.060 Assessment of Costs (2006)	7.44
305	Amends §7.28.120(A), Garbage and Refuse (2007)	7.28
306	Amends §13.26.050 (A) and (B), Water Service Rates (2007)	13.16
307	Amends Ch. 12.12, Snow Removal (2007)	12.12
308	Amends §10.04.200(A), Stop and Yield Signs (2007)	10.04
309	Adoption of Interstate Power & Light Company Franchise (2007)	Special
310	Adds §10.01.020, No-Parking Zone (2007)	10.01
311	Amends §7.28.120(A), Schedule of Fees (2007)	7.28
312	Amends §13.16.050 (A) and (B), Water Service Rates (2007)	13.16
313	Adds Ch. 10.08, Golf Carts (2008)	10.08
314	Adds Ch. 10.12, All-Terrain Vehicles (2008)	10.12
315	Amends §7.32.030, Cemetery - Price of Lots (2008)	7.32
316	Amends §10.04.200, Traffic Code – Stop and yield signs – Heavy traffic intersections (2008)	10.04
317	Adds §13.14.300, Water and Service Regulations - Unauthorized use of water and other violations (2008)	13.14
318	Amends §18.04.020, Mobile Homes and Mobile Home Parks – Definitions (2009)	18.04
	Amends Ch. 18.08 – Factory Built and Mobile Homes (2009)	18.08

319	Adopts February 1, 2009 Eldon Municipal Code (2009)	1.01
320	Adds § 12.04.130 – Undeveloped Alleys (2010).....	12.04
321	Adds § 7.32.235 – Burial Containers Required (2010)	7.32
322	?	
323	Adds § 8.12.035, Annual Dog License Required	8.12
324	Repeals § 10.12.030, Special Permits	10.12
325	Adds §10.04.115, Multi-Use Trail Crossing (2011)	10.04
326	Adds §15.20.160, Minimum Housing Code (2012)	15.20
327	Amends §1.12.030, §10.04.620, §10.08.020, §10.12.040, §12.12.160 Various provisions (2013)	1.12, 10.04, 10.08, 10.12, 12.12
328	Amends §13.16.050(A) and (B), Water Service Rates (2013)	13.16
329	Amends §13.32.050, Storm Sewer Rate (2013)	13.32
330	Amends §13.12.030, Water Connections (2014); Amends §12.04.080, 13.12, 12.04, Maintenance (2014); Amends §13.14.210, Water Service 13.14, 13.18, Regulations (2014); Amends §13.15.010, Water Service 13.15 Rates, Charges and Revenue Regulations (2014); Amends §13.18.170, and §13.18.180, Sanitary Sewer System (2014)	
331	Amends §13.12.030, Water Connections (2014)	13.12
332	<i>(Number not used)</i>	
333	Amends §8.12.070, Redemption of Impounded Dog (2014).....	8.12
334	Adopts January 1, 2015 Eldon Municipal Code (2014).....	1.01