UNOFFICIAL COMPILATION

CODE OF ORDINANCES
City of
MARSHALLTOWN, IOWA

2013 Recodification, including
ORDINANCE 14920 – JUNE 24, 2013
through
ORDINANCE 14971 – MARCH 12, 2018
PREFACE

Source materials used in the preparation of the Code were the 1978 Code, as supplemented through February 10, 1997, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative table appearing in the back of this Code, the reader can locate any section of the 1978 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catch lined to facilitate usage. Notes that tie related sections of the Code together and refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System
The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included in the same manner. If the new material is to be included between chapters 12 and 13, it will be designated as chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Index
The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross-references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.
Loose-leaf Supplements
A special feature of this publication is the loose-leaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.
Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Designation and citation of Code.
The ordinances embraced in the following chapters and sections constitute and are designated the "Code of Ordinances, City of Marshalltown, Iowa," and may be so cited.
State law reference(s)-Codification of ordinances, I.C.A. § 380.8.

Sec. 1-2. Rules of construction and definitions.
In the construction of this Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or repugnant to the context of the provisions:

a) City. The term "the city" or "this city" means the City of Marshalltown, Iowa, and extends to its several officers, agents and employees.

b) City attorney. The term "city attorney" means the chief legal officer of the city.

c) Clerk. The term "clerk" shall mean the clerk of the city.

d) Computing time; holidays. In computing time, the first day shall be excluded and the last included, unless the last day falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday, provided that whenever the last day for the commencement of any action or proceeding, the filing of any pleading or motion in a pending action or proceeding or the perfecting or filing of any appeal from the decision of any court, board, commission or official falls on a Saturday, a Sunday, or New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Day, and floating holiday or whenever any of such named legal holidays may fall on a Sunday, the time therefore shall be extended to include the next day which is not a Saturday, Sunday or such day enumerated in this definition.

e) County. The term "the county" or "this county" means the County of Marshall in the State of Iowa.

f) Delegation of authority. Whenever a provision or section appears requiring an officer of the city to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

g) Gender. Words of one gender include the other genders.

h) Joint authority. Words giving a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of them, unless it is otherwise expressed.

i) Land, real estate. The terms "land," "real estate" and "real property" include land, tenements, hereditaments, and all rights thereto and interest therein, equitable as well as legal.

j) Misdemeanor. The term "misdemeanor" shall mean any unlawful violation of any city ordinance, upon conviction thereof, there is prescribed a punishment.

k) Month, year. The term "month" means a calendar month, and the term "year" means a calendar year.

l) Number. Words importing the singular number may be extended to several persons or things, and words importing the plural number may be applied to one person or thing.

m) Oath, affirmation. The word “oath” includes affirmations in all cases where an affirmation may be substituted for an oath, and in like cases the word “swear” includes “affirm”.
n) Officials, boards, commissions, etc. Whenever reference is made to officials, boards and commissions by title only, i.e., “council,” “clerk,” the mayor,” etc., they shall be deemed to refer to the officials, boards and commissions of the City of Marshalltown.

o) Person. The word “person” shall include and be applied to corporations, associations, clubs, societies, firms, partnerships, municipalities and bodies politic and corporate as well as to individuals.

p) Personal property. The words “personal property” includes money, goods, chattels, evidences of debt, and things in action.

q) Property. The word “property” includes real and personal property.

r) State. The words “the state” shall be construed to mean the State of Iowa.

s) Street. The word “street” shall mean any public street, highway, boulevard, avenue, alley, parkway, public place, plaza, mall or publicly owned right-of-way of easement within the limits of the city.

t) Tense. Words used in the present of past tense include the future as well as the present and past.

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

v) Written, in writing. The words “written” and “in writing” mean any mode of representing words and letters in general use, except that signatures, when required, must be made by the writing or mark of the person.

State law reference(s)-Similar provisions, I.C.A. § 4.1.

Sec. 1-3. Catch-lines, titles, headings and notes.
The catch-lines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, editor’s notes, cross references and state law references, unless set out in the body of the section itself, contained in this Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

Sec. 1-4. Severability of parts of Code.
The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-5. Effect of repeals.
The repeal of an ordinance does not revive an ordinance previously repealed nor does it affect any rights, which have accrued, any duty imposed, or any proceedings commenced under or by virtue of the ordinance repealed.
State law reference(s)-Similar provisions, I.C.A. § 4.1(26).

Sec. 1-6. Altering Code.
It is unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with such Code in any manner whatsoever causing the law of the city to be misrepresented.

Sec. 1-7. Amendments to Code; effect of new ordinances; amendatory language.
a) All ordinances passed subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of
this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances.

b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section ______ of the Code of Ordinances, City of Marshalltown, Iowa, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

c) If a new section not existing in this Code is to be added, the following language may be used: "That the Code of Ordinances, City of Marshalltown, Iowa, is hereby amended by adding a section, to be numbered ________, which said section reads as follows: . . . ." The new section shall then be set out in full as desired.

Sec. 1-8. General penalty.
The doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code or any technical code adopted in this Code by reference or the omission or failure to perform any act or duty required by this Code or any technical code adopted in this Code by reference is, unless another penalty is specified, punishable by a fine in a sum not exceeding the maximum punishable under Iowa law for commission of a simple misdemeanor, in addition to applicable surcharges and costs.

State law reference(s)-Maximum penalty prescribed, I.C.A. § 364.3.


a) Municipal infraction. Any violation of this Code, any ordinance or code adopted by reference or the zoning ordinance of the city or the omission or failure to perform any act or duty required thereby is a municipal infraction, except a provision specifically provided under state law as a felony, an aggravated misdemeanor, a serious misdemeanor or a simple misdemeanor under I.C.A. chs. 687-747, and is punishable by civil penalty as provided in this chapter.

b) Repeat offense. A repeat offense is a recurring violation of the same section of this Code, any ordinance or code adopted by reference or the zoning ordinance of the city, if the prior offense was committed not more than 12 months prior to the recurring violation.

c) Officer. The term "officer" shall mean any employee or official authorized to enforce this Code, any ordinance or code adopted by reference or the zoning ordinance of the city.

(Ord. No. 14308, § 1, 12-11-1989)

Sec. 1-10. Civil penalties for municipal infractions, continuing violations and alternative relief.

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

SCHEDULE OF CIVIL PENALTIES:
1) First offense, not to exceed seven-hundred fifty dollars ($750.00).
2) All repeat offenses, not to exceed one-thousand dollars ($1,000.00).

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

c.) Seeking a civil penalty as authorized in this chapter does not preclude the city from seeking alternative relief from the court in the same action.
Municipal Infractions may be initially brought upon simple notice and if the person charged admits the violation, upon payment of the penalty to the city clerk and the performance of any other act required by law to be performed, such person shall not be further prosecuted or assessed any costs or other expenses for such violation, and the city shall retain all penalties thus collected. Where a municipal infraction is not admitted upon simple notice by the person charged or where the person charged fails to perform any other act required to be performed, or both, an action seeking a penalty may be brought in state court as provided by Section 364.22 of the Code of Iowa, and by the method as set out in Section 1-11 of this municipal code. Any action seeking a penalty for a municipal infraction, with or without additional relief, may be initially brought in the state court. This section does not impose a duty to initially charge all municipal infractions upon simple notice.

Sec. 1-11. Civil citations.

a.) Any officer may issue a civil citation to a person who commits a municipal infraction.

b.) The citation may be served by personal service or by certified mail, return receipt requested.

c.) A copy of the citation shall be sent to the clerk of the district court.

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

1) The name and address of the defendant.

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

3) The location and time of the infraction.

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

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

6) The time and place of court appearance.


Sec. 1-12. Payment of fees, fines or unsatisfied judgments as a prerequisite to issuance by the city of a license or permit.

Prior to the issuance of a license or permit by the city, the city clerk shall make a diligent search of city records to determine if the applicant owes any fines or fees to the city, or has an unsatisfied judgment in favor of the city. If there are fines or fees due and owing, such fines or fees, or both, shall be paid in full prior to the issuance of a license or permit. If the applicant has an unsatisfied judgment in favor of the city, that judgment must be satisfied with evidence of such presented to the city clerk, prior to the issuance of the license or permit.
Chapter 2 ADMINISTRATION*

*Cross reference(s)-Elections, ch. 10; planning, ch. 22; police, ch. 24.

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.
The form of government of the city is the mayor-council form.
(Ord. No. 12723, § 3, 6-16-1975)
State law reference(s)-Mayor-council form of government, I.C.A. § 372.4.

Sec. 2-2. Powers and duties of mayor, council and officers generally.
The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law, this Code, and other ordinances, resolutions, rules and regulations of the city.
(Ord. No. 12723, § 4, 6-16-1975)

Sec. 2-3. Number and term of council.
The council consists of three council members elected at large and one council member from each of four wards as established by ordinance, elected for terms of four years.
(Ord. No. 12723, § 5, 6-16-1975; Ord. No. 12750, §§ 1, 2, 8-15-1975; Ord. No. 14353, § 1, 8-26-1991)

Sec. 2-4. Term of mayor.
The mayor is elected at large for a term of four years.
(Ord. No. 12723, § 6, 6-16-1975; Ord. No. 12750, § 2, 8-15-1975)

Sec. 2-5. Reserved.

Sec. 2-6. Cash flow reserve fund.

a.) Established. The city hereby establishes a cash flow reserve fund for the purpose of setting aside monies to be available during periods of low cash flow so as to have available monies to cover normal and usual expenses as well as emergency needs.

b.) Fund balance. Monies shall be set-aside in the cash flow reserve fund until the balance thereof has reached a sum equal to 20 percent of the current year's operating budget for the general fund. This means that the 20 percent shall fluctuate based upon each budget year and the requirements for the respective general fund there under.

c.) Funding. The cash flow reserve fund shall be funded as follows:

1) From savings based upon refinancing under the 1996 sewer current refunding project, $350,000.00.

2) Accrued interest on $350,000.00 referred to in subsection (c)(1) of this section.

3) Local option sales and services tax revenues designated for cash reserve accumulation.

4) Other monies as may be diverted by the council to be placed in the cash flow reserve fund, i.e., year-end unexpended monies, lawsuit awards and miscellaneous receipts.

d.) Exclusive uses. The balance of the cash flow reserve fund shall not be invaded for any purposes not recited in subsection (a) of this section without a repeal or amendment of
Required procedure. No expenditure of cash flow reserve funds shall occur without the city council first publishing a notice of the proposed uses and holding a public hearing thereon.

Use of excess funds generated by cash flow reserve fund. After the cash flow reserve fund is fully funded, pursuant to subsections (b) and (c) of this section, any excess interest or local option sales and service tax deposits shall be used to fund an equipment acquisition reserve fund for purposes of making capital acquisitions of needed equipment.

(Ord. No. 14547, §§ 1-6, 7-8-1996)

ARTICLE II. OFFICERS AND EMPLOYEES*

Cross reference(s)-Enforcing officer for fire prevention and protection, § 12-3; fire department, § 12-24 et seq.; chief of fire department, § 12-41 et seq.; police department, § 24-12 et seq.

DIVISION 1. GENERALLY

Sec. 2-16. Compensation.

a.) Elected officers. The annual compensation of elected officers of the city, as set forth in this subsection, shall be as follows and paid bi-weekly:
   1) The mayor, $ 7,500.00
   2) Each council member, $3,000.00.

b.) Appointed officers and employees. The salaries or compensation of all other officers and employees shall be in such amounts and payable at such times as shall from time to time be provided by ordinance or resolution of the council.


Sec. 2-17. Reserved.

Sec. 2-18. Vacancy in office.

If a vacancy occurs in any office, the office shall be filled as provided by law.

(Rev. Ords. 1950; Ord. No. 1, § 10)

Secs. 2-19 – 2-33. Reserved.

DIVISION 2. APPOINTIVE OFFICERS*

Sec. 2-34. Enumerated.

The following officers shall be appointed by the city administrator with the approval of the city council:

a.) Director of public works/city engineer;

b.) Fire chief;

c.) Police chief;

d.) Parks and Recreation director;
e.) Human Resources director;
f.) City clerk;
g.) City attorney;
h.) Finance director/City treasurer.
i.) Housing and Community Development Director

(Ord. No. 14369, § 1, 1-13-1992; Ord. No. 14870 3-10-2010)

Sec. 2-35. Terms.
Appointment of officers shall be made by the city administrator with the approval of the city council, the appointment of officers shall be for an indefinite duration of time. Removal of an appointee from office shall be pursuant to I.C.A. § 372.15 (2001).

(Ord. No. 14369, § 1, 1-13-1992; Ord. No. 14417, § 1, 3-22-1993)

Sec. 2-36. Duties.
The appointees under this division shall perform such duties as required by law, statute, ordinance, position description, and as directed by the city administrator. The Mayor shall continue to be the Chief Executive Officer of the City, without additional compensation, act as the City Administrator when the office is vacant and shall continue his other duties as set forth in the State Code of Iowa and the Marshalltown Code of Ordinances.

(Ord. No. 14369, § 1, 1-13-1992; Ord. No. 14315, § 1, 4-9-1990)

Secs. 2-37 – 2-141. Reserved.
ARTICLE III. BOARDS AND COMMISSIONS*

*Cross reference(s)-Board of gas and plumbing examiners, § 14-8; housing advisory board, § 15.5-15; human rights commission, § 16-3 et seq.; city plan and zoning commission, § 22-12 et seq.

DIVISION 1. GENERALLY

Secs. 2-142 – 2-150. Reserved.

DIVISION 2. BOARD OF LIBRARY TRUSTEES

Sec. 2-151. Composition of board; appointment.
The Board of Trustees of the Marshalltown Public Library, hereinafter referred to as the board, shall consist of seven (7) members. All resident trustees shall be appointed by the mayor with the approval of the City Council. The nonresident trustee member shall be appointed by the mayor with the approval of the Marshall County Board of Supervisors.
(Rev. Ords. 1950; Ord. No. 1, § 7; Ord. No. 9025, § 1, 2-27-1956; Ord. No. 12716, § 2, 7-8-1975; Ord. 14700, 9-23-02)

Sec. 2-152. Qualifications of members.
Six trustees of the board shall be bona fide citizens and residents of the City. For purposes of this Chapter, these trustees shall be called resident trustees of the board. One trustee of the board shall be a resident of rural Marshall County. For purposes of this Chapter, this trustee shall be called a nonresident trustee of the board.
(Ord. No. 12716, § 3, 7-8-1975; Ord. 14700, 9-23-02)

Sec. 2-153. Terms of office; vacancies; compensation.
a.) Terms of office. All appointments to the board of library trustees shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number as near as possible, to stagger the terms.
b.) Vacancies. The position of a resident trustee shall be vacant if a resident trustee moves permanently from the City. The position of nonresident trustee shall be vacant if the nonresident trustee moves permanently from Marshall County, or moves permanently to the City. The position of trustee shall be vacant if a trustee is absent six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City by a resident trustee, or except in the case of sickness or temporary absence from Marshall County by a nonresident trustee. Vacancies on the board shall be filled as provided in Section 2-151, and the new trustee shall serve for the unexpired term for which the appointment is made.
c.) Compensation. Trustees shall receive no compensation for their services.
(Ord. No. 12716, § 4, 7-8-1975; Ord. 14700, 9-23-02)
Sec. 2-154. Powers and duties.
The board of library trustees shall have and exercise the power and duty to:

a.) Meet and elect from its members a president, a secretary, and such other officers as it
deems necessary. The finance director shall serve as board treasurer, but shall not be a
member of the board.

b.) Have charge, control and supervision of the public library, its appurtenances, fixtures and
rooms containing the library.

c.) Direct and control all the affairs of the library.

d.) 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.) Remove by a two-thirds vote of the board the librarian and provide procedures for the
removal of assistants or employees for misdemeanor, incompetence or inattention to duty,
subject, however, to the provisions of I.C.A. ch. 70.

f.) Select, or authorize the librarian to select, and make purchases of books, pamphlets,
magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures,
stationery and supplies for the library within budgetary limits set by the board.

g.) Authorize the use of the library by nonresidents of the city and fix charges therefore.

h.) Make and adopt, amend, modify or repeal rules and regulations, not inconsistent with
ordinances and the law, for the care, use, government and management of the library and
the business of the board, fixing and enforcing penalties for violations.

i.) Have exclusive control of the expenditure of all funds allocated for library purposes by
the council and of all moneys available by gift or otherwise for the erection of library
buildings and of all other moneys belonging to the library including fines and rentals
collected, under the rules of the board.

j.) Accept gifts of real property, personal property or mixed property, and devises and
bequests, including trust funds; take the title to such property in the name of the library;
execute deeds and bills of sale for the conveyance of such property; and expend the funds
received by them from such gifts, for the improvement of the library.

k.) Keep a record of its proceedings.

l.) Enforce the performance of conditions on gifts, donations, devises and bequests accepted
by the city by action against the city council.

m.) Have authority to make agreements with the local county historical associations, where
such exist, and set apart the necessary room and care for such articles as may come into
the possession of the associations. The trustees are further authorized to purchase
necessary receptacles and materials for the preservation and protection of such articles as
are in its judgment of a historical and educational nature and pay for the preservation and
protection out of funds allocated for library purposes.

(Ord. No. 12716, § 5, 7-8-1975)

Sec. 2-155. Power to contract with others for use of library.

a.) Contracting. The board of library trustees may contract with any other boards of trustees
of free public libraries; any other city, school corporation, private or semiprivate
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 mutual consent of the
contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent in number of the electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than 40 days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Ord. No. 12716, § 6, 7-8-1975)

**Sec. 2-156. Nonresident use of the library.**
The board of library trustees may authorize the use of the library by nonresidents in any one or more of the following ways by:

a.) Lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee.

b.) Establishing depositories of library books or other materials to be loaned to nonresidents.

c.) Establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.

d.) Establishing branch libraries for lending books or other library materials to nonresidents.

(Ord. No. 12716, § 7, 7-8-1975)

**Sec. 2-157. 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 of library trustees signed by its president and secretary. The warrant writing officer is the city finance officer.

(Ord. No. 12716, § 8, 7-8-1975)

**Sec. 2-158. Annual report.**
The board of library trustees 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 of books 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. No. 12716, § 9, 7-8-1975)

**Secs. 2-159 – 2-168. Reserved.**

**DIVISION 3. BOARD OF WATERWORKS TRUSTEES**

**Sec. 2-169. Compensation.**
The salaries of the members of the board of waterworks trustees shall be $300.00 per year each, payable quarterly.

(Rev. Ords. 1950; Ord. No. 17, § 1)
DIVISION 4. BOARD OF COMMUNITY CENTER TRUSTEES

Sec. 2-180. Art gallery established.
There is established a Municipal Art Gallery which remains open under the provisions of state law.
(Ord. No. 11621, § 1, 1-12-1969)

Sec. 2-181. Location, allocation of space for art gallery.
The city council does provide for the location of the Municipal Art Gallery in such rooms and space as shall be allocated to it under lease from the Fisher Foundation in the Fisher Community Center complex, to be more fully detailed in a written instrument setting forth the terms and conditions of such use.
(Ord. No. 11621, § 2, 1-12-1969)

Sec. 2-182. Composition; appointment of members; terms and qualifications.
A board of community center trustees of seven members to be appointed by the mayor, with the approval of the city council, is created, and such members shall have terms and qualifications as shall be provided by state law.
(Ord. No. 11621, § 3, 1-12-1969; Ord. No. 13806, § 1, 9-22-1980)

Sec. 2-183. Vacancies.
Vacancies in the board of community center trustees shall be determined as provided under state law.

Sec. 2-184. Conflict of interest.
Neither the city, nor the board of community center trustees, as is provided for in this division, shall have any interest in or control over any paintings or other art objects as may be owned by the Fisher Foundation or any member of the Fisher family now in place in the Fisher Community Center or as may be added thereto in the future and the location for the display of such paintings or other art objects shall not in any manner be controlled by the board of trustees of the Municipal Art Gallery.
(Ord. No. 11621, § 5, 1-12-1969; Ord. No. 13806, § 1, 9-22-1980)

Sec. 2-185. Powers and duties.
The board of community center trustees shall have and exercise the power to:

a.) Meet and organize by the election of one of its number as president of the board, and by the election of a secretary and such other officers and committees as the board may deem necessary.

b.) Except as to the provision of section 2-184, have charge, control and supervision of the public art gallery, its works of art or works of art entrusted to its care and supervision, the rooms or space allotted to it under lease arrangements of the city and of all fixtures, equipment and materials provided for its use.

c.) Provide for use of the public art gallery by the public to the extent possible and promote the teaching and appreciation of art in its broadest aspects for the cultural enhancement of the city and the surrounding community.

d.) Accept on behalf of the city gifts or works of art; select and make purchases of pictures,
portraits, paintings, statuary and relics, and other objects of art, in the original and in replicas or copies, books, periodicals, papers, and journals on the subject of art, furniture, fixtures, stationery, and supplies for such art gallery.

e.) Receive, hold, and dispose of all gifts, donations, devises, and bequests that may be made to the city for the purpose of establishing, increasing, or improving such art gallery; but when any such gift, donation, devise, or bequest shall be conditioned upon any act of the city, the city council must first determine whether such condition can or shall be complied with.

f.) Make and adopt, amend, modify, or repeal bylaws, rules, regulations, not inconsistent with law, for the care, use, government, and management of such art gallery and the business of the board, fixing and enforcing penalties for the violation thereof.

g.) Have exclusive control of the expenditures of all monies allocated by the council, as provided by law, and of the expenditure of all moneys available by gift or otherwise for the erection of art buildings or for the promotion of such art galleries and of all other money belonging to the art gallery fund.

(Ord. No. 11621, § 6, 1-12-1969)

**Sec. 2-186. Allocation of funds for maintenance and acquisitions of art gallery.**
The city council shall allocate each year from the levy in the recreation fund such sum as shall provide for the leased space allotted to the Municipal Art Gallery and for such amount as shall be determined for maintenance purposes or the acquisition of equipment or art objects as related thereto.

(Ord. No. 11621, § 7, 1-12-1969)

**Sec. 2-187. Disbursement of appropriated funds.**
Money from the recreation fund appropriated to the board of community center trustees for its use and purposes, as provided in this division or as authorized by statute, shall be paid out by order of the board of community center trustees and signed by its president.

(Ord. No. 11621, § 8, 1-12-1969; Ord. No. 13806, § 1, 9-22-1980)

**Sec. 2-188. Annual report.**
The board of community center trustees shall make an annual report to the city council at the close of the year covering in detail money received and paid out, any gifts or donations, and any material information pertaining to its functioning or operation.

(Ord. No. 11621, § 9, 1-12-1969; Ord. No. 13806, § 1, 9-22-1980)

**Sec. 2-189. Mutilation, destruction of art objects; violation of rules.**
It shall be unlawful for any person to mutilate, mar, deface, mark, destroy, or in any way damage any art object, belonging to or under control of the board of community center trustees, or to violate any of its rules established for its operation.

**Sec. 2-190. Penalties.**
Anyone violating the provisions of this division for any offense as is set forth in section 2-189 hereof, shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code.

DIVISION 5. PARK AND RECREATION ADVISORY COMMITTEE*

Cross reference(s)-Parks, playgrounds and recreation, ch. 21.5.

Sec. 2-201. Created.
There is created and established a park and recreation advisory committee consisting of seven members, being seven citizen members, who have an interest in park and recreation matters and who have attained the age of 18 and shall reside within the corporate limits of the city. Members shall be appointed by the mayor with the consent and approval of the council. Committee members shall serve without compensation but may receive reimbursement for expenditure of personal funds related to committee business upon approval of the city finance director approves such expenditure. Reimbursement may require advance approval.

Sec. 2-202. Terms of office.

a. All committee members shall be appointed for two years, commencing January 1 of the year of appointment.
b. Notwithstanding Section 2-206, the first meeting of this committee shall be called by the Mayor.

Sec. 2-203. Reappointments.
Any member appointed to a term on the park and recreation advisory committee may be reappointed for successive terms without limitation.

Sec. 2-204. Election of officers.
The park and recreation advisory committee shall meet and shall elect from its own membership a chairperson to serve for one year, and may provide for such other subcommittees as may be deemed necessary to fully exercise its functions, subject to final control of the entire membership of the committee.

Sec. 2-205. Regular meetings.
The park and recreation advisory committee shall hold during a year at least six regular meetings at a time and place fixed by its rules and may hold special meetings upon call of the chairperson or by four members joining in such call upon at least one day's written notice prior thereto. Four members shall constitute a quorum for the transaction of any matter of business coming before it.

Sec. 2-206. Duties and functions.
The park and recreation advisory committee shall:

a. Work in harmony with the city council and the park and recreation director to develop a five-year master plan of park development and maintenance.
b. Evaluate trends in recreation activities to be carried out by the park and recreation director.
c. Report to the council from time to time regarding developments.
d. Oversee and make recommendations for operation of the city park system, recreation
programs, trails, swimming programs and municipal band, including the setting of fees for use of facilities, including rental shelters which were previously set by City Council resolution.

(Ord. No. 14457, § 1, 3-28-1994; Ord. No. 14823, 1-28-2008; Ord. No. 14897. §1, 2-27-2012)

Secs. 2-207 – 2-214. Reserved.

(Ord. No. 14457, § 1, 3-28-1994; Ord. No. 14823, 1-28-2008; Ord. No. 14897. §1, 2-27-2012)
Chapter 3 Reserved

Repealed by Ordinance 14845, October 13, 2008
Chapter 4 AIRPORTS AND AIRCRAFT

ARTICLE I. IN GENERAL

Secs. 4-1 – 4-15. Reserved.

ARTICLE II. MUNICIPAL AIRPORT

DIVISION I. GENERALLY

Sec. 4-16. Limitations on use.
Only aircraft and airmen licensed by the federal aviation agency and flight students under authorized instruction shall operate on or over the municipal airport; provided, however, that this restriction shall not apply to public aircraft of the federal government or a state, territory, possession or a political subdivision thereof or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.
(Ord. No. 10596, Article I, § 1, 5-27-64)

Sec. 4-17. Conformity with federal, state and local laws, rules and regulations.
No person shall navigate any aircraft over, land upon, or fly the same from or service, maintain or repair any aircraft upon the municipal airport, or conduct any aircraft operations on or from the airport otherwise than in conformity with Title 14, Chapter 1 of the Federal Aviation Administration regulations, or in conformity with the laws of the State of Iowa, or the rules and regulations as provided in this chapter.
(Ord. No. 10596, Art I, § 2, 5-27-64)

Sec. 4-18. Civil air regulations adopted.
Title 14, Chapter 1 of the Federal Aviation Administration regulations are hereby adopted by reference and made a part of these rules.

Sec. 4-19. Permit or contract – Required for use of airport.
a.) General use. No person shall use the municipal airport as a base or terminal for the carrying on of commercial aviation, the carrying of passengers, freight, express, mail, or for stunt flying, the rental of cars, the sale of insurance, or any other commercial or private purpose without first securing a permit or a contract therefore and paying fees and charges prescribed by the city council for such privileges, use or services rendered.
b.) Concessionaires. No person, firm or corporation shall engage in the sale or dispensing of refreshments, gasoline, oil, or any other commodity, or render any services for hire or otherwise within the confines of the municipal airport without first having secured a permit or contract therefore and paid, or made satisfactory arrangements to pay, such fees or other sums of money as may be fixed and determined by the council for such privilege or concessions.
(Ord. No. 10596, Art I, § 4, 5, 5-27-64)
Sec. 4-20. Same – Council to establish standards, post fee schedules.
The city council shall establish reasonable standards of qualifications, which must be met by any applicant for a permit, concession license or contract to conduct a business or operation on the airport. The council shall negotiate a schedule of fees for all permits and qualifications provided for under section 4-19.
(Ord. No. 10596, Art I, § 6, 5-27-64)

Sec. 4-21. Public use; restrictions; liability for damage.
The municipal airport shall be for the use and benefit of the public and will be open to all types, kinds and classes of aeronautical use without discrimination for landing and taking off, except that aircraft equipped with tail skids shall not land or take off from the paved runway. All operators of aircraft shall be liable for any damages to the airport facilities or other aircraft thereon, or to any person or property of others occasioned by the negligent operation thereof or for failure to observe flight rules of safety as required by this article or as established by the Federal Aviation Administration.
(Ord. No. 10596, Art I, § 7, 5-27-64)

Sec. 4-22. Liability Insurance.
Any person, persons or corporation dispensing gasoline, jet fuel or oil shall, for the benefit of the city, carry minimum insurance coverage of one hundred thousand dollars ($100,000.00), two hundred thousand dollars ($200,000.00), one hundred thousand dollars ($100,000.00) and shall keep on file with the airport manager and the city clerk a certificate of such insurance in force.
(Ord. No. 10596, Art I, § 8, 5-27-64)

Sec. 4-23. Lighting for night flying.
Lighting of the airport for night flying shall be done in accordance with the requirements of the Federal Aviation Administration for airport lighting equipment.
(Ord. No. 10596, Art I, § 9, 5-27-64)

Sec. 4-24. Disposal of wrecked aircraft.
The aircraft owner, his pilot or agent shall be responsible for the prompt disposal of wrecked aircraft and the parts thereof, to avoid interference with the field operations, unless directed to delay such action pending accident investigation.
(Ord. No. 10596, Art I, § 10, 5-27-64)

Sec. 4-25. Federal and state laws, rules and regulations applicable.
The laws of the United States, or the State of Iowa, all rules and regulations of the city as provided in this article, or hereinafter to be enacted, shall be in force upon this field.
(Ord. No. 10596, Art I, § 2, 5-27-64)

Sec. 4-26. Approval required for erection of signs, other structures.
No person shall be permitted to erect a sign or other structure on the municipal airport premises without first having secured the written approval of the council.
(Ord. No. 10596, Art I, § 12, 5-27-64)
Cross reference – Advertising and signs, Ch. 3.
DIVISION 2. AIRPORT OPERATION

Sec. 4-34. Airport Management.
The Council may contract with a private Fixed Based Operator (FBO) to manage and operate the airport facility. The duties and compensation shall be negotiated from time to time as set out in the contract.

Sec. 4-35. Qualifications.
The FBO shall be thoroughly trained and experienced in airport management, have experience in aircraft servicing, and methods of air control, knowledge of federal and state regulations controlling and regulating flight and operation of aircraft, and the public relation responsibilities of the position.
(Ord. No. 10556, § 2, 3-30-64)

Sec. 4-36 – 4-41. Reserved

Sec. 4-42. Enforcement of federal, state and local laws, rules and regulations.
The FBO shall enforce all provisions of this Code and other ordinances and regulations of the city relating to the use and operation of the municipal airport and shall require and obtain compliance with federal regulations pertaining to aeronautics. He shall report to the cognizant agency of the federal government all violations of federal regulations respecting aircraft airworthiness, airmen and flight of aircraft.
(Ord. No. 10556, § 9, 3-30-64, Ord. No. 10596, Article III § 1, 5-27-64)

Sec. 4-43. Maintenance of office; other general duties.
The FBO shall maintain his office in the administration building, keep the same and adjacent area clean and orderly, see that facilities are available to the flying public, pilots and others, coordinate the use of the administration building with lessees of the airport facilities, and do and perform such other duties as are incident thereto.
(Ord. No. 10556, § 10, 3-30-64)

Secs. 4-44 – 4-51. Reserved

DIVISION 3. TRAFFIC RULES

Sec. 4-52. Compliance with current traffic patterns required.
The direction of aerial traffic around the outside of the airport shall be to the left, and in accordance with current traffic patterns on file in the airport manager’s office.
(Ord. No. 10596, Article II, § 1, 5-27-1964)

Sec. 4-53. Right-of-way.
An aircraft in distress shall have the right-of-way over all other aircraft. All aircraft converging on the airport for landing shall observe the rules as are prescribed by the Federal Aviation Administration.
(Ord. No. 10596, Article II, § 2, 5-27-1964)
Sec. 4-54. Maneuvering to land.
When landing or maneuvering into position to land, it shall be the duty of the aircraft at the greater altitude to avoid the aircraft at the lower altitude, but this shall not excuse the pilots of either or both such aircraft from the exercise of due care and diligence. Airplanes, when approaching the runway for a landing, shall, if found expedient to continue flight, proceed up wind until the landing area has been crossed.
(Ord. No. 10596, Article II, § 3, 5-27-1964)

Sec. 4-55. Takeoff and landing.
Airplanes shall land and take off at a safe distance from hangars and other buildings, obstacles, areas reserved for spectators, and auto parking areas. Airplanes shall not take off over hangars, buildings, obstructions, auto parking areas, or groups of spectators. Airplanes shall not land on or take off from taxi strips, aprons or airplane parking areas. Aircraft taking off shall fly beyond the controlled two thousand (2,000) feet at the end of the southeast end of the paved runway before making the turn for its continued flight and shall approach for landing at this end of the paved runway from beyond the controlled two thousand (2,000) feet.
(Ord. No. 10596, Article II, § 4, 5-27-1964)

Sec. 4-56. Taxiing.
Aircraft, while taxiing out for a takeoff, shall use due caution to avoid any interference with planes landing or taking off. Upon landing on the airport, a pilot shall assure himself that there is no danger of collision with other aircraft taking off, landing or taxiing, before and while taxiing to the line or other part of the airport. All aircraft shall be taxied at a slow and reasonable speed, particularly in the vicinity of hangars and other buildings, and shall be brought to a full stop when in the vicinity of landing aircraft. Unless a taxiing aircraft is equipped with adequate brakes, an attendant shall be at each wing when the aircraft is near passengers, fences, other airplanes, buildings or equipment. No airplanes shall be taxied into or out of hangars.
(Ord. No. 10596, Article II, § 5, 5-27-1964)

Sec. 4-57. Unauthorized removal of aircraft from landing area or hangars.
No person shall take any aircraft from the landing area or hangars or operate same in violation of the Federal Aviation Administration regulations.
(Ord. No. 10596, Article II, § 6, 5-27-1964)

Sec. 4-58. Authority of airport manager to suspend flying operations.
The FBO shall have the authority to suspend flying operations on or from the airport of any part thereof when in his opinion, the condition of the landing area or local meteorological conditions might make operations unsafe.
(Ord. No. 10596, Article II, § 7, 5-27-1964)

Sec. 4-59. Clearing of runways.
Aircraft shall leave the runways as soon as practicable after landing. Running up or clearing engines shall be done off the runways to be used. All pilots shall position their airplanes so that the slipstream during runup shall not cause turbulent air over runways and in order that they may at all times see incoming traffic. Instruction to students while the plane is not in motion or discharge of passengers shall be done off the runways. In the case of trouble in starting dead engines, the plane shall be moved off the runway immediately.
(Ord. No. 10596, Article II, § 8, 5-27-1964)
Sec. 4-60. Night flying
All aircraft operating during the hours of darkness shall display position lights as required by federal aviation regulations.
(Ord. No. 10596, Article II, § 9, 5-27-1964)

Sec. 4-61. Safe conduct of passengers.
Passengers shall be safely conducted, by the operator or his authorized agent, from the nearest gate in the landing area fence to the plane, but not until departing passengers have been so conducted from the plane to the nearest gate. Passengers shall not be loaded nor unloaded from aircraft while the engine is running unless they are conducted from or to such aircraft by the authorized agent of the aircraft operator. The plane shall not proceed until the pilot has received a proper signal from said agent.
(Ord. No. 10596, Article II, § 10, 5-27-1964)

Sec. 4-62. Condition of pilot and crew during takeoff or in flight.
No pilot or other member of the crew of an aircraft during takeoff or in flight shall be in such condition as to be in violation of the Federal Aviation Administration regulations.
(Ord. No. 10596, Article II, § 10, 5-27-1964)

Secs. 4-63 – Sec. 4-70 Reserved.

DIVISION 4. RUNNING ENGINES

Sec. 4-71. Use of wheel blocks required.
Blocks, equipped with ropes or other suitable means of pulling them, shall always be placed in front of the wheels before starting the engine or engines, unless airplane is provided with thoroughly adequate brakes.
(Ord. No. 10596, Article III, § 1, 5-27-1964)

Sec. 4-72. Running engine in storage hangars.
Aircraft engines shall not be run in storage hangars, except in engine run-up room.
(Ord. No. 10596, Article III, § 2, 5-27-1964)

Sec. 4-73. Fueling while engine running.
No aircraft shall be fueled while the engine is running.
(Ord. No. 10596, Article III, § 3, 5-27-1964)

Sec. 4-74. Filling of fuel truck while engine running.
No gasoline fuel truck shall be filled while the truck engine is running.
(Ord. No. 10596, Article III, § 4, 5-27-1964)

Sec. 4-75. Fueling inside hangar.
No aircraft shall be fueled inside any hangar or building.
(Ord. No. 10596, Article III, § 5, 5-27-1964)

Sec. 4-76. Engine starting procedure.
In starting an aircraft engine the customary procedure shall be used by the person operating the starting device and the person at the engine controls. All challenges and signals between the former and the latter shall be clearly understood and so indicated by repetition before either takes
Sec. 4-77. Starting and run-up restricted to designated places.
Aircraft shall be started and run-up only in the places designated for such purpose by the FBO.
(Ord. No. 10596, Article III, § 4, 5-27-1964)

Sec. 4-78. Responsibility of airport personnel.
Persons attached to the airport shall observe extreme caution when in the vicinity of turning propellers and shall make it their duty to warn uninitiated persons of the danger of being struck.
(Ord. No. 10596, Article III, § 8, 5-27-1964)

Secs. 4-79 – 4-85. Reserved.

DIVISION 5. INSTRUCTION FLYING AND TEST FLIGHTS

Sec. 4-86. Responsibility of persons instructing students.
All persons instructing student pilots in flying on the airport shall fully acquaint such students with the rules and regulations in effect on the airport and shall be responsible for the conduct of said students while under their instruction.
(Ord. No. 10596, Article IV, § 1, 5-27-1964)

Sec. 4-87. Number of persons on test flights limited; passengers as ballast prohibited.
The personnel engaging in test flights shall be limited in each case to the number necessary to properly perform the required test. At no time shall passengers be carried on such flights as ballast.
(Ord. No. 10596, Article IV, § 2, 5-27-1964)

Sec. 4-88. Acrobatics, training and flight-testing.
Acrobatic flying, student training and flight-testing shall be performed only as prescribed by the latest adopted flight and training manuals of the Federal Aviation Administration.
(Ord. No. 10596, Article IV, § 3, 5-27-1964)

Secs. 4-89 – 4-96. Reserved.

DIVISION 6. PARKING AND MOORING

Sec. 4-97. Designation of plane line and tie-down area.
The plane line shall be designated by the FBO and shall be interpreted as the tie-down area at the outer edge of the plane parking ramp.
(Ord. No. 10596, Art. V, § 2, 5-27-1964)

Sec. 4-98. Designations and observation of deadlines.
A deadline shall also be designated by they FBO, and no person, excepting a pilot or mechanic attached to the airport or employed by the owner of a plane, or an operator on said airport or an owner of such a plane, or such an operator, or duly authorized officers or officials charged with the duty of enforcing local, state or federal laws or regulations, shall cross the deadline or enter upon the flying field unless he is to participate in a flight. If such a person is to participate in a flight he shall not cross the deadline until the plane in which he is to fly has come to a full stop
and the pilot thereof has signaled that he is ready. Such person shall, upon alighting from the plane, leave the landing area by the shortest possible route. Operators of vehicles desiring to cross this deadline and enter the airfield shall not do so without receiving prior permission from the FOB or the control tower.

(Ord. No. 10596, Art. V, § 3, 5-27-1964)

**Sec. 4-99. Spectators and visitors to observe deadlines.**
Spectators and visitors, unless under guidance of the FBO or other person responsible to the FBO, shall remain behind the deadline as defined herein, or as may be from time to time changed to conform to changed conditions.

(Ord. No. 10596, Art. V, § 4, 5-27-1964)

**Secs. 4-100 – 4-105. Reserved.**

**DIVISION 7. FIRE REGULATIONS**

**Sec. 4-106. Persons using airport to exercise utmost care.**
All persons using in any way the airport area of the facilities of the airport shall exercise the utmost care to guard against fire and injury to persons or property.

(Ord. No. 10596, Art. VI, § 1, 5-27-1964)

**Sec. 4-107. Nonsmoking areas designated.**
No persons shall smoke in any hangar or any repair shop on the airport except in the lounge area or office space.

(Ord. No. 10596, Art. V, § 2, 5-27-1964)

**Sec. 4-108. Care of floors, use of volatile solvents.**
Floors shall be kept clean and free from oil. The use of volatile inflammable solvents for cleaning floors is prohibited.

(Ord. No. 10596, Art. VI, § 3, 5-27-1964)

**Sec. 4-109. Receptacles for oily waste, etc.**
Suitable metal receptacles with self-closing covers shall be provided for the storage of oily wastes, rages and other rubbish. The contents of these receptacles shall be removed daily.

(Ord. No. 10596, Art. V, § 4, 5-27-1964)

**Sec. 4-110. Oil, paint and varnish containers.**
All empty oil, paint and varnish cans, bottles or other containers shall be immediately removed from the premises.

(Ord. No. 10596, Art. VI, § 5, 5-27-1964)
Chapter 5 ALCOHOLIC BEVERAGES*

*Cross reference(s)-Licenses and business regulations, ch. 17; consumption of alcoholic beverages in public places, § 21-10.
State law reference(s)-Iowa Alcoholic Beverage Control Act, I.C.A. § 123.1 et seq.

ARTICLE I. IN GENERAL

Sec. 5-1. References to Iowa Code.
The city has the ability to issue, suspend and revoke licenses and permits as permitted under Chapter 123 of the Iowa Code. Where state law defines words and phrases used in this chapter, such definitions shall apply to their use in this chapter and are adopted by reference. Where “Administrator” is used in Chapter 123 of the Iowa Code, for definitional purposes, shall mean the City Council of the City of Marshalltown, Iowa.

Sec. 5-2. Marshalltown Memorial Coliseum, sale and consumption limited.
The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
a.) Charitable event. Charitable event means an activity sponsored by an organization or person whose purpose is to collect funds for a charitable cause.
b.) Nonprofit event. Nonprofit event means an activity sponsored by an organization or person whose receipts from the activity are not intended nor do they in fact exceed expenses. No person or organization shall sell or serve alcoholic beverages in the Marshalltown Memorial Coliseum unless the person or organization is sponsoring a nonprofit or charitable event.
1) All persons or organizations selling or serving alcoholic beverages at the Marshalltown Memorial Coliseum shall have the appropriate liquor license and shall complete all required application forms for use of the Marshalltown Memorial Coliseum.

Secs. 5-3 – 5-25. Reserved.

ARTICLE II. PERMITS GENERALLY*

Cross reference(s)-Licenses and business regulations, ch. 17.

Sec. 5-26. Permit required.
No person shall, within the city, sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in beer without having first procured a permit, as provided by this article and in I.C.A. Ch. 123.

(Rev. Ords. 1950; Ord. No. 47, § 3)
Secs. 5-27 – 5-28. Reserved.

Sec. 5-29. Permit fees.
All license and permit fees under this chapter shall be paid at the time of making application for such permits, and no refund of any part of such fees shall be made unless the application is denied. The Alcoholic Beverages Division determines permit fees.

Sec. 5-30. Application for permits—General requirements.
All applications for permits required under this division shall state whether or not the applicant is the actual manager of the place of business and, if not, the name of the manager thereof and the duration of his employment. If there is a change in management, the city clerk shall be notified in writing of such change within three days from the time the change is made, and the notification shall contain the name, former occupation and address of the newly appointed manager.

Secs. 5-31 – 5-33. Reserved.

Sec. 5-34. Investigation of applicant.
The city council shall make, or cause to be made, a thorough investigation to determine the fitness of the applicant for a permit required by this division and the truth of the statements made in and accompanying the application. The decision of the city council shall be rendered within 30 days after the application is received.
(Rev. Ords. 1950; Ord. No. 47, § 10)

Secs. 5-35 – 5-41. Reserved.

Sec. 5-42. Revocation of permit.
The city council may, in its discretion, suspend or revoke any permit issued under the terms of this chapter as provided by state law.
State law reference(s)—Suspension or revocation of beer permit, I.C.A. § 123.39; effect of revocation, I.C.A. § 123.40.

Sec. 5-43. Reserved.

Sec. 5-44. Distribution of funds.
All fees collected under this division shall be retained by the city and allocated to its general fund.
(Rev. Ords. 1950; Ord. No. 47, § 19)
State law reference(s)—Distribution of funds, I.C.A. § 123.143.

Sec. 5-45. Use of certain words prohibited on premises.
It shall be unlawful for the holder of any permit to exhibit or display or permit to be exhibited or displayed on the premises any sign or poster containing the words "bar," "barroom," "saloon," or words of like import.
(Rev. Ords. 1950; Ord. No. 47, § 20; Ord. No. 10440, § 1, 7-11-1963)
State law reference(s)—Advertisement for alcoholic liquor or beer, I.C.A. § 123.51.
Sec. 5-46. Reserved.

Sec. 5-47. Closing hours.
It shall be unlawful for any person to sell, dispense or deliver any alcoholic beverage, wine or beer to any person between the hours of 2:00 a.m. and 6:00 a.m. on any weekday. Holders of Sunday sales permit may sell or dispense alcoholic liquor or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.
State law reference(s)-Hours when sale or dispensing illegal, I.C.A. § 123.49(2)b.

Secs. 5-48 – 5-50. Reserved.

Sec. 5-51. Class "B" permit for use on fairgrounds-Issuance.
A class "B" beer permit may be issued by the city council for use by the holder of such permit on the fairgrounds of the Central Iowa Fair Association.
(Rev. Ords. 1950; Ord. No. 48, §§ 1, 2)

Sec. 5-52. Reserved.

Sec. 5-53. Same-Transferability.
The permit required by section 5-51 shall not be used in any other location or place and shall not be transferred from one location to another.
(Rev. Ords. 1950; Ord. No. 48, § 4)

Sec. 5-54. Same-Sale without permit unlawful.
It shall be unlawful for any person to sell or dispense beer at the Central Iowa Fair Association grounds, except in compliance with sections 5-16 through 5-53.
(Rev. Ords. 1950; Ord. No. 48, § 5)

Secs. 5-55 – 5-100. Reserved.

ARTICLE III. ALCOHOL SALES TO MINORS AND PROHIBITION

Sec. 5-101. Selling or furnishing to minors.
No person shall knowingly sell, give, supply or offer any alcoholic beverage, wine or beer to any person under the age of 21.
(Rev. Ords. 1950; Ord. No. 47, § 20; Ord. No. 10440, § 1, 7-11-1963; Ord 14889 §6, 9-26-2011)
State law reference(s)-Supplying alcoholic beverage, wine or beer to person under legal age, I.C.A. § 123.49(2)h.

Sec. 5-102. Minors prohibited on certain premises.
a.) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: Guardian. Guardian means an individual who has been duly appointed as the guardian of a minor pursuant to Iowa Probate Code ch. 633.552-633.565 and any future amendments thereto.
1) Minor. Minor means any person who has not attained the lawful age for the purchase, consumption or possession of any alcoholic beverage, including beer, wine or liquor, under state laws.
b.) Except as provided in subsection (d) of this section, it shall be unlawful for the holder of
a license or permit issued pursuant to the Iowa Alcoholic Beverage Control Act, I.C.A. § 123.1 et seq., for premises where more than 50 percent of the business of the business conducted is the sale or dispensing of alcoholic beverages, and for every person employed with respect to such premises, to knowingly permit or fail to take reasonable measures to prevent entry into such premises of any and all minors. Either the chief of police or the city administrator may request, upon ten days' notice, a verified statement from a certified public accountant which establishes that more than 50 percent of the licensee's or permittee's gross sales are from the sale of goods or services other than the sale of alcoholic beverages, wine or beer, which shall not include income from cover charges, entertainment fees, drink mixes, nonalcoholic beverages, or any goods or services not sold directly on the licensee's or permittee's premises. In addition, any licensee or permittee may tender such a verified statement, at any time, so as to justify his lawful conduct of business. Failure to provide the verified statement as requested shall be considered a violation of this section, which may result in a revocation of all licensee permits issued by the city.

c.) Except as provided in subsection (d) of this section, it shall be unlawful for a minor to go onto the premises described in subsection (b) of this section.

d.) The provisions of subsections (b) and (c) of this section shall not apply when:

1) The minor is an employee of the license or permit holder and performing scheduled duties or is performing contracted services with respect to such premises.

2) The minor is accompanied by a parent, guardian or spouse who is not a minor.

3) The minor is on the premises during a time that the license or permit holder has, after written notice to the chief of police or his/her designee, suspended the dispensing of alcoholic beverages on the premises or on a clearly delineated part of the premises operating under a differentiating trade name. It shall be the duty of the license or permit holder allowing minors onto the licensed premises and all employees of the licensed premises to prevent minors from purchasing, possessing or consuming alcoholic beverages thereon. Police officers shall be immediately admitted to the premises at any time. Failure to fulfill the duties set forth in this subsection shall be a violation of this section.

4) The licensee or permit holder has provided a separate room in which no alcoholic beverages may be served, dispensed, possessed or found. In such room minors may be allowed through an entrance that does not involve passage through any area where such alcoholic beverages are served, dispensed, possessed or found.

(Ord. No. 14293, § 1, 7-10-1989; Ord. No. 14527, § 1, 3-11-1996; Ord 14889 §6, 9-26-2011)

Sec. 5-103. Special event exception.
Not withstanding any provision of Section 5-102, the licensee or permittee may apply for a special event exception from the chief of police and city administrator that shall allow the holder to provide entertainment to persons under legal age, subject to the following:

a.) A licensee or permittee may qualify for a special event exception when an application is submitted to the chief of police or his or her designee at least seven business days prior to the proposed special event. Such application shall include the name and address of the licensed or permitted establishment, the type of event for which an exception is applied, the proposed date for the event and the time of the event.

b.) All alcoholic liquor, wine or beer shall be removed or stored so that it is not available for sale or consumption during the period of the special event.
c.) A special event exception shall be valid through the date of the special event or for the
duration of the alcoholic liquor control license, wine or beer permit, whichever is first in
time.

d.) Failure to comply with the terms of this special event exception shall result in the
revocation or denial of such an exception application for one year.

e.) The licensee or permittee shall post a current exception certificate in a conspicuous place
in the view of patrons of the licensed or permitted establishment.

(Ord.No. 14527, §1, 3-11-1996; Ord 14889 §6, 9-26-2011)

Sec. 5-104. Posting of notices prohibiting minors.
All license or permit holders shall post a conspicuous notice at all entrances notifying all those
who enter that minors are prohibited.

(Ord. No. 14527, § 1, 3-11-1996; Ord 14889 §6, 9-26-2011)

Sec. 5-105. Exceptions.
The provisions of subsections 5-102(b) and (c) shall not apply to the holder of the license or
permit at the Marshalltown Softball Complex and any event held outdoors where the premises
are not enclosed by a structure, fence, tent or similar enclosure.

(Ord. No. 14527, § 1, 3-11-1996; Ord 14889 §6, 9-26-2011)

Secs. 5-106 – 5-124. Reserved.

ARTICLE IV. POLICE SERVICES AT PARTIES AND EVENTS INVOLVING
CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES BY MINORS

Sec. 5-125. Purpose.

a.) The control of large parties, gatherings or events on private property is necessary when
such continued activity is determined to be a threat to the peace, health, safety or general
welfare of the public;

b.) Police officers have been required to make repeated return calls to the location of a party,
gathering or event in order to disperse uncooperative participants, which constitutes a
drain of manpower and resources, often depriving other areas of the city of necessary
levels of police protection;

c.) All of these circumstances create a significant hazard to the safety of the police officers
and to the public in general and constitutes a public nuisance; and

d.) The consumption of alcohol and illegal drugs by minors is harmful to the health, safety
and welfare of the community and imposing both criminal and financial liability on
adults permitting such conduct is an effective means to prevent consumption of alcohol
and illegal drugs by minors.

(Ord 14889 §7, 9-26-2011)

Sec. 5-126. Definitions.
For the purposes of this article, the following definitions apply:

a.) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever
source or by whatever process produced.

b.) "Alcohol beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid
containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or
more of alcohol by volume and which is fit for beverage purposes either alone or when
d.) "Controlled substances" or "Illegal Drugs" shall include all narcotics or drugs, the possession which is illegal under the laws of the State of Iowa as defined under the Penal Code, Health and Safety Code, and related statutes.

d.) "Enforcement Services" includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; and the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged equipment in responding to or remaining at the party, gathering or event.

e.) "Juvenile" means any person under eighteen (18) years of age.

f.) "Guardian" means (a) a person who, under court order, is the guardian of the person of a minor; or (b) a public or private agency with whom a minor has been placed by the court.

g.) "Minor" means any person under twenty-one (21) years of age.

h.) "Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person.

i.) "Party, gathering, or event" means a group of persons who have assembled or are assembling for a party, social occasion or social activity.

j.) "Person(s) responsible for the event" includes, but is not limited to:
1) The person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place;
2) the person(s) in charge of the premises; or
3) the person(s) who organized the event. If a person responsible for the event is a juvenile, then the parents or guardians of that juvenile will be jointly and severally liable for the costs incurred for enforcement services pursuant to this chapter.

k.) "Special security assignment" means the assignment of police officers and services to a location of a party, gathering or event that violates the law.

(Ord 14889 §7, 9-26-2011)

Sec. 5-127. Enforcement services at large parties, gatherings or events requiring a response.

When a large party, gathering or event occurs on private property and any police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person(s) responsible for the event shall be liable jointly and severally for the cost of providing such enforcement services as may be necessary to control the threat to the public peace, health, safety or general welfare, including the actual cost of enforcement services provided during the response as a result of conduct violating Sections in this Article.

(Ord 14889 §7, 9-26-2011)

Sec. 5-128. Unsupervised Consumption of Alcohol by Minor at Private Property.

a.) Except as permitted by state law, no minor shall consume in any public place or any place open to the public any alcoholic beverage and/or controlled substance, or consume at any place not open to the public any alcoholic beverage and/or controlled substance.

b.) A violation of this section shall constitute a misdemeanor punishable as provided in section 1-8.

(Ord 14889 §7, 9-26-2011)
Sec. 5-129. Serving Alcohol and/or controlled substances to Minors at Parties, Gatherings or Events on Private Property.

a.) Except as permitted by Iowa Code, no person shall permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where three (3) or more persons are present and alcoholic beverages and/or illegal drugs are being consumed by any minor.

b.) This section shall not apply to conduct involving the use of alcohol which occurs exclusively between a minor child and his or her parent or legal guardian.

c.) A violation of this section shall constitute a misdemeanor punishable as provided in section 1-8.

(Ord 14889 §7, 9-26-2011)

Sec. 5-130. Enforcement services fee.

a.) The enforcement services fee shall include the actual reasonable cost of providing personnel and equipment. Such fee is deemed to be supplementary to all other applicable fines and penalties, and the city may seek reimbursement for actual costs through any available legal remedies or procedures.

b.) The amount of such fee charged shall be deemed a debt owed to the city by the person or persons receiving such services, and if minors, their parents or guardians, recoverable in an action brought in the name of the city for recovery of such amount, plus court costs and including the city’s reasonable attorney fees.

(Ord 14889 §7, 9-26-2011)

Sec. 5-131. Appeals.

Any individual aggrieved by the decision of the chief of police to assess any penalty under the provisions of this article may request an administrative hearing before a hearing officer designated by the city administrator by filing a written notice with the city clerk’s office within ten days of the violation notice.

(Ord 14889 §7, 9-26-2011)

Sec. 5-132. Reservation of Legal Options.

The City of Marshalltown does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the statutory authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Article.

(Ord 14889 §7, 9-26-2011)

Sec. 5-133 – Sec. 150. Reserved.

(Ord 14889 §7, 9-26-2011)

ARTICLE V. ALCOHOL IN ESTABLISHMENTS PRESENTING OR DEPICTING NUDITY OR SEXUAL CONDUCT

Sec. 5-151. Alcohol Prohibited in Certain Commercial Establishments.

It is unlawful for any owner, manager, officer, agent, employee or person in charge of any commercial establishment within the City, to allow the possession of beer, wine or liquor, for on-site consumption, in connection with any show, performance, or other presentation upon the
premises, which in whole or in part, presents or depicts nudity or sexual conduct or any simulation thereof. As used in this section, “nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the darkened area surrounding the nipple.

(Ord. 14799, § 1, 2-12-2007; Ord 14889 §3, 9-26-2011)
Chapter 6 ANIMALS AND FOWL

ARTICLE I. IN GENERAL

Sec. 6-1. Keeping of Livestock.
The keeping, stabling or housing and pasturing or roaming of ruminants, cattle, sheep, goats, horses, mules, asses or swine except within a lot containing over two (2) acres and not closer than two hundred feet (200’) from a dwelling is prohibited. Horses within the city before the publication date of this ordinance may be grandfathered; however, the property owner has the burden of proof of continuous land occupation of horses.

(Ord. No. 9477, §§ 1, 5, 2-24-58; Ord. No. 11690, § 1, 6-23-70; Ord. No. 14169, § 2, 11-14-83 Ord. No. 14707 03/10/03, § 1)

Sec. 6-1.1. Definition of Poultry or Domestic Fowl
For purposes of this chapter, the phrase “poultry or domestic fowl” shall mean, any live chicken or rooster, or any live domesticated, turkey, duck or goose, regardless of the purpose for which any of these birds is owned or possessed.

(Ord. No. 14748, § 1, 12-27-04)

Sec. 6-2. The Keeping of Poultry and Domestic Fowl and the Keeping of Rabbit and Poultry or Domesticated Fowl Enclosures
The keeping or maintaining of poultry or domestic fowl in an area of the city, which is zoned residential is prohibited. The keeping or maintaining of rabbit enclosures within ten (10’) feet from any side lot line or rear lot line or within fifty (50’) feet from any street line or residence is prohibited. In an area of the city, which is not zoned residential, the keeping or maintaining of poultry or domestic fowl enclosures within ten (10’) feet of any side lot line or rear lot line or within fifty (50’) feet from any street line is prohibited.

(Ord. No. 14748 §2, 12-27-04)

Sec. 6-3. Running at large or staking out.
No owner or person having charge of any domestic animal of any kind or poultry or domestic fowl, shall permit the domestic animal or poultry or domestic fowl to be staked out on a street or alley or allow the domestic animal or poultry or domestic fowl to run at large in the city. This section does not apply to a dog or cat.

(Ord. No. 14748 §2, 12-27-04)

Sec. 6-4. Reserved.

Sec. 6-5. Prohibition on Feeding Deer.
No person shall engage in the artificial feeding of deer within the city limits of Marshalltown except as set forth in Section 6-6.

a.) Artificial feeding. Artificial feeding shall be defined as the placement of shelled corn and/or other types of grain, salt or minerals, fruit or vegetable matter on the ground or in feeders, mangers or any other type of structure or receptacle for the purpose of feeding or attracting deer, on any private or public property.
Sec. 6-6. Exceptions to Prohibition of Feeding Deer.
The prohibition set forth in Section 6-5 shall not apply to any of the following:
a.) Deer management practices approved, authorized and sponsored by the City of Marshalltown.
b.) Use of bird feeders or their equivalent for the primary purpose of feeding of birds;
c.) Cultivation of naturally growing grains, fruits or vegetables, for purposes other than the feeding of deer, but which inadvertently attract deer.

Sec. 6-7. No Applicability to Police Dogs.
Articles 2 and 3 of this Chapter do not apply to police dogs on active status with the Marshalltown Police Department.
(Ord. No. 14861 §1, 9-14-2009)

Sec. 6-8. Failure to comply with an Order of the Animal Warden, City Administrator, or Hearing Officer.
Failure to comply with an order of the Animal Warden issued pursuant to this chapter and not timely appealed, or of the City Administrator or hearing officer after appeal, constitutes a violation of this chapter.
(Ord. No. 14861 §2, 9-14-2009)

Secs. 6-9 – 6-17. Reserved.

ARTICLE II. DOGS AND CATS*

*State law reference(s)-Dogs and licensing thereof, I.C.A. § 351.1 et seq.

Sec. 6-18. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
a.) Animal warden. Animal warden means the person employed by the city or with whom the city has contracted as its enforcement officer.
b.) At large. At large means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds, or parks within the city. A dog shall not be deemed at large under any of the following circumstances:
1. If attached to a leash or chain of sufficient strength to restrain the dog and not more than six feet in length when the leash or chain is held by a person competent to restrain and control the dog off the owner's premises.
2. If properly restrained within a motor vehicle or housed in a veterinary hospital.
3. If accompanied by and at heel beside the owner or a competent responsible person.
4. If left unattended on the owner's premises, so confined, tied or restrained as to be unable to range beyond the owner's premises.
5. If the owner and the dog are participating in a regularly scheduled competitive or exhibition event, sanctioned or sponsored by a nationally recognized organization, local chapter thereof or other generally recognized local organization, in a park designed by the city park and recreation department for such activities and under the terms and conditions established by the park and recreation department.
6. If the dog and the owner are actively engaged in a generally recognized and dog
obedience training program or training for a generally recognized kennel club event, in a park designed for such activities by the city park and recreation department, and under the terms and conditions established by the park and recreation department, provided all of the following conditions are met:

i. the dog is in the actual physical presence of the owner or trainer at all times;

ii. The owner or trainer is at no time more than 50 feet from the dog;

iii. The dog is immediately obedient to the commands of the owner or trainer;

iv. The owner or trainer has, at all times, on his person a leash of sufficient strength to restrain the dog;

v. However, in the Nicholson-Ford nature area, the exceptions of subsections (5) and (6) of this section shall only be applicable to dogs that are "retriever breeds" as determined and defined by the city park and recreation department. Such breeds in the Nicholson-Ford nature area may be more than fifty feet from the trainer if wearing an operable electronic collar.

7. If a dog and owner are confined within an area specifically designed and set apart as an off-leash dog park and the owner has registered and followed the policies set for such an area, a dog shall be deemed to be at large if it is not properly vaccinated for rabies as required by law, if it is not housed, restrained or controlled in one of the methods set forth in this section or if under subsections (5) or (6) of this section, its presence or activities are not in conformance with the terms and conditions established by the parks and recreation department of the city.

c.) Cat. Cat means and includes both male and female of the feline species.
d.) Dog. Dog means and includes both male and female animals of the canine species.
e.) Kennel dog. Kennel dog means a dog kept or raised solely for the bona fide purpose of sale and which is kept under constant restraint.
f.) Owner. Owner means any person, group of persons, firm, association or corporation owning, keeping or harboring an animal.
g.) Veterinary hospital. Veterinary hospital means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.

(Ord. No. 9073, § 1(a-e), 6-25-1956; Ord. No. 12017, § 1(a-f), 4-11-1972; Ord. No. 14232, § 1(a), 5-27-1986, Ord. No. 14707 03/10/03, § 1; Ord. No. 14872, 4-26-2010)

Sec. 6-19. Rabies vaccination required for cats and dogs.

It shall be unlawful for any person to own or have a dog or cat in his or her possession, in the city, a cat or dog six (6) months of age or over, which cat or dog has not been vaccinated against rabies. Persons owning or possessing a dog or cat over the age of six (6) months of age shall be required to have a certificate of vaccination for such dog or cat signed by a licensed veterinarian indicating that the vaccination is current. Any dog or cat not having a valid rabies vaccination tag and for which no rabies vaccination certificate can be produced shall be apprehended pursuant to Iowa Code Chapter 351.

(Ord. No. 12463, § 1, 5-1-1974; Ord. No. 13987, § 1(b), 5-11-1981, Ord. No. 14232, § 1(b), 5-27-1968, Ord. No. 14707 03/10/03, § 1)

Sec. 6-20. Removal of dog waste.

No owner, possessor, or person in charge of a dog shall fail to clean up or remove immediately
any excrement or droppings deposited by such dog on any public or private property not owned or in the control of that owner, possessor or person in charge of such dog.

(Ord. No. 14605, § 1, 12-30-1998, Ord. No. 14707 03/10/03, § 1)

Sec. 6-21. Cats at large.  
The city or its contracting agent, if the city has entered into a contract as provided in this article, shall pick up and shelter any cat confined in a humane manner by any person when the cat was not on its owner’s property. Pickup shall be within 24 hours whenever possible.

(Ord. No. 9073, § 5, 6-25-1956; Ord. No. 12017, § 5, 4-11-1972)(Ord. No. 14232, § 1(c), 5-27-1986, Ord. No. 14707 03/10/03, § 1)

Sec. 6-22. Dogs at large.

a.) In addition to the penalties, remedies and relief as provided in this Municipal Code of Ordinances in addition to being a simple misdemeanor, a violation of this section shall also be a municipal infraction punishable as a civil penalty as provided in Sec. 1-10 of the Code.

b.) A dog found at-large shall be sterilized, spayed, or neutered, at the owner’s expense, if and upon the owner or keeper of the dog being found guilty of a second or subsequent dog-at-large violation under this chapter regardless of whether the charges are filed as a simple misdemeanor or as a municipal infraction. In determining what is a second, third or subsequent offense, multiple counts or charges for more than one dog at large by the owner or keeper resulting from the same event or release, shall be considered one offense. Likewise counting of offenses for a second offense for sterilization, spaying, or neutering, or for forfeiture for a third or subsequent offense shall be included whether the charges are filed as a simple misdemeanor or as a municipal infraction.

c.) Notwithstanding Section 1-9, concerning repeat offenses, there is no time limitation from the prior offense in determining whether an offense under this section is a second, third, or a subsequent offense after three.


Sec. 6-23. City authorized to contract for care, disposition of domesticated animals in lieu of establishing pound.

a.) In lieu of the establishment and maintenance of a pound and the employment of an animal warden employed by the city, the city council may contract with any incorporated society or association for the prevention of cruelty to animals for the maintenance of a shelter or pound for untagged domesticated animals and for lost, strayed or homeless domesticated animals; for the destruction or disposition of seized domesticated animals not redeemed as provided by this article; and for the disposal of dead dogs or cats.

b.) Such contract shall set forth the manner in which the work shall be done and in which payments are to be made to the society and may also direct the disposition of all domesticated animals seized as provided in the agency’s bylaws.

c.) Such contract may provide that proceeds of the animal related fees thereon may be retained by the society in payment for its services and such other payments may be made to such society by the city as may be necessary to defray the actual cost incurred by the society in connection with its work under such contract by accounting to the city and credit on the amount appropriated by the council.

d.) The animal warden has the authority to write municipal infractions under this Chapter.

(Ord. No. 9073, § 6, 6-25-1956; Ord. No. 12017, § 6, 4-11-1972, Ord. No. 14707 03/10/03, § 1)
Sec. 6-24. Apprehension and impoundage.
No domesticated animal picked up pursuant to this article shall be released to the owner thereof until payment of a pickup charge plus boarding charges. In addition, the owner shall show proof of a current rabies vaccination. Additional conditions for release provided in this chapter shall be applicable if the animal is a dangerous or vicious animal.
(Ord. No. 9073, § 7, 6-25-1956; Ord. No. 11059, § 1, 5-9-1967; Ord. No. 12017, § 7, 4-11-1972; Ord. No. 13987, § 1(h), 5-11-1981; Ord. No. 14232, § 1(d), 5-27-1986, Ord. No. 14707 03/10/03, § 1)

Sec. 6-25. Duties of police officers.
Police officers or such other person as may be approved by the council shall report to the animal warden any domesticated animal found to be running at large contrary to the provisions of this article and shall give such assistance as may be required in the impounding of any such domesticated animal.
(Ord. No. 9073, § 8, 6-25-1956; Ord. No. 12017, § 8, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-26. Notice to owner and redemption.
Not later than two (2) days after the impounding of any domesticated animal, the owners, if known, shall be notified either personally or by certified mail of such impoundment. The registry of impounded animals shall be available for inspection during reasonable hours by the owners. The owner of any animals impounded may reclaim such animals by payment of all costs and charges incurred by the city or the agency authorized by the city council to impound animals, including the maintenance of said animals.
(Ord. No. 9073, § 9, 6-25-1956; Ord. No. 12017, § 9, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-27. Disposition of unclaimed or infected animals.
It shall be the duty of the agency authorized by the city council to impound any animals, to keep all such animals, except cats, so impounded for a period of seven (7) days after the owner has been notified as provided in section 6-26. It shall be the duty of the agency authorized by the city council to impound cats, to keep all cats so impounded for a period of three (3) days after the owner has been notified as provided in section 6-26. If after the seven (7) days, or the three (3) days for cats, following notice to the owner of the impounding of the owner's animal, or cat, respectively, or if the owner is unknown, then after the seven (7) days, or the three (3) days respectively, after the impoundment of such animal the owner thereof has failed to claim and redeem any such impounded animal or cat, which, as provided in this article, the animal or cat shall become the property of the city or its authorized agency and may be humanely destroyed or placed. Any animal or cat which appears to be suffering from rabies when impounded shall be confined in the pound or a veterinary hospital for a period of not less than ten (10) days, and the animal or cat, or its carcass if it dies, shall be subject to such reasonable medical or pathological tests as the animal warden shall recommend. Rabies tests, if any, shall be conducted at the expense of the owner. If an animal or cat is determined to be infected with rabies, it shall be destroyed or disposed of as directed by the animal warden.
(Ord. No. 9073, § 10, 6-25-1956; Ord. No. 11059, § 1, 5-9-1967; Ord. No. 12017, § 10, 4-11-1972, Ord. No. 14707 03/10/03, § 1; Ord. No. 14757 §1, 1-24-2005)

Sec. 6-28. Confinement of domesticated animals.
a.) Every female domesticated animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such domesticated animal cannot come in contact with other animals except for intentional breeding purposes.
Domesticated animals kept outdoors for more than four hours at one time must be provided with a moisture proof and windproof shelter and shade of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable.

(Ord. No. 12017, § 12, 4-11-1972; Ord. No. 12390, § 1, 1-15-1974, Ord. No. 14707 03/10/03, §1)

Sec. 6-29. Releasing a domestic animal and provoking a domestic animal.

a.) No person except the owner of a domesticated animal or such owner's authorized agent, shall willfully open any door or gate on any private premises or unleash any domesticated animals for the purpose of enticing or enabling any domesticated animal to leave such private premises and be at large under this article.

b.) No person shall provoke or mistreat any animal while confined on its owner's premises.

(Ord. No. 9073, § 12, 6-25-1956; Ord. No. 12017, § 13, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-30. Control of rabies.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia or rabies, the mayor, if the mayor deems it necessary, shall issue a proclamation ordering every owner of an animal to confine the animal securely on the owner's premises at all times, for such period as deemed necessary.

(Ord. No. 9073, § 13, 6-25-1956; Ord. No. 12017, § 14, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-31. Report of animal bites.

a.) It shall be the duty of every physician or other practitioner in the city to make written report to the police department of the name and address of any person treated for a bite inflicted by an animal, together with such other information as will assist in the prevention of rabies.

b.) It shall be the duty of every veterinarian in the city to report to the animal warden any diagnosis of rabies in an animal made by him or her or under his or her supervision.

c.) It shall be the duty of the owner of any animal or any person having knowledge of such animal biting or causing a skin abrasion upon any person in the city to promptly report such fact to the animal warden.

(Ord. No. 9073, § 14, 6-25-1956; Ord. No. 12017, § 15, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-32. Isolation and quarantine of animals suspected of being infected with communicable diseases.

a.) The animal warden shall impound animals in the city suspected of being infected with rabies or other disease communicable to humans or any animal that has bitten or caused a skin abrasion upon any person in the city and cause such animals to be placed in isolation and under quarantine for observation for a minimum period of 10 days. The isolation and quarantine shall be either at the pound or humane shelter authorized by the city or in a veterinary hospital. However, if such animal has an effective vaccination against rabies given not less than 30 days and not having expired prior to the date of bite or skin abrasion, and the animal was not at large at the time of bite, it may be placed in the custody of the owner on the owner's premises during the isolation and quarantine period. When isolation and quarantine is authorized on the owner's premises, it will be at the
discretion of and under the supervision of the animal warden.

b.) The expense of isolation and quarantine will be borne by the owner. If the animal is placed in isolation and under quarantine in the pound or humane shelter authorized by the city an additional charge shall be assessed.

(Ord. No. 9073, § 15, 6-25-1956; Ord. No. 12017, § 16, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-33. Report of rabid animals.
Every owner or person having possession, custody or control of any animal which is known to be rabid or which has been bitten by an animal infected with rabies shall immediately report such fact to the police department or animal warden and shall have such animal placed in isolation and quarantine as directed by the animal warden for such period as designated at the owner’s expense.

(Ord. No. 9073, § 16, 6-25-1956; Ord. No. 12017, § 17, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-34. Surrender of biting animal or animal suspected of rabies.
The owner of any animal shall forthwith surrender any animal which has bitten a human or any animal which is suspected as having been exposed to rabies for supervised quarantine at the owner's expense as provided in section 6-32, upon demand of the animal warden, police officer or city attorney's office. No person shall kill any animal suspected of being rabid or remove the animal from the city without permission of the animal warden.

(Ord. No. 12017, § 18, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-35. Interference with enforcement officer.
No person shall willfully interfere with, molest or injure an agent of the city authorized to enforce the provisions of this article or seek to release any domesticated animal properly in the custody of such authorized agent.

(Ord. No. 9073, § 17, 6-25-1956; Ord. No. 12017, § 19, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-36. Owner's liability for damage.
Nothing contained in this article shall relieve the owner of any domesticated animal from liability for any damage committed by such dog as provided by state law.

(Ord. No. 9073, § 18, 6-25-1956; Ord. No. 12017, § 20, 4-11-1972, Ord. No. 14707 03/10/03, § 1)

Sec. 6-37. Domesticated animal causing disturbance or annoyance.
It shall be unlawful for any person owning or harboring a domesticated animal to allow or permit such domesticated animal to cause serious or habitual disturbance or annoyance to any person by frequent or habitual howling, yelping, barking or otherwise noise some conduct. Any person violating the provision of this section, shall upon conviction be punished by a Penalty as provided in Sec. 1-8 of the Code.

(Ord. No. 12017, § 21, 4-11-1972, Ord. No. 14707 03/10/03, § 1; Ord. 14709, 03-25-03; Ord. No. 14970 § 5, 11-27-2017)

Sec. 6-38. Kennels and breeding of dogs.
Dog kennels and the breeding or raising of dogs is prohibited, except that not more than three (3) dogs over six months may be kept per residence.
(Ord. No. 9477, § 4, 2-24-1958, Ord. No. 14707 03/10/03, § 1)

Sec. 6-39. Dogs at public events.
Dogs, other than police dogs as provided in Section 6-7, and service and assistance dogs, are prohibited from the immediate vicinity of certain public events in Marshalltown, Iowa. The list of applicable events shall be set out by City Council Resolution, which shall be effective until repealed or modified. The City Administrator is authorized to establish rules implementing this ordinance, including but not limited to the criteria for a service and assistance dogs, the distances allowed from the event, and the exceptions for possible participation of dogs that have an official function for the event.
(Ord. No. 14861 §2, 9-14-2009)

Secs. 6-40 – 6-50. Reserved.

ARTICLE III. VIOLENT ANIMALS*

Sec. 6-51. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a.) Animal Warden. Animal Warden means the Director of the Animal Rescue League or the Director’s designee.

b.) Vicious animal. Vicious animal means any of the following:

1.) Any animal, including, but not limited to dogs, with a known propensity, tendency or disposition to attack unprovoked, as evidenced by its habitual or repeated chasing, snapping, or biting at human beings or domestic animals so as to potentially cause injury or otherwise endanger their safety. The chief of police, a qualified veterinarian duly licensed in the state, or the animal warden are authorized to declare an animal vicious for purposes of this chapter. A police officer or the animal warden may determine an animal to be vicious for purposes of capture or confinement under Section 6-55.

2.) Any dog, which without provocation bites a human being or domestic animal.

(Ord. No. 14261, § 1, 8-10-1987, Ord. No. 14707 03/10/03, § 1, Ord. No. 14801, §1, 3-12-2007)

Sec. 6-51.1. Unprovoked dog biting.
a.) The owner of a dog, whose dog without provocation bites a human being or domestic animal, shall surrender that dog to the Animal Rescue League within twenty-four hours or one business day of such bite. Such dog shall be declared or deemed a vicious animal for purposes of this chapter, and will be released upon meeting the respective requirements of Section 6-51.2, and upon paying the charges incurred and fees established by the Animal Rescue League, unless the circumstances are such as described in subsections d or e of this section.

b.) The owner of a dog, whose dog is classified as a vicious animal under subsection a or as a repeat biter under subsection d, or as causing serious injury or death to a human being or domestic animal under subsection e, or held by the Animal Rescue League under this section, may appeal the vicious animal status, number of bite status, or the seriousness of the injury to the human being or domestic animal, to the City Administrator, within three business days of the dog’s surrender to the Animal Rescue League. The appeal will be
heard by the City Administrator or by a hearing officer appointed by the City Administrator.

c.) Such notice of appeal:
   1.) Shall be in writing and served on the City Clerk or the City Clerk’s designee. Failure to file such timely written notice of appeal shall constitute a waiver of right to appeal.
   2.) Shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. Within seven days of receipt by the City Clerk, a date of hearing for such appeal will be set. After such hearing, the City Administrator or the hearing officer, if so appointed, may affirm or reverse the decision as to the vicious animal status, the number of bites status, or the seriousness of the injury to the human being or domestic animal. 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. The decision and order shall be served upon the person who appealed.

d.) The owner of a dog, whose dog is previously declared or deemed a vicious animal under this chapter, and whose dog without provocation bites a human being or domestic animal, shall surrender that dog to the Animal Rescue League within twenty-four hours or one business day of such bite. Such dog shall be euthanized, and the owner shall be responsible for the charges incurred and fees established by the Animal Rescue League.

e.) The owner of a dog, whose dog bites a human being or domestic animal, causing serious injury or death to that human being or domestic animal, shall surrender that dog to the Animal Rescue League within twenty-four hours or one business day of such bite. Such dog shall be euthanized, and the owner shall be responsible for the charges incurred and fees established by the Animal Rescue League.

f.) Fees under this section shall be paid to the Animal Rescue League for services rendered, regardless of the success or failure of any such appeal pursuant to this section.

(Ord. No. 14801, §2, 3-12-2007; Ord. No. 14861 §2, 9-14-2009)

Sec. 6-51.2. Protocol For Dogs Subject to Vicious Animal Procedures.
Procedures or protocol shall be adopted by the Animal Rescue League in the holding, processing, release, and euthanization, and by the City Administrator for appeals, for dogs-at-large, dogs suspected or deemed to be vicious animals, and for dogs suspected or deemed to have caused serious injury or death, including, but not limited to, the following:

a.) A dog required to be licensed as a vicious animal under this chapter shall be micro chipped and sterilized, spayed, or neutered. All dogs, which are micro chipped or sterilized, spayed, or neutered, or both, through the Animal Rescue League, will be charged a fee to be determined by the Animal Rescue League for such procedure.

b.) A dog found at-large owned or kept by someone with two or more dog-at-large violations shall be sterilized, spayed, or neutered at the owner’s expense. All such dogs sterilized, spayed, or neutered through the Animal Rescue League, will be charged a fee to be determined by the Animal Rescue League.

c.) Dogs captured or surrendered to the Animal Rescue League under the provisions of this chapter, will not be released by the Animal Rescue League, until all applicable requirements including, but not limited to, proof of insurance, micro chipping, sterilization, spaying, or neutering, licensing, and payment of fees are met. Owners of dogs sent to the Animal Rescue League pursuant to this chapter, have five days from the date of surrender of the dog or from notification that the Animal Rescue League holds the
dog, to pick up the dog, and pay all applicable fees. This time may be extended by the Animal Rescue League pending the time needed to hold an appeal hearing.

d.) It shall be a violation of this chapter for an owner to refuse to surrender a dog requested or required to be surrendered to the Animal Rescue League pursuant to this chapter.

(Ord. No. 14801, §2, 3-12-2007; Ord. No. 14861 §2, 9-14-2009)

Sec. 6-52. License and insurance required.
All vicious animals must be licensed as follows:
a.) Application for a license must be made at the office of the city clerk upon a form to be provided by the clerk.
b.) The application must be accompanied by an insurance policy or a certificate of insurance issued by a company licensed to do business in the state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of one hundred thousand dollars ($100,000.00) for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents in the negligent keeping of such vicious animal.
c.) The insurance policy or certificate of insurance referred to in this section shall provide that it cannot be cancelled or terminated until ten days' notice by registered mail of such cancellation or termination shall have been received by the city clerk or the clerk’s designee.
d.) The cancellation or other termination of any insurance policy, issued in compliance with this section, shall automatically revoke and terminate the license issued under this section, unless another policy, complying with this section, shall be provided and in effect at the time of such cancellation or termination. The city clerk or the clerk’s designee shall immediately issue written notification of the revocation of such certificate and all licenses issued under this section.
e.) The license provided for in this section shall be valid for one year and must be renewed annually. The cost of issuance shall be as set by resolution of the city council.

(Ord. No. 14261, § 2, 8-10-1987, Ord. No. 14707 03/10/03, § 1)

Sec. 6-53. Confinement of fierce, dangerous or vicious animals.
a.) No animal known to be vicious, as the term is defined in section 6-51, shall be permitted off the premises of the owner except when such animal is confined in a boarding kennel, a veterinary hospital, or while being transported to such boarding kennel or veterinary hospital. If any such animal is not confined as required by this section, it shall be impounded and shall not be released without meeting the applicable procedures or protocol established by the Animal Rescue League pursuant to Section 6-51.2.
b.) Notwithstanding subsection a of this section, any animal may be taken up and impounded when the animal has attacked any person or domestic animal and inflicted such serious and grievous injury to the person or domestic animal as to cause the animal warden, in his or her sole discretion, to believe the animal is vicious, and the animal shall not be released until the animal warden shall authorize release upon any terms and conditions under procedures and protocol established pursuant to Section 6-51.2.


Sec. 6-54. Restraint.
a.) Persons owning, possessing or harboring or having the care of a vicious animal shall not
allow or permit such animal to go unconfined upon the premises of such person. Persons shall not permit such animal to go beyond the premises unless properly caged, tied or restrained so as to securely confine and control such animal and, in the case of a vicious dog, securely leashed and muzzled.

b.) If a vicious animal is housed in a kennel on a property, the kennel must have a cement base, a secure covered top and a secure closed door.

(Ord. No. 14261, § 3, 8-10-1987, Ord. No. 14707 03/10/03, § 1, Ord. No. 14801, §4, 3-12-2007)

Sec. 6-55. Seizure, impoundment and disposition.

a.) In the event that a vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the sole discretion of the animal warden, be destroyed if it cannot be safely captured or confined. The city shall be under no duty to attempt the confinement or capture of a vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

Upon the complaint of any individual that a person is keeping, sheltering or harboring a vicious animal on premises in the city, the animal warden, accompanied by the police officer if necessary and available, or a police officer, shall cause the matter to be investigated. If, after such investigation as the Chief of Police or the Animal Warden deem necessary, on their own initiative or as a result of a complaint under the preceding subparagraph, it is determined that a person is keeping, sheltering or harboring a vicious animal in the city which has not been licensed as a vicious animal under this chapter, or which has been found to be at large after being deemed vicious, the Police Chief, or his or her designee, or the Animal warden, shall order the person keeping, sheltering or harboring the vicious animal within three days of service of the order to either safely and permanently place the animal with an organization or group determined by the animal warden to be safe to keep vicious animals, or destroy the animal. The order in the preceding paragraph shall be contained in a written notice directed to the person or persons keeping, sheltering or harboring the vicious animal, and shall be served in the manner of personal service under the Iowa Rules of Civil Procedure, or by both regular and certified mail and shall be effective upon placement of the notice in a United States Post Office receptacle. The notice shall also advise the persons to whom it is directed of their right to appeal the order by delivering to the City Clerk within three days of the personal service or five days of the mailing by regular and certified mail, a written notice of appeal which provides the names and addresses of the owners of the vicious animal, names the vicious animal and states the grounds upon which the appeal is based. Within seven days of receiving a notice of appeal under the preceding subsection, the City Clerk shall send by regular mail to the appellant(s) at the address provided in the notice of appeal, a written notice of the time, date and place for the hearing, the name of the hearing officer appointed by the City Administrator to conduct the appeal, and the rights of the appellants to present evidence, to be represented by an attorney at their own expense, to conduct cross-examination of the witnesses presented by the City and to preserve a transcript of the proceedings on appeal at their own expense. The decision on appeal shall be issued in writing within seven days of the appeal hearing by regular mail to the address provided in the notice of appeal.

b.) Any person who has received a notice under this section who removes or transfers possession of the vicious animal, except in strict compliance with the orders of the police chief, animal warden or appeals hearing officer, shall be subject to a civil penalty as a
municipal infraction.

(Ord. No. 14707 03/10/03, § 1, Ord. No. 14801, §5, 3-12-2007; Ord. No. 14919, §1, 5-13-2013)

**Sec. 6-55.1. Failure to comply with order.**
Failure to comply with an order of the animal warden or police officer, issued pursuant to this chapter and not appealed, or an order of the City Administrator or hearing officer on appeal, pursuant to this chapter, constitutes a violation of this Chapter.

(Ord. No. 14801, §6, 3-12-2007)

**Secs. 6-56 – 6-60. Reserved**

**ARTICLE IV. DANGEROUS ANIMALS**

**Sec. 6-61. Definitions.**
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a.) Dangerous Animal. Dangerous animal means: Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; Any animal declared to be dangerous by the County Board of Health or Council or its designee; and the following animals, which are deemed to be dangerous animals per se;

1.) Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
2.) Wolves, coyotes and foxes;
3.) Badgers, wolverines, weasels, skunks, minks and groundhogs;
4.) Raccoons, deer, and snapping turtles;
5.) Bears;
6.) Monkeys and chimpanzees;
7.) Alligators and crocodiles;
8.) Snakes that are venomous, or constrictors;
9.) Gila monsters.

**Sec. 6-62. Keeping of Dangerous Animals Prohibited.**
No person shall keep, shelter or harbor any dangerous animal as a pet or act as temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any capacity within the City except in the following circumstances:

a.) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

b.) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

c.) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources pursuant to Chapters 481A and 481B of the Code of Iowa.

d.) The animal warden will respond to complaints of dangerous animals and remove them. In the event the animal warden is not reasonably available and an imminent danger exists, the Police Department shall be authorized to destroy the dangerous animal.
Sec. 6-63. Violation: penalty.
Any person violating any section of this article shall, upon conviction be punished by a Penalty as provided in Sec. 1-8 of the Code.
(Ord. No. 14970 § 6, 11-27-2017)
Chapter 7 BUILDINGS AND BUILDING REGULATIONS*

*Cross reference(s)-Advertising and signs, ch. 3; electricity, ch. 11; fire prevention and protection, ch. 12; garbage and refuse, ch. 13; gas and plumbing, ch. 14; hazardous conditions and substances, ch. 14.5; housing code, ch. 15.5; mobile homes and mobile home parks, ch. 19; planning, ch. 22; streets and sidewalks, ch. 26; building numbering, § 26-67; swimming pools, ch. 26.5; vegetation, ch. 27; water and sewers, ch. 28.

ARTICLE I. IN GENERAL

Sec. 7-1. Building code adopted.

a.) Procedure Approved. An ordinance, proposing the adoption of a building code and following notice and hearing as required by law, was duly adopted, and pursuant to published notice a public hearing was duly held.

b.) Adoption of International Building Codes. That after following the procedure required by law and after due consideration the International Building Code, the International Residential Code and the International Existing Building Code as published by the International Code Council, 2006 Editions are adopted in full as the Building Code and Building Ordinance of the City of Marshalltown, Iowa except portions that are deleted, modified or amended by this ordinance. From the effective date of this ordinance, all building and construction shall be performed in accordance with the provisions of said code, as modified or amended by this ordinance. A copy of said International Building Code the International Residential Code and the International Existing building Code as adopted and a certified copy of this ordinance shall be on file in the Office of City Clerk for public inspection, said Building Codes hereinafter referred to as the Building Code.

c.) Enforcement and Penalty. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause such to be done contrary to or in violation of any of the provisions of the building code. Any buildings or additions to any buildings erected or in the process of erection contrary to the provisions of the building code as amended shall, after notice and failure to comply, be deemed a nuisance and may be abated as such. Any person, firm or cooperation violating any of the provisions of the building code as amended shall be guilty of a simple misdemeanor. Violation of these provisions shall also be a municipal infraction.


Cross reference(s)-Fence required, § 26.5-2.

Sec. 7-2. Amendments, modifications, additions and deletions to building code.
The following amendments, modifications, additions, and deletions to the 2006 International Building Code and the 2006 International Residential Code and the 2006 International Existing Building Code are made:
Section 101.1 of both the IBC and IRC. Delete Section 101.1 of both the IBC and IRC and insert in lieu thereof the following:

101.1 title. These regulations shall be known as the Building Code of the City of Marshalltown, hereinafter referred to as “this code”.

Section 103.2 of both the IBC and IRC. Delete Section 103.2 Of both the IBC and IRC. Section 104.2 of both the IBC and IRC, are amended to read as follows:

Section 104.2 and R104.2, Applications and Permits. The Building Official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
To obtain a permit the applicant shall first file:

a.) For the contractors required to be registered with the State of Iowa as a construction contractor, proof of registration must be presented to the Building Official (or a specified inter governmental agency, if so designated by the Building Official). All contractors requesting a building permit shall execute and file with the Marshalltown Building Official (or a specified intergovernmental agency, if so designated by the Building Official) a certificate of insurance, written by a company authorized to transact business in the State of Iowa, in limits of not less than $500,000.00 personal injury or death, and $100,000.00 property damage; said certificate to be written on a standard form and carrying an endorsement naming the City of Marshalltown, Iowa, and its employees (or the intergovernmental agency designated by the Building Official) as additional insured, as its interest may appear and conditioned upon the faithful performance of all duties required of such contractor by any ordinances, rules and regulations of the City. It shall be further a condition of said certificate of insurance, that the obligator will hold the City (through specified intergovernmental agency if so designated) harmless from any and all damages sustained by reason of neglect or incompetence on the part of such contractor, his/her agents or employees in the performance of the work done under a license or permit issued upon the filing of said certificate. The certificate of insurance shall be issued by December 31 of each year, and shall be refilled on or before said date for each subsequent year, and shall be continuous full force and effect. It is the intent and purpose of said certificate of insurance to also bind the individual, company, firm, association or partnership, whether it is trade name, corporation, or other business association or arrangement with which the principal is associated. Homeowners working on their principal residence shall be exempt from filing said certificate.

b.) Where a person desires to remodel or repair any residential building or structure of which they are the owner or owners of record, such work may be done by a member of the household, without requiring the certificate of insurance otherwise required by this section.

1.) Required permits shall be necessary for all remodel or repair work.
2.) No owner or owner of record shall replace, remodel or repair any electrical or heating on any property that they are not the owner/occupant.
3.) Plumbing in any building is required to be performed by a licensed plumbing contractor, licensed with the City of Marshalltown.
Section 105.2 of both the IBC and IRC Work exempt from permit, is amended to read as follows:

Section 105.2 and R105.2 Work exempt from a permit. Permits shall not be required for the following exemption from the permit requirements of this Code which shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any laws or ordinances of this jurisdiction.

a.) Building: One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, less than 120 square feet.
b.) Fences not over 6 feet (1829 mm) high.
c.) Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
d.) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925L) and the ratio of height to diameter or width does not exceed 2 to 1.
e.) Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below and not part of an accessory route.
f.) Painting, papering, tiling, and carpeting.
g.) Prefabricated swimming pools that are less than 24 inches (610mm) deep.
h.) Swings and other playground equipment accessory to detached one and two family dwellings.
i.) Window awnings supported by an exterior wall that do not project more than 54 inches (1372mm) from the exterior wall and do not require additional support.

Delete references to Electrical, Plumbing, Gas and Mechanical in this section.

Section 105.9 of both the IBC and IRC. Add Sections 105.9 to the IBC and R1-5.9 to the IRC as follows:

105.9 Demolition permits required. A demolition permit shall be required as follows:

a.) For the removal of any building or structure.
b.) For the removal of any portion of a building.

Section 108.2 and R108.2 amended-Schedule of Permit Fees.
Section 108.2. Schedule of Permit Fees, of the IBC and R108.2, Schedule of permit fees, of the IRC are hereby amended by deleting said section and inserting in lieu thereof the following:
Section 108.2 and R108.2 Schedule of Fees. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Marshalltown. An amended permit or supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

Section 108.2.1 and R108.2.1 addition Plan Review Fees.
Section 108.2.1, Plan Review Fees, of the IBC, and R108.2.1, Plan Review Fees, of the IRC, are hereby established by adding the following section:

Section 108.2.1 and R108.2.1 Plan Review Fees. Fees for all plan reviews shall be set forth and established by resolution of the City Council. All such fees shall be paid in accordance with the terms and requirements of such resolution, or the same way may be amended by the City Council from time to time.

Section 108.3 and R108.3 amended- Building Permit Valuations.
Section 108.3 Building permit valuations, of the IBC, and R108.3, of the IRC, are hereby amended by deleting said section and inserting in lieu thereof the following:

Section 108.3 R108.3 Building Permit valuations. The determination of value or valuations under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment. Valuations shall be established using square foot values with regional modifiers for the use and construction type most closely resembling those published by the International Code Council. Where no category resembles the proposed construction, a reasonable value will be assigned by the Building Official. The latest published valuations established by the International Code Council are hereby adopted and shall be annually revised to incorporate newly published values. The Building Official shall correct the determination of value of any work for which a permit is issued, if such valuation appears to be in error or misstated. If the permit or plan review fees are reduced as a result of such correction, a refund may be issued to the applicant. If such fees are increased, the applicant shall pay all additional fees. Failure to pay such additional fees may result in revocation on any permit issued, or work stoppage as otherwise provided in this Code.

Section 108.4 of the IBC and IRC; Delete Section 108.4 in the IBC and IRC and insert in lieu thereof the following:

108.4 Work commencing before permit issuance: any person who commences work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to an investigation fee equal to the amount of the permit fee if the permit were issued. This fee shall be collected whether or not a permit is issued. The payment of such fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law. Only the Building Official may reduce this fee, when it is demonstrated that an emergency existed, that required the work to be done without a permit.

Section 108.5 of the IRC; Delete section 108.5 in the IRC and insert in lieu thereof the following:

R108.5 Refunds: The Building Official may authorize the refunding of any fee paid hereunder, which was erroneously paid or collected. The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee, within one hundred eighty (180) days from the date of fee payment.

Section 108.6 of the IBC; Delete Section 108.6 in the IBC and insert in lieu thereof the following:

108.6 Refunds: The Building Official may authorize the refunding of any fee paid hereunder, which was erroneously paid or collected. The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee within one hundred eighty (180) days from the date of fee payment.

Section 112 of both the IBC and IRC. Delete section 112 in both the IBC and the IRC and insert
in lieu thereof:

Section 112 Board of Appeals: In order to determine the suitability of the alternate materials and types of construction, and to provide for reasonable interpretation of all the provisions of this Code, there shall be and hereby is enacted a Board of Appeals, consisting of five members who are qualified by experience and training, to pass upon matters pertaining to building construction. The building Official shall be an ex-officio member and shall act as the Secretary of the Board. The Board of Appeals shall be appointed by the Mayor, subject to the approval of the City Council, and said Board shall render a decision within thirty days from the time any matter is submitted to it. The Board shall adopt reasonable rules and regulations for conducting its investigations, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The terms of each member shall be five years provided, however that the original appointments to the Board shall be as follows: One member shall be appointed for an initial one year term, one member for an initial two year term, one member for an initial three year term, one member for an initial four year term, and one member for an initial five year term. The present existing Board shall continue under current appointments. The Board of appeals shall have no authority relative to interpretation of the administrative portions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Section 115 Unsafe Structures and Equipment- Delete in its entirety and refer to Article III Dangerous Buildings of the City of Marshalltown Code Of Ordinances.

Table R301.2 (1), amended-Climatic and geographic design criteria
Table R-301.2 (1), Climatic and Geographic Design Criteria is hereby amended by modifying said table design criteria as follows:

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Section R318 Moisture Vapor Retardant, is deleted in its entirety.
Section R403.1.4.1 addition- (frost protection) Minimum Depth

Section R403.1.4.1, of the IRC, is hereby amended by deleting both exceptions and inserting in lieu thereof the following:

Exceptions:

a.) One story wood or metal frame building not used for human occupancy and not more than four hundred (400) square feet in floor area may be constructed with walls supported on a treated wood foundation plate when approved by the Building Official.

b.) A one story detached wood frame building which is not used for human occupancy and does not exceed one thousand (1000) square feet in area, including additions may be constructed upon four (4”) inch wire reinforced concrete slab without frost footings. Reinforcement of the slab shall be a minimum 6x6x10 welded mesh wire, or #4 deformed reinforcing bars at twenty-four (24”) inches on center either way.

Section R404.1.3.1 amended-Foundation Walls For One and Two-Family Dwellings

Section R404.1.3.1, Foundation Walls For One and Two-Family Dwellings of the IRC, is hereby established by adding the following section:

Section R404.1.3.1 Foundation Walls for One and Two-Family Dwellings; as an alternate to the requirements of sections R404.1.1 and R404.1.2 the following may be used:

The minimum height of the foundation wall shall be seven feet eight inches measured between the foundation plate and a concrete floor slab having a minimum thickness of three and one-half inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom to the wall shall be required.

Hollow Concrete Masonry Foundation Walls.

Hollow concrete masonry units shall be set in Type m or Types “S” mortar. All footings shall be continuous cast in place concrete having a minimum compressive strength of 3000 pounds per square inch at 28 days, and shall be reinforced longitudinally with not less than two one half inch diameter steel bar for one story construction, and two one half inch diameter steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to ensure no less than three inches of concrete cover on all sides.

a.) Foundation walls having a nominal thickness of not less than 12 inches may be unreinforced. Other foundation walls shall comply with the following requirements:

b.) The nominal thickness of concrete masonry units shall not be less than eight inches.

c.) When a foundation wall has a horizontal clear span of more than twelve feet between supporting cross wall or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount 0.075 square inches of ASTM A615 grade 40 steel per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than eight foot on center. All grout shall comply with this Code. Cast in place plain concrete foundation walls. Cast in place plain concrete foundation wall constructed under the provisions of this subsection shall be of concrete having a minimum compressive strength at 28 days of not less than 3,000 pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of this code.

In addition:

a.) The minimum wall thickness shall be 7 ½ inches.

b.) Walls shall be reinforced with no less than three one half inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar
located near the top, one bar located near mid-height, one bar located near the bottom. Vertical bars need to be placed no more than 4’ on center.

c.) Prior to backfilling operations the top and bottom of foundation walls shall be laterally supported. Bottom lateral support may consist of one of the following: 1) A nominal 2”x4” keyway may be formed into the footing. 2) 36” vertical #4 rebars may be embedded into the footings at not more than 4’ on center. 3) Minimum 3 ½ inch thick interior cast in place concrete floor slab.

Section R405 addition-Foundation Drainage.
Section R405.1, Foundation Drainage of the IRC is hereby deleted and insert the following section in lieu thereof:

Section R405.1 Foundation subsoil drainage requirements:
Every building hereafter erected with a basement shall have a subsoil drainage system placed under the basement floor and surrounding the outer walls of the building, with the tile invert set a minimum of eight inches below the elevation of the basement floor. Such subsoil drainage system shall discharge the water therefrom into a receptacle inside the foundation wall. Such receptacle shall terminate at least twenty-four inches below the bottom of the basement floor and shall be at least twenty four inches in diameter or twenty inches square. Materials of the drainage system shall be made of open jointed, horizontally split, or perforated bituminized fiber, pipe, or perforated plastic pipe not less than four inches in diameter. The receptacle of sump water shall be made of concrete pipe, plastic manufactured, or a material approved by the Building Official. And a sump pump of suitable capacity shall be provided.

Construction of the Drainage system. Subsoil drainage tile shall be installed on stable soil with coarse gravel backfill, size ½ inch to 2-½ inch, over tile or other material approved by the Building Official at least twelve inches in depth. The joints of open tile shall be covered with an approved asphalt saturated felt paper. Backfill should be placed to the original soil wall, whichever is less, in no case less than twelve inches.

Discharge of Subsoil Water. The subsoil water collected by the subsoil drainage system shall be lifted by the use of a sump pump and shall be discharged outside of the foundation wall. The discharge pipe shall be a minimum size of 1 ¼ inch rigid pipe. When subsoil drainage system is so installed as to provide natural drainage by gravity, the sump pump will not be required.

REQUIRED INSPECTIONS
The Building Official, upon notification from the permit holder or his agent, shall make the following inspections, and shall either approve the subsoil drainage system or shall notify the permit holder or his or her agent wherein the same fails to comply with this Code. Subsoil Drainage Inspection. Subsoil drainage inspection shall be made before the excavated areas are covered. If subsoil system is to be drained by natural gravity, the Building Official may require water to flow through the system, as proof that said system is working properly. Subsoil water shall not drain into the sanitary sewer system.

Existing buildings. If subsoil water is present in existing buildings draining into the sanitary sewer, the City Engineer or the Superintendent of the Water Pollution Control Plant shall require such drainage system as may be deemed adequate to eliminate said water from draining into the sanitary sewer.
Section R703.2 amended—Weather Resistant Sheathing Paper
Section R703.2, Weather resistant Sheathing Paper is hereby amended by deleting exception #3 and inserting in lieu thereof the following:

Section R703.2 Weather resistant sheathing paper exception 33 under exterior wall finish materials as permitted in Table R703.4 except that vinyl siding shall be provided with a weather resistant sheathing paper in all instances.

Table R703.4 amended—Weather Resistant siding attachment and minimum thickness
Table R703.4, Weather Resistant Siding attachment and Minimum thickness, of the IRC is hereby amended by modifying said table by deleting the “NO” response in the vinyl siding row in the column designated Sheathing Paper required and inserting in lieu thereof the word “YES”.

Section 1008.1 addition—Doors
Section 1008.1 Doors of the IBC, is hereby amended by adding a new section as follows:

Section 1008.1.5.1 Frost Protection—exterior landings at doors shall be provided with frost protection.

Section 1608.2 amended—Ground Snow Loads
Section 1608.2, Ground Snow Loads, of the IBC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 1608.2 Ground Snow Load The ground snow load to be used in determining the design snow loads for roofs, is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the Building Code, except that the minimum allowable flat roof load may not be reduced to not less than 80 percent of the ground snow load.

Section 1805.2.1 addition—Frost Protection
Section 1805.2.1 is hereby amended by adding the following to said section and by also adding the following exception 1:

Section 1805.2.1 Foundation Walls of buildings of 400 square feet or less used for human occupancy shall be protected from frost. Exception #1 Detached garages, accessory to Group R-3 and R-3 occupancies and not meant for human occupancy 1000 square feet or less in size and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered pr squared from a width of 6 to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garage areas shall have all sod and debris removed before pouring.

Section 1805.5.3.1 addition—Foundation walls for conventional light frame wood construction
Section 1805.5.3.1, Foundation Walls For Conventional Light Frame Wood Construction As an alternate to the requirements of this chapter, the following may be used for foundation walls, supporting light frame wood construction:

a.) The minimum height of the foundation wall shall be seven feet eight inches measured between the foundation plate and a concrete floor slab having a minimum thickness of three and one half inches. If such floor slab is not provided, a specially designed means of
providing lateral support at the bottom to the wall shall be required.

b.) Hollow Concrete Masonry Foundation Walls.
   1) Hollow concrete masonry units shall be set in type M or Types “s” mortar.
   2) All footings shall be continuous cast in place concrete having a minimum compressive strength of 3,000 pounds per square inch at 28 days, and shall be reinforced longitudinally with not less than two one half inch diameter steel bar for one story construction, and two one half inch diameter steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to insure no less than three inches of concrete cover on all sides.
   3) Foundation walls having a nominal thickness of not less than 12 inches may be unreinforced. Other foundation walls shall comply with the following requirements:
      i) The nominal thickness of concrete masonry units shall not be less than eight inches.
      ii) When a foundation wall has a horizontal clear span of more than twelve feet between supporting cross wall or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount 0.075 square inched of ASTM A615 grade 40 steel per lineal foot of wall. All reinforcing steel shall be deformed bars spaced no more than eight feet on center. All grout shall comply with this Code.

c.) Cast in place plain concrete foundation walls. Cast in place plain concrete foundation wall constructed under the provision of this subsection shall be of concrete having a minimum compressive strength at 28 days of not less than 3,000 pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of this code. In addition: 1) The minimum thickness of walls shall be 7 ½ inches.
   2) Walls shall be reinforced with no less than three one half inch diameter deformed ASTM A615 grade 40 steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near mid height, one bar located near the bottom of the wall. Vertical one half-inch bars are to be located no further than 4’ apart.
   3) Prior to backfilling operations the top and bottom of foundation walls shall be laterally supported. Bottom lateral support may consist of one of the following:
      i) a nominal 2”x4” keyway may be formed into the footing.
      ii) 36” vertical #4 rebar may be embedded into the footings at not more than 4’ o.c
      iii) minimum 3 ½ inch thick interior cast in place concrete floor slab.

Section 3410.2 Applicability is hereby amended to read:

Section 3410.2-Applicability, Structures existing prior to October 7, 1937, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3403.2.1 through 3403.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A,B,E,F,M, R,S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.
Sec. 7-3. Miscellaneous Provisions

a.) Delete in their entirety Chapters 11 through Chapter 42 of the IRC and appendix chapters.
b.) Delete in their entirety Chapters 27, 28, and 29 and all appendix chapters of the IBC.
c.) Delete all appendix chapters of the International Existing Building Code.
d.) Delete any references of the International Plumbing Code and the International Electrical Code and substitute the Uniform Plumbing code and the National Electrical Code.
e.) Delete any references to the International Mechanical code and substitute the Uniform Mechanical Code, with the exception of Chapter 4, Ventilation, of the 2006 International Mechanical Code, published by the International Code Council, Inc., which has been adopted by reference and effective as is fully set forth in this article.
f.) Copies of the International Building Code, the International Residential Code and the International Existing Building Code shall be kept available at the Office of City Clerk for public inspection.
g.) Enforcement and Penalty, it shall be unlawful for any person, firm, corporation to erect, construct, enlarge, alter, move, remove, convert or demolish, equip, use, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
h.) Any building or additions to any buildings erected or in the process of erection, contrary to the provisions of the Building Code as herein amended, shall after notice and failure to comply, be deemed a nuisance and may be abated as such.

(Ord. No. 12392, § 3, 1-31-1974; Ord. No. 13312, §3(1), 4-10-1978; Ord. No. 14803, § 1, 3-12-2007)

Cross reference – Fire prevention and protection, Ch. 12.

Secs. 7-4 – 7-16. Reserved.

ARTICLE II. MOVING BUILDINGS*

Cross reference(s)-Streets and sidewalks, ch. 26.

Sec. 7-17. Permit-Required.

It shall be unlawful to move any building or structure not upon wheels as part of its original equipment or construction and not subject to licensing by any public authority into, upon, along or over any street, alley, avenue or public ground in the city without first having obtained a permit therefore.

(Ord. No. 10838, § 1, 12-17-1965)

Sec. 7-18. Same-Application.

a.) Application for a permit for the moving of any building or other structure, as provided in section 7-17, shall be made by the owner thereof to the city clerk with the payment of a fee set by resolution.
b.) Such application shall be accompanied by the consent in writing of the owners of property abutting the sides of the lot or parcel of ground to which such building or structure is intended to be moved.

(Ord. No. 10838, § 1, 12-17-1965; Ord. No. 14228, § 1(a), 4-14-1986)
Sec. 7-19. Procedure upon receipt of application for permit.  
As soon as possible after receipt of an application for a permit required by section 7-17, the city clerk shall report the receipt of such application to the director of public works, the building official and the chief of police.

Sec. 7-20. Insurance.  
The moving of any building or structure under this article shall be done and performed by a licensed building mover after presentation to the city clerk of a certificate of insurance establishing liability insurance in the amount of $500,000.00 for personal injury and property damage of $100,000.00, which policy shall indemnify and hold the city harmless for all damages, claims and demands arising or growing out of or connected with the doing of any act or work covered or contemplated under the permit issued under this article.  
(Ord. No. 10838, § 4, 12-17-1965; Ord. No. 14286, § 1, 2-27-1989)

Sec. 7-21. Replacement of utility lines; approval of state department of transportation.  
The licensed building mover shall be responsible for the removal and replacement of any telephone, telegraph or electric light or power lines, and such licensed building mover or the applicant granted a permit shall pay all costs connected therewith. He shall also obtain the necessary or required permission from the state department of transportation for moving such building or structure upon, across or along any primary road or highway.  
(Ord. No. 10838, § 5, 12-17-1965)

Sec. 7-22. Supervision by city engineer.  
The moving of any building or structure, as is provided in this article, shall be under the direct supervision of the city engineer, who is empowered to require the planking or other means of protecting any street paving, sidewalk or other public or private property from damage in connection with the moving of any such building or structure.  
(Ord. No. 10838, § 6, 12-17-1965)

Sec. 7-23. Time limits.  
Any permit issued under this article shall limit the time for the moving of any building or structure over the city streets and avenues, and the failure to accomplish such moving within the time limit provided in such permit shall be deemed a violation of this article, and each additional day shall be considered a separate offense and shall be punishable accordingly.  
(Ord. No. 10838, § 7, 12-17-1965)

Sec. 7-24. Removal of buildings remaining on streets in excess of five days.  
If the building mover willfully or unnecessarily allows any building to remain upon any street or alley for a period of time in excess of five days, the city shall remove the building, either with its own facilities or by a hired house mover, and any and all expense thereof shall be charged to the applicant and the house mover engaged by him and be collectible against the house mover.  
(Ord. No. 10838, § 8, 12-17-1965)

Sec. 7-25. Disconnection of utilities.  
The owner of any lot or parcel of ground from which a building or structure is being moved, if served with utilities at its old location, shall disconnect such utilities in accordance with the requirements set forth by each utility.  
(Ord. No. 10838, § 9, 12-17-1965)
Sec. 7-26. Right of city to deny application.
The city council may deny to an applicant the right to move any building or structure when it appears that there is no feasible route available for such moving or that the possible damage to the public streets or abutting city or private property will be substantially damaged or irreparable. 
(Ord. No. 10838, § 10, 12-17-1965)

Sec. 7-27. Additional provisions.
This article shall be in addition to the provisions of the building code and of the zoning ordinance with the regard to the moving of any building or structure within the city. 
(Ord. No. 10838, § 11, 12-17-1965)

Secs. 7-28 – 7-29. Reserved.

ARTICLE III. DANGEROUS BUILDINGS*

Cross reference(s)-Hazardous conditions and substances, ch. 14.5.

Sec. 7-30. Purpose and scope.
It is the purpose of the provisions of this article to provide a just, equitable, and practicable method, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated, or demolished. The provisions of this article shall apply to all dangerous buildings, as defined in this article, which are in existence or which may be constructed in this city. All buildings or structures, which are required to be repaired under the provisions of this article, shall be subject to the provisions of the existing building ordinances. 
(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-31. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: 

a.) Dangerous building. Dangerous building means any building or structure which has any or all of the following conditions or defects, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered whenever:

1.) 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.) 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.

3.) The building or structure or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundations; or any other cause is likely to partially or completely collapse.

4.) For any reason the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used.

5.) 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.

6.) The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals, or immoral persons or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

7.) A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, 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 a condition that it is likely to cause sickness or disease.

8.) 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 fire marshal to be a fire hazard.

9.) Any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or 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. No. 14067, § 1, 8-24-1981)

Sec. 7-32. Procedures and rules.
The following are procedures to be followed under this article:

a.) The building official is authorized to enforce the provisions of this article.

b.) The fire marshal and the building official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

c.) Whenever necessary to make an inspection to enforce any of the provisions of this article or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises dangerous as defined in this article, the building official may enter such building or premises at all reasonable times to inspect the building or premises or perform any duty imposed upon the building official by this article. If such building or premises is occupied, he shall first present proper credentials and demand entry, and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry. The term "authorized representative" shall include the officers named in this section and their authorized inspection personnel. No owner or occupant or any other person having charge, care or control of the building or premises shall fail or neglect, after proper demand is made as provided in this subsection, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this article. Any person violating this section shall be guilty of a misdemeanor. The building official and fire marshal are likewise empowered to make the described inspections under the rules as set forth in this section.

d.) All buildings or portions thereof which are determined after inspection by the mentioned officials to be dangerous as defined in this article are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the
procedure specified in this article.

e.) All buildings or structures within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this article and the existing building ordinances.

f.) In order to provide for final interpretation of the provisions of this article and to hear appeals provided for under this article, there is established a board of appeals consisting of three members who are not city employees. The building official shall be an ex officio member of and shall act as secretary to such board. The board shall be appointed by the mayor with approval of the council and shall serve at its pleasure. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions of this article. Copies of all rules or regulations adopted by the board shall be delivered to the building official who shall make them freely accessible to the public.

(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-33. Notices and orders of building official.

The following shall constitute the rules as to notices and orders under this article:

a.) Whenever the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation, or demolition of the building.

b.) The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain the following:

1.) The street address and a legal description sufficient for identification of the premises upon which the building is located.

2.) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this article.

3.) A statement of the action required to be taken as determined by the building official.

c.) If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within 30 days from the date of the order and completed within such time as the building official shall determine is reasonable under all of the circumstances.

d.) If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

e.) If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable, not to exceed 30 days from the date of the order; that all required permits be secured therefore within 30 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

f.) Statements advising that if any required repair or demolition work, without vacation also being required, is not commenced within the time specified, the building official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof
against the property or its owner.

g.) Statements advising that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this article and filed with the building official within ten days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

h.) The notice and order and any amended or supplemental notice and order shall be served upon the record owner and posted on the property, and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required in this subsection to be served shall not invalidate any proceedings under this article as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

i.) Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is unknown to the building official, a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner provided in this subsection shall be effective on the date of mailing. This shall apply to nonresidents of this state as well as residents.

j.) Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

k.) If compliance is not had with the order within the time specified therein and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying that the building is a dangerous building and that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

l.) The following standards shall be followed by the building official, and by the board of appeals if an appeal is taken, in ordering the repair, vacation or demolition of any dangerous building or structure:

1.) Any building declared a dangerous building under this article shall either be repaired in accordance with the current building ordinances or shall be demolished by the building owner, all within the time allowed and pursuant to this article.
2.) If the building or structure is in such condition as to make it immediately
dangerous to the life, limb, property or safety of the public or its occupants, it
shall be ordered to be vacated.

m.) Every notice to vacate shall, in addition to being served as provided in this section, be
posted at or upon each exit of the building, and shall be in substantially the following
form:

"DO NOT ENTER UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
City of Marshalltown"

n.) Whenever such notice is posted, the building official shall include a notification thereof
in the notice and order issued by him under this section reciting the emergency and
specifying the conditions that necessitate the posting. No person shall remain in or enter
any building that has been so posted, except that entry may be made to repair, demolish
or remove such building under permit. No person shall remove or deface any such notice
after it is posted until the required repairs, demolition, or removal has been completed.
Any person violating this section shall be guilty of a misdemeanor.

(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-34. Appeal.
The following are the procedures whereby an appeal is taken under this article:

a.) Any person entitled to service under this article may appeal from any notice and order or
any action of the building official under this article by filing at the office of the building
official, within ten days from the date of service of such order, a written appeal
containing a request for hearing and setting forth facts sufficient to allow the building
official to determine the identity of the person appealing and the property involved. The
appellant must include his address on the appeal papers.

b.) As soon as practicable after receiving the written appeal, the board of appeals shall fix a
date, time, and place for the hearing of the appeal by the board. Such date shall be not
less than five days or more than 20 days from the date of the appeal being filed with the
building official. Written notice of the time and date of the hearing shall be given at least
five days prior to the date of the hearing to each appellant by the secretary of the board
either by causing a copy of such notice to be delivered to the appellant personally or by
mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown
on the appeal.

c.) Failure of any person to file an appeal in accordance with this section shall constitute a
waiver of his right to an administrative hearing and adjudication of the notice and order
or any portion thereof.

d.) The issue at hearing shall be whether a condition exists on the premises involved that
makes the building thereon dangerous as defined in this article.

e.) The notice to the appellant shall be substantially in the following form, but may include
other information: "You are hereby notified that a hearing will be held before (the board
or name of hearing examiner) at ____ on the ____ day of ______, ______, at the hour of
______, upon the notice and order served upon you. You may be present at the hearing.
You may be, but need not be, represented by counsel. You may present any relevant
evidence and will be given full opportunity to question all witnesses against you."

f.) Hearings need not be conducted according to the technical rules relating to evidence and
witnesses.

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

h.) Irrelevant and unduly repetitious evidence shall be excluded.

i.) The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that the parties are given an opportunity to be present during the inspection, and the board or the hearing examiner shall state in writing upon completion of the inspection the material facts observed and the conclusions drawn therefrom.

j.) At the conclusion of the hearing, the hearing officer shall enter a written decision as to whether a condition exists on the premises involved that makes the building thereon dangerous. If it is found that a dangerous condition exists, no more than 20 additional days may be given the appellant to comply with the original notice and order. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-35. Enforcement.
The following are the procedures for enforcement of the orders of the building official made under this article:

a.) Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this article becomes effective, the building official shall cause the building described in the notice and order to be vacated by posting at each entrance thereto a notice reading:

"DANGEROUS BUILDING DO NOT OCCUPY
It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
City of Marshalltown"

b.) No person shall occupy any building that has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the building official have been completed.

c.) The building official may, in addition to any other remedy provided in this article, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order or, if the notice and order require demolition, to cause the building to be sold and demolished or demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in this article. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person lawfully entitled thereto.

d.) Upon receipt of a written application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the building official may, in his discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete such repair, rehabilitation, or demolition, if the building official determines that such an extension of time will not
create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order. Only one extension can be granted.

e.) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under this article or with any person to whom such building has been lawfully sold pursuant to this article, whenever such officer, employee, contractor or authorized representative of the city or person having an interest or estate in such building or structure or purchaser is engaged in the work of repairing, vacating and repairing or demolishing any such building, pursuant to this article, or in performing any necessary act preliminary to or incidental to such work or as authorized or directed pursuant to this article.

(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-36. Performance of work of repair or demolition.
The following rules shall apply for the performance of the work of repair or demolition under this article:

a.) When any work of repair or demolition is to be done pursuant to this article, the building official shall see that the work shall be accomplished by city personnel or by private contract under the direction of the building official. The building official therefore may prepare plans and specifications or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, the usual public works contractual procedures shall be followed.

b.) The cost of such work shall be paid from the general fund and may be made an assessment against the property involved or may be made a personal obligation of the property owner, if through suit the city council shall determine this to be appropriate.

(Ord. No. 14067, § 1, 8-24-1981)

Sec. 7-37. Recovery of cost of repair or demolition.

a.) The building official shall keep an itemized account of the expense incurred by the city in the repair or demolition of any building done pursuant to this article. Upon completion of the work of repair or demolition, the building official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection 7-33(3) of this article.

b.) The clerk shall mail a statement of the total expense incurred to the people entitled to notice pursuant to subsection 7-33(3) of this article. If the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor, and it shall then be collected with and in the same manner as general property taxes.

c.) If the amount expended to repair or demolish exceeds $500.00, the city may permit the amount of the statement to be paid in no more than 24 monthly installments. Arrangements for such payments must be made before the costs are certified to the county auditor. Upon default in an installment payment, the remaining costs shall be immediately certified to the county auditor.

(Ord. No. 14067, § 1, 8-24-1981)
Chapter 8 CABLE FRANCHISE REGULATORY ORDINANCE*

*Cross reference(s)-Licenses and business regulations, ch. 17; streets and sidewalks, ch. 26.

ARTICLE I. IN GENERAL

Sec. 8-1.1. Definitions.
For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future tense. Words in the plural number include the singular number, and words in the singular number include the plural number:

a.) Basic cable. Basic cable means the lowest priced tier of service that includes the retransmission of local broadcast television signals.


c.) Cable operator. Cable operator means the same as the definition used in the cable act, as amended.

d.) Cable service. Cable service means the same as the definition used in the cable act, as amended.

e.) Cable system. Cable system means the same as the definition used in the cable act, as amended.

f.) City. City means the City of Marshalltown and the geographical area within the corporate boundaries of the city.

g.) FCC. FCC means the Federal Communications Commission, or successor governmental entity thereto.

h.) Franchise. Franchise means the initial authorization or renewal thereof, issued by the franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the cable system.

i.) Franchising authority. Franchising authority or grantor means the city council or the lawful successor, transferee, or assignee thereof.

j.) Grantee. Grantee means any person, firm, corporation, or other entity granted a franchise under this chapter or the lawful successor, transferee, or assignee thereof.

k.) Gross revenues. Gross revenues means any and all revenue received by the grantee from the operation of the cable system in the service area, to provide cable services; provided, however, that such phrase shall not include any fees or franchise fees or taxes which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the grantee on behalf of such governmental unit or agency.

l.) Head-end. Head-end means the land, electronic processing equipment, antennas, tower, building, and other appurtenances normally associated with and located at the starting point of a cable system.

m.) House drop. House drop means a cable that connects each building or home to the nearest
feeder line of the cable network.

n.) Normal business hours. Normal business hours mean those hours during which most similar businesses in the community are open to serve subscribers. In all cases, normal business hours shall include some evening hours at least one night per week and/or some weekend hours.

o.) Normal operating conditions. Normal operating conditions means those service conditions that are within the control of the grantee. Those conditions that are not within the control of the grantee include but are not limited to natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions, which are ordinarily within the control of the grantee, include but are not limited to special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

p.) Outlet. Outlet means the point of connection of the cable or wire to a television.

q.) Person means an individual, partnership, association, joint stock company, trust, corporation or governmental entity.

r.) Private property. Private property means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the city.

s.) Property of the grantee. Property of the grantee means all property, real, personal or mixed, owned or used by the grantee, however arising from or related to or connected with the franchise.

t.) Public access channel. Public access channel means channel capacity designated for public use.

u.) Public property. Public property means all property, real, personal or mixed, owned or used by the city, including property owned or used by a public utility owned or operated by the city.

v.) Public way. Public way means the surface of and the space above and below any public street, highway, freeway, bridge, land, path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon held by the franchising authority in the service area which shall entitle the franchising authority and the grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the system. The term "public way" shall also mean any easement held by the franchising authority within the service area for the purpose of public travel or for utility or public service use dedicated for compatible uses and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the franchising authority and the grantee to the use thereof for the purposes of installing and operating the grantee's cable system over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the cable system.

w.) Service area. Service area means the present municipal boundaries of the franchising authority.

x.) Service interruption. Service interruption means the loss of video or audio on one or more channels.

y.) Service tier. Service tier means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator.
z.) Shall. Shall and will are mandatory; the term "may" is permissive.

aa.) Subscriber. Subscriber means a person or user of the system who lawfully receives communications and other services therefrom with the grantee's express permission.

(Ord. No. 14586, § 2, 4-13-1998)
Cross reference(s)-Definitions generally, § 1-2.

SEC. 8-1.2. Franchise required.
Subject to federal and state law, no person, firm, company, corporation or association shall construct, install, maintain or operate within any public street in the city or within any other public property of the city any equipment or facilities for the distribution of television signals over a cable system to any subscriber, unless a franchise authorizing the use of the streets or properties or areas has first been obtained pursuant to the provisions of this chapter and unless such franchise is in full force and effect.

(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE II. GRANT OF FRANCHISE

SEC. 8-2.1. Purpose.
The purpose of this chapter is to specify requirements for the establishment, construction, operation, and maintenance of a cable system in the city pursuant to I.C.A. ch. 364 and applicable federal law. If a new applicant submits a proposal acceptable to the grantor, meets the requirements of this chapter and those of the Federal Communications Commission, and receives a majority of the votes cast in a franchise election, the grantor may then proceed to enter into a nonexclusive franchise agreement with such prospective grantee, subject to the provisions of this chapter. If the incumbent operator submits a proposal acceptable under the terms of the Cable Act of 1992, as amended, and meets the requirements of the Federal Communications Commission, the city shall proceed to fulfill its obligations under section 626 of the Cable Act of 1992.

(Ord. No. 14586, § 2, 4-13-1998)

SEC. 8-2.2. Length of franchise.
The term of a franchise and all rights, privileges, obligations, and restrictions pertaining thereto shall be determined by the grantor from the effective date of such franchise or the effective date of any transfer or assignment thereof in accordance with section 8-5.5. The term of agreement will be specified in the franchise agreement. Such term shall not exceed ten years. The grantor shall award a nonexclusive franchise to construct, erect, operate, and maintain in, upon, along, across, above, over and under the streets, alleys, public ways, and public places laid out or dedicated and all extensions thereof and additions thereto in the city poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary for the operation and maintenance in the city of a cable system, and to furnish and to sell service from such cable system to the inhabitants of the city pursuant to the terms of this chapter.

(Ord. No. 14586, § 2, 4-13-1998)

SEC. 8-2.3. Significance of franchise.
a.) Franchise nonexclusive. Any franchise granted under this chapter by the city shall not be exclusive, and the city reserves the right to grant a similar franchise to any person at any time.
b.) Privileges must be specified. No privilege of exemption shall be inferred from the granting of any franchise, unless it is specifically prescribed.

c.) Authority granted. Any franchise granted under this chapter shall give to the grantee the right and privilege to construct, erect, operate, modify and maintain in, upon, above, over and under streets, as defined in section 8-1.1, which have been or may be dedicated and open to public use in the city, towers, antennas, poles, cables, electronic equipment, and other network appurtenances necessary for the operation of a cable system in the city, subject to the requirements of this chapter.

d.) Other regulatory agency's rules and regulations. The grantee shall at all times during the life of any franchise granted under this chapter be subject to all lawful exercise of the police power by the grantor and other duly authorized regulatory state and federal bodies and shall comply with any and all ordinances which the grantor has adopted or shall adopt applying to the public generally and to other grantees.

e.) Pole use agreements required. Any franchise granted under this chapter shall not relieve the grantee of any obligation involved in obtaining pole or conduit-use agreements from the gas, electric and the telephone companies or others maintaining poles or conduits in the streets of the city.

f.) Revisions. Any franchise granted under this chapter is made subject to any revisions of this chapter and the general ordinances of the grantor, provided that such revisions do not materially alter or impair the obligations of the grantee set forth in any franchise agreement and are mutually agreed to by the grantor and grantee.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-2.4. Rights reserved to grantor.

a.) Right of amendment reserved to grantor. The grantor may from time to time add to, modify or delete provisions of this chapter as it shall deem necessary in the exercise of its regulatory powers and as may be mutually agreed to by the grantor and grantee. Such additions or revisions shall be made only after a public hearing for which the grantee shall have received written notice at least 30 days prior to such hearing.

b.) No impairment of city's rights. Nothing in this chapter shall be deemed or construed to impair or affect in any way to any extent any right of the grantor pursuant to state law.

c.) Grantee agrees to city's rights. The grantor reserves every right and power which is required to be reserved or provided by an ordinance of the grantor, and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the grantor in its exercise of such rights or powers which have been or will be enacted or established subject to the provisions of subsection (a) of this section.

d.) Powers of grantor. Neither the granting of any franchise nor any provision governing the franchise shall constitute a waiver or bar to the exercise of any governmental right or power of the grantor.

e.) Grantor transfer of functions. Any administrative right or power in or administrative duty imposed upon any elected official of the city shall be subject to transfer by the grantor to any other elected official, officer, employee, department or board.

f.) Grantor right of inspection. The grantor reserves the right, during the life of any franchise granted under this chapter, to inspect and oversee all construction or installation work performed in the public right-of-way.

g.) Grantor right of network installation. The grantor reserves the right, during the life of any franchise granted under this chapter, to install and maintain for a reasonable charge upon or in the poles and conduits of the grantee and pole fixtures necessary for municipal
purposes other than providing cable service on the condition that such installation and maintenance thereof does not interfere with the operation of the grantee.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-2.5. Application for franchise.
No new cable franchise may be granted unless the applicant has successfully completed the application procedure in accordance with filing instructions promulgated by the grantor, as follows:

a.) Filing fee. Payment of a nonrefundable filing fee to the grantor of $100.00, which sum shall be due and payable at the time with the submission of the application.

b.) Content. All applicants must complete an application that shall include but not be limited to the following:

1.) Name and address of applicant. The name and business address of the applicant, date of application, and signature of the applicant or appropriate corporate officer.

2.) Description of proposed operation. A general description of the applicant's proposed operation, including but not limited to business hours, operating staff, maintenance procedures beyond those required in this chapter, management and marketing staff policies and procedures, and, if available, the rules of operation for public access.

3.) Signal carriage. A statement of the television and radio services to be provided, including both off the air and locally originated signals.

4.) Special services. A statement setting forth a description of the automated services proposed as well as a description of the production facilities to be made available by the grantee for the public, governmental and educational channels required to be made available by the provisions of this chapter.

5.) Corporate organization. A statement detailing the corporation organization of the applicant, if any, including the names and addresses of its officers and directors and the number of shares held by each officer and director.

6.) Stockholders. A statement identifying the number of authorized outstanding shares of the applicant's stock, including a current list of the names and current addresses of its shareholders holding five percent or more of the applicant's outstanding stock.

7.) Intercompany relationships. A statement describing all intercompany relationships of the applicant, including parent, subsidiary or affiliated companies.

8.) Agreements and understandings. A statement setting forth all agreements and understandings, whether written or oral, existing between the applicant and any other person with respect to any franchise awarded under this chapter and the conduct of the operation thereof existing at the time of the proposal submittal.

9.) Financial statement. A copy of the financial statements for the two previous fiscal years.

10.) Financial projection. A five-year operations pro forma which shall include the initial and continuing plant investment, annual profit and loss statements detailing income and expenses, annual balance sheets, and annual levels of subscriber penetration. Costs and revenues anticipated for voluntary services shall, if presented, be incorporated in the pro forma as required in this chapter, but shall be separately identified in the pro forma.

11.) Financial support. Suitable written evidence from a recognized financing institution, addressed to both the applicant's financial ability and planned
operation have been analyzed by the institution and that the financing institution is prepared to make the required funds available to the applicant if it is awarded a franchise. If the planned operation is to be internally financed, a board resolution shall be supplied authorizing the obtainment and expenditure of such funds as are required to construct, install and operate the cable television system contemplated under this chapter.

12.) Construction timetable. A description of system construction including the timetable for provision and extension of service to different parts of the city.

13.) Technical description. A technical description of the type of system proposed by the applicant, including but not limited to system configuration (i.e., hub, dual cable), system capacity, two-way capability, etc.

14.) Existing franchises. A statement of existing franchises held by the applicant indicating when the franchises were issued and when the cable systems were constructed and the present states of the cable systems in each respective governmental unit, together with the name and address and phone number of a responsible governmental official knowledgeable of the applicant.

15.) Convictions. A statement as to whether the applicant or any of its officers or directors or holders of five percent or more of its voting stock has in the past ten years been convicted of or has any charges pending for any crime other than a routine traffic offense and the disposition of each such case.

16.) Operating experience. A statement detailing the prior cable television experience of the applicant, including that of the applicant's officers, management and staff to be associated, where known, with the proposed franchise.

c.) Supplementation to applications. The grantor reserves the right to require such supplementary, additional or other information that the grantor deems reasonably necessary for its determinations. Such modifications, deletions, additions or amendments to the application shall be considered only if specifically requested by the grantor.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-2.6. Acceptance and effective date of franchise.

a.) Franchise acceptance, procedures. Any franchise awarded under this chapter and the rights, privileges and authority granted thereby shall take effect and be in force from and after the award thereof, provided that the grantee shall file with the grantor the following:

1.) A statement by the grantee of the unconditional acceptance of the franchise.

2.) A certificate of insurance as set forth in section 8-7.2.

3.) Reimbursement to the grantor for the costs of publication of the franchise ordinance and the holding of the election connected therewith, if required by law.

b.) Recourse of grantee. The grantee shall have no monetary recourse whatsoever against the grantor for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or its regulation. This shall not include negligent acts of the grantor, its agents or employees that are performed outside the regulatory or franchise awarding authority under this chapter.

c.) Acceptance of power and authority of grantor. The grantee expressly acknowledges that, in accepting any franchise awarded under this chapter, it has relied upon its own investigation and understanding of the power and authority of the grantor to grant this franchise.

d.) Inducements not offered. The grantee, by acceptance of any franchise awarded under this chapter, acknowledges that it has not been induced to enter into this franchise by any
understanding or promise or other statement, whether verbal or written, by or in behalf of the grantor concerning any term or condition of this franchise that is not included in this chapter.

e.) Grantee accepts terms of franchise. The grantee acknowledges by the acceptance of the franchise and the terms in the franchise and in this chapter that it has carefully read such terms and conditions and it is willing to and does accept all other obligations of such terms and conditions and further agrees that it will not claim that any provision of this chapter as adopted, or any franchise granted under this chapter, is unreasonable or arbitrary.

f.) Incorporation of proposals. The grantee, by the acceptance of any franchise awarded under this chapter, agrees that the matters contained in the grantee's application for the franchise and as stated in oral presentations, except as inconsistent with the Federal Communications Commission rules and regulations, law or ordinance, shall be incorporated into the franchise as though set out verbatim.

g.) Forfeiture of proposal bond. If the grantee fails to comply with this section, it shall acquire to rights, privileges or authority under this article whatever, and the amount of the proposal bond or certified check in lieu thereof, submitted with its application, shall be forfeited in full to the grantor as liquidated damages.

(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE III. STANDARDS OF SERVICE

Sec. 8-3.1. Geographical coverage.
The grantee shall provide a cable system in such manner as to pass and provide adequate tap-off facilities for every single dwelling unit, multiple-dwelling unit or other residential unit and commercial, and industrial establishment within the service area, subject to the provisions of section 8-3.7.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.2. Conditions of street occupancy.
All transmission and distribution structures, poles, other lines, and equipment installed or erected by the grantee pursuant to the terms of this chapter shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways. A grantee shall first obtain a permit from the grantor prior to commencing construction on the streets, alleys, public grounds or places and the permit shall be on a form provided by the grantor. A grantee shall not open or disturb the surface of any street, sidewalk, driveway or public place for any purpose without having first obtained a permit to do so in the manner provided by ordinance. All excavation shall be coordinated with other utility excavation or construction so as to minimize disruption to the public.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.3. Restoration of public ways.
If, during the course of the grantee's construction, operation, or maintenance of the cable system, there occurs a disturbance of any public way by the grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.
Sec. 8-3.4. Relocation at request of franchising authority.
Upon its receipt of reasonable advance notice, not to be less than ten business days, the grantee under this chapter shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way any property of the grantee when lawfully required by the franchising authority by reason of traffic conditions; public safety; street abandonment; freeway and street construction; change or establishment of street grades; or installation of sewers, drains, gas or water pipes or any other type of structures or improvements by the franchising authority, but the grantee shall in all cases have the right of abandonment of its property. If public funds are available to any person using such street, easement, or right-of-way for the purpose of defraying the cost of any of the foregoing, the franchising authority shall make application for such funds on behalf of the grantee.

Sec. 8-3.5. Safety requirements.
Construction, installation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable Federal Communications Commission or other federal, state, and local regulations and the National Electrical Safety Code. The cable system shall not reasonably endanger or interfere with the safety of persons or property in the service area.

Sec. 8-3.6. Underground and aboveground installation requirements.

a.) Pole agreements. Under this chapter, the grantee may lease, rent, or in any other manner by mutual agreement obtain the use of towers, poles, lines, cables, and other equipment and facilities from utility companies operating within the city and use towers, poles, lines, cables, and other equipment and facilities for the system. When and where practicable, the poles used by the grantee's distribution system shall be those erected and maintained by such utility companies operating within the city, provided mutually satisfactory rental agreements can be reached. It is the grantor's desire that all holders of public franchises in the city cooperate with the grantee and allow the grantee the use of their poles and pole line facilities whenever possible so that the number of new or additional poles installed in the city may be minimized.

b.) Grantee's poles. The grantee shall have the right to erect, install, and maintain its own towers, poles, guys, anchors, underground conduits, and manholes as may be necessary for the proper construction and maintenance of the antenna site, head-end, and distribution system, providing that the grantee has at the work site the necessary grantor permit or copy thereof, for scheduled work, obtained in advance from the appropriate department of the grantor.

c.) Rent of grantee's poles. The grantee shall have the right to establish terms, conditions, and specifications governing the form, type, size, quantity, and location of equipment of others on its poles and shall have the further right to charge a fair rental for attachment space occupied by the equipment and plant of others. The grantor shall pay any costs incurred by the grantee in providing space for the grantor's attachments, including any necessary rearrangements of the grantee's equipment and plant to provide room for the grantor's attachments. Upon expiration, termination, or revocation of a franchise or if a grantee wishes to dispose of any of its poles, conduit or manholes being used by the grantor, the grantor shall have the option to purchase them in place for their fair market value.
value.

d.) Underground facilities. In those areas of the city where transmission or distribution facilities of both telephone and power companies are underground or may be placed underground, the grantee shall likewise construct, operate, and maintain all of its transmission and distribution facilities underground to the maximum extent the then-existing technology permits, in accordance with the most recent National Electrical Code and its successor document, as well as in conformance with all applicable state and municipal ordinances and codes. If and when necessary, amplifiers and/or transformers in the grantee's transmission and distribution lines shall be in appropriate housings on the surface of the ground. The grantee shall obtain a permit from the grantor for such underground and construction of all work required or pursuant to this section. Even when not required, underground installation is preferable to the placing of additional poles.

e.) Compliance to codes.

1.) All transmission and distribution structures, lines, and equipment erected by the grantee in the city shall be located so as not to endanger or interfere with the normal use of streets, alleys, or other public ways and places so as to cause minimum interference with the rights or reasonable convenience of the general public and adjoining property owners and so as not to interfere with existing public utility installations and so as to comply with the most recent National Electrical Code, as amended, as well as in conformance with all applicable state and municipal ordinances and codes of general applicability.

2.) If any disturbance occurs by the grantee or its equipment of pavement, sidewalks, driveway, lawn, or other surfacing, the grantee shall, at its expense and in the manner required by ordinance, promptly replace and restore all such surfacing as near as reasonably possible to its prior condition.

3.) The construction, installation, operation, maintenance, and/or removal of the cable communications system shall meet all of the following safety, construction, and technical specifications and codes and standards:

   i. Occupational Safety and Health Administration regulations (OSHA).


   iv. All federal, state and municipal construction requirements, including Federal Communications Commission rules and regulations.

   v. All building and zoning codes, and all land use restrictions as they exist or may be amended.

   vi. This Code.

f.) Interference with other utilities. The grantee shall not place poles, conduits, or other fixtures aboveground or belowground where the poles, conduits, or other fixtures shall interfere with any prior placement of gas, electric, telephone fixtures, water hydrants, or other utilities, and all such poles, conduits, or other fixtures aboveground or belowground shall be so placed as to comply with all the requirements of the grantor.

g.) Moving permits. The grantee shall, on request of any person holding a moving permit issued by the grantor, temporarily move its wires or fixtures to permit the moving of buildings. The expense of such temporary removal shall be paid in advance by the person requesting the removal, and the grantee shall be given not less than 15 working days' advance notice to arrange for such temporary changes.

h.) Authority to trim trees. The grantee shall have the authority to trim trees or other natural growth overhanging any of its cable system in the street or alley right-of-way so as to
prevent branches from coming in contact with the grantee's wires, cables, or other equipment. The grantee shall reasonably compensate the franchising authority or property owner for any damages caused by such trimming or shall, in its sole discretion, and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the cable system undertaken by grantee. Such replacement shall satisfy any and all obligations the grantee may have to the franchising authority pursuant to the terms of this section.

i.) Service area. The grantee shall design and construct the cable system in such a manner as to pass by and provide adequate tap-off facilities for every single-family dwelling, apartment, school, and city building located within the city limits based upon the corporate boundaries at the time of the granting of the franchise, provided that such locations meet the density requirements pursuant to section 8-3.7 pertaining to extension of service.

j.) Burial of temporary drops. Temporary drops will be buried within two months of installation, weather permitting.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.7. Extension of service.

a.) Under this chapter the grantee shall, at its expense, promptly extend its cable system to have service available to all residents of the following:
   1.) Newly annexed areas to the city not then served by a system where the average density is at least 30 dwelling units per lineal mile of proposed trunk and feeder cable route.
   2.) New housing areas developed within the city limits, providing the new areas developed meet the requirements of subsection (a)(1) of this section.
   3.) Any new single-family dwelling unit, multiple-dwelling unit or other residential unit or commercial establishment which shall be extended simultaneously with electric power and telephone utilities, subject to the requirements of subsection (a)(1) of this section. The grantor may modify or exempt designated commercial and/or industrial areas of the city from the requirements of this subsection and as may be defined in the cable franchise agreement granted to the grantee.

b.) The grantee shall submit to the grantor, upon request, a written line policy that shall provide that cable service will be extended to potential subscribers who become located within 125 feet of distribution cable.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.8. Service to public buildings.

a.) Under this chapter, the grantee shall upon request provide, without charge, one outlet of basic service and expanded basic service to public buildings that shall include but are not limited to the locations listed in this subsection. Any additional locations other than the following must be within 500 feet of the grantee's cable system:
   1.) City hall.
   2.) Fire station.
   3.) Park and recreation office.
   4.) Police department office.
   5.) Street department building.
   6.) Wastewater treatment plant.
   7.) Buena Vista University.
   8.) Iowa Valley Community College.
9.) Marshalltown Community College.
10.) Area Education Agency 6.
11.) St. Henry's Catholic School.
12.) St. Mary's Catholic School.
13.) Fisher Community Center.
14.) City coliseum.
15.) Marshalltown Community High School Auditorium.
16.) Anson and Miller Middle Schools.
17.) Anson Elementary School.
18.) Fisher Elementary School.
19.) Hoglan Elementary School.
20.) Rogers Elementary School.
21.) Woodbury Elementary School.
22.) Franklin Elementary School.

b.) The one outlet shall not be used to sell or further distribute services in or throughout such buildings. Users of such outlets shall hold the grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to those arising from copyright liability. If additional outlets are provided to such buildings, the building owner shall pay the fees for labor and materials only.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.9. Customer service standards; Federal Communications Commission model.
Under this chapter, the grantee agrees to adhere to the Federal Communications Commission's customer service standards. A copy of such standards effective as of the effective date of the ordinance from which this chapter derives is attached as appendix A to Ordinance No. 14586.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.10. Local office.
A cable system business and service office, conveniently located within the city, shall be open during normal business hours and adequately staffed to accept subscriber payments and to respond to service requests and complaints.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.11. Deposits.
If required by federal law, the grantee under this chapter shall bear interest at the current lending rate on any subscriber deposit.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.12. Subscribers' antennas.
The grantee shall not require the removal or offer to remove or provide any inducements for removal of any potential or existing subscriber's antenna as a condition of provision of cable service.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.13. Disconnection.
There shall be no charge for a total disconnection of cable service. If any subscriber fails to pay a fee or charge, the grantee may disconnect the subscriber's service. Such disconnection shall not be affected until the subscriber has been given ten days' advance written notice of the intention to disconnect. After disconnection, upon payment of any required delinquent fee or reconnection
charge, the grantee shall reinstate the subscriber's service.
(Ord. No. 14586, § 2, 4-13-1998)

The grantee shall restore cable service to a customer wishing restoration of service, provided the customer shall first satisfy any previous obligations owed.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.15. Downgrades.
Subscribers shall have the right to have cable service disconnected or downgraded in accordance with Federal Communications Commission rules. The billing for such service will be effective immediately, and such disconnection or downgrade shall be made as soon as practicable. A refund of unused service charges shall be paid to the customer within 45 days from the date of termination of service.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.16. Termination of service.
Within 30 days of termination of cable service to any subscriber for any reason, the grantee may, upon the subscriber's written request, promptly remove all its aerial facilities and equipment from the subscriber's premises, pursuant to Federal Communications Commission rules and regulations.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.17. Notification to grantor of service interruptions.
The grantee shall promptly notify the grantor in writing or, if appropriate, by oral communication of any significant interruption in the operation of the cable system. For the purposes of this section, the term "significant interruption in the operation of the cable system" shall mean any interruption of audio or video on one or more channels a duration of at least one hour to at least five percent of the subscribers.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.18. Subscriber credit for service interruptions.
Upon service interruption of subscriber's cable service, the following shall apply: For service interruptions of over 24 hours, the grantee shall provide, at the subscriber's request, a credit of 1/30 of one month's fees for affected services for each 24-hour period service is interrupted.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.19. Service repair standards.
The grantee shall render efficient cable service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled service interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the cable system.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.20. Refunds to subscribers.
a.) If the grantee fails to provide any material cable service requested by a subscriber in accordance with the current Federal Communications Commission standards, the grantee shall, after adequate notification and being afforded the opportunity to provide the service, promptly refund all deposits or advance charges paid for the service in question by the subscriber.
b.) If any subscriber terminates service for any other reason, the grantee shall refund the unused portion of any prepaid subscriber service fee on a daily pro rata basis.

c.) Any disputes arising under this section shall be finally resolved in accordance with section 8-6.5.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.21. Channel card.
The grantee shall prepare and make available, at no charge to the subscribers, an accurate and up-to-date channel card listing the cable channels and services available over the cable system. The channel card shall be distributed to every new subscriber and within 30 days after a change or addition in channels or services offered affecting three or more channels.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.22. Customer handbook.
The grantee shall provide written customer policies or a handbook to all new cable subscribers and, thereafter, upon request. The grantee's written customer policies or handbook shall, at a minimum, comply with all notice requirements promulgated by the Federal Communications Commission. If the grantee's operating rules are changed, subscribers shall be notified in a timely manner.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.23. Subscriber privacy.
a.) The grantee shall be constantly alert to possible abuses of the right of privacy or other legal rights of any cable system subscriber, programmer, or general citizen resulting from any device or signal associated with the cable system.
b.) The grantee shall abide by current federal law and Federal Communications Commission regulations and section 631 of the cable act regarding protection of subscriber privacy.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.24. Discriminatory or preferential practices.
The grantee shall not, in making available the services or facilities of its cable system or in its rules or regulations or in any other manner, make or grant preferences or advantages to any subscriber or potential subscriber or to any user or potential user and shall not subject any person to any prejudice or disadvantage, based on their race, color, national origin or gender. This section shall not prohibit promotional campaigns to stimulate subscriptions to the cable system or other legitimate uses thereof nor the establishment of a graduated scale of charges and classified rate schedules to which any subscriber coming within such classification shall be entitled.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-3.25. Identification of employees.
Under this chapter, every employee of the grantee shall be clearly identified by an identification card, badge or uniform shirt. All employees of the grantee shall display proper identification upon request of a subscriber, provided that the grantor requires all utilities operating in the city to do the same. Every vehicle of the grantee shall be clearly marked by logo or decals, provided that the grantor requires all the utilities operating in the city do the same.

(Ord. No. 14586, § 2, 4-13-1998)
ARTICLE IV. SYSTEM DESIGN AND EQUIPMENT REQUIREMENTS

Sec. 8-4.1. Emergency use.
a.) In accordance with and at the time required by the provisions of Federal Communications Commission regulations part 11, subpart D, section 11.51(h)(1), and as such provisions may from time to time be amended, the grantee shall install, if it has not already done so, and maintain an emergency alert system (EAS) for use in transmitting emergency act notifications (EAN) and emergency act terminations (EAT) in local and statewide situations as may be designated to be an emergency by the local primary (LP), the state primary (SP) and/or the state emergency operations center (SEOC), as those authorities are identified and defined within Federal Communications Commission regulations section 11.51.
b.) The franchising authority shall permit only appropriately trained and authorized persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the grantee's cable system in any manner that results in inappropriate use thereof or any loss or damage to the cable system. Except to the extent expressly prohibited by law, the franchising authority shall hold the grantee, its employees, officers and assigns harmless from any claims arising out of the emergency use of its facilities by the franchising authority, including but not limited to reasonable attorney's fees and costs.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.2. Switching device.
The grantee, upon request from any cable subscriber, shall install at a reasonable charge a switching device to permit a subscriber to continue to utilize the subscriber's television antenna. The grantee shall not require the removal or offer to remove any subscriber's antenna lead-in wire.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.3. Parental control devices.
Upon request and within 120 days, the grantee shall provide, at a reasonable charge to subscribers, parental control devices that allow any cable channel to be locked out. Such devices shall block both the video and the audio portion of such channels to the extent that both are unintelligible.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.4. Education and government channels.
During the term of the franchise under this chapter, the grantee shall provide at least one specially dedicated, noncommercial education and government channel to be made available to the public, groups, and individuals on a first-come nondiscriminatory basis. Such channels shall be operated in accordance with Federal Communications Commission rules and regulations. The grantee shall make no charge for use of such channel. The franchising authority or its designee shall exercise sole control over the operation and shall establish rules providing for access to the education and government channel.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.5. Access equipment and facilities fees.
If authorized by the grantor and after 60 days' notice from the grantor to the grantee, the grantor shall provide ongoing support for public, educational, and governmental access equipment and
facilities in the amount of not to exceed $0.25, as adjusted for inflation, per subscriber per month for the entire term of this franchise, payable in the same manner as the franchise fee payment pursuant to section 8-5.1. The maximum amount of this fee shall be adjusted on March 30 of each year of the term of the franchise by a percentage equal to the percentage of increase in the cost of living as defined by the Consumer Price Index (CPI) for the previous calendar year. The grantor acknowledges that this amount shall not be considered gross revenues subject to the payment of franchise fees pursuant to section 8-5.1. Furthermore, payments of this ongoing support shall not be deemed to be "franchise fees" within the meaning of section 622 of the cable act, and such payment shall not be deemed to be "payments in kind" or any involuntary payments chargeable against the compensation to be paid to the grantor by the grantee pursuant to section 8-5.1. The grantee shall be allowed to collect such fee as a pass through to cable subscribers.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.6. Leased access channels.
The grantee shall make a portion of the remaining unused cable channels available for lease to any organization, group, or individual on a first come, first served basis as provided in this chapter and as required by section 612 of the Cable Act of 1992, as amended.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.7. Nonsubscriber interference.
The grantee's cable system shall be designed, engineered, and maintained so as not to interfere with the television and radio reception of residents of the city who are not subscribers on the cable system.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.8. Additional services.
Under this chapter, the grantee is encouraged to make available such additional video, radio, digital, point-to-point service and other services as are requested by subscribers and programmers who are willing to pay for such services, provided that such services are technologically and economically feasible.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.9. Technical standards.
   a.) Methods of construction, installation, and maintenance of the cable television system shall comply with the most recent National Electrical Code to the extent that such code is consistent with local law affecting the construction, installation, maintenance of electric supply and communications lines. To the extent that such code is inconsistent with other provisions of this franchise or with local law, the latter shall govern. The grantee must obtain all necessary construction or excavation permits in advance from the grantor.
   b.) Installation and physical dimensions of any tower constructed for use in the cable television system shall comply with all appropriate Federal Aviation Administration regulations.
   c.) Any antenna structure used in the cable system shall comply with all appropriate local, state, and federal regulations.
   d.) All working facilities and conditions used during construction, installation, and maintenance of the cable system shall comply with the standards of the Occupational Safety and Health Administration.
   e.) Unless it is beyond the knowledge of the grantee, the grantee shall notify the franchising
authority at least 30 days prior to or as soon as it is known by the grantee of any of the following changes:

1.) Addition to, deletion of, or change in received channels.
2.) Addition to, deletion of, or change in distributed channels or in channel conversion.
3.) Change in location of head-end or antenna sites.
4.) Interconnection with other cable systems.

f.) The cable system permitted to be operated under this chapter shall be maintained and operated in conformance with Federal Communications Commission rules and regulations. If the Federal Communications Commission ceases to regulate technical standards, the grantee will comply with the standards of the successor regulatory authority of the state or federal government.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-4.10. Filing of maps.
Upon request of the grantor pursuant to this chapter, the grantee shall file with the grantor strand maps, showing the location of all property and facilities of the grantee within the city.

(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE V. REGULATION BY FRANCHISING AUTHORITY

Sec. 8-5.1. Franchise fee.
a.) Payment. In consideration for the use of the streets and public ways of the city for the construction, operation, maintenance, and reconstruction of a cable system within the city, the grantee shall pay to the grantor an annual amount equal to five percent of the grantee's gross revenues as defined in section 8-1.1. This includes but is not limited to all subscriber's payments, installation fees, converter boxes, local advertising, leased access channels, and pay per view. This amount shall not include any taxes on cable service that are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency and which are collected by the grantee on behalf of such governmental unit or agency.
b.) Quarterly payments. Payment due to the grantor under this section shall be made quarterly at the city clerk's office not later than 45 days following March 31, June 30, September 30 and December 31 of each year. Any fee not paid when due shall bear interest at a rate of 1 1/2 percent per month from the date due. Each payment shall be accompanied with a report to the city by the grantee showing the basis for the computation, specific income categories, and such other relevant facts as may be required by the grantor necessary to determine the accuracy of the franchise payment and shall be in the form provided by appendix B, attached to Ordinance No. 14586 and incorporated in this chapter. The acceptance of any payment shall not be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim the grantor may have for additional sums payable by the grantee. All amounts paid shall be subject to audit and recomputation by the grantor.
c.) Limitation on actions. The period of limitation for recovery of any franchise fee payable under this section shall be ten years from the date on which payment by the grantee is due.
d.) Audit. The grantee will fully cooperate with a franchise fee audit performed by a
professional firm that is chosen by the grantor. The grantor will pay for the costs associated with the audit, provided that the grantee shall pay for the costs if the audit shows an underpayment of franchise fees in excess of five percent or more.

e.) Increases. The grantor may request an increase in franchise fees at any time during the term of the franchise equal to the maximum allowed by federal law. However, such request shall be made in writing, and the grantee will not be liable for the increase until proper notice, as defined by federal law, is given to its subscriber. Prior to making a final decision regarding an increase in franchise fees, the grantor shall conduct a public hearing and shall grant an opportunity to the grantee to discuss the proposed increase in franchise fees.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.2. Rates and charges.**
a.) The franchising authority may regulate rates for the provision of basic cable and equipment as expressly permitted by section 623 of the Cable Act of 1992, as amended, and applicable law.
b.) Any rate adjustments shall be filed with the city clerk not later than 30 days prior to the implementation of the adjustment.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.3. Franchise renewal.**
The franchising authority and the grantee agree that any proceedings undertaken by the franchising authority that relate to the renewal of the grantee's cable franchise shall be governed by and comply with the provisions of section 626 of the cable act, as amended, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.4. Conditions of sale.**
If a renewal or extension of the grantee's cable franchise is denied or the franchise is lawfully terminated and the franchising authority either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another person, any such acquisition or transfer shall be at a price determined pursuant to the provisions set forth in section 627 of the cable act.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.5. Transfer of franchise.**
a.) Generally. Any franchise granted under this chapter shall be a privilege to be held for the benefit of the public. Any franchise so granted cannot, in any event, be sold, transferred, leased, assigned or disposed of, including but not limited to by forced or voluntary sale, except to the entity controlling, controlled by or under common control with the grantee, without the prior written consent of the franchising authority. Such consent as required by the franchising authority shall be given or denied no later than 120 days following any request and shall not be unreasonably withheld. Prior consent shall not be required when transferring the franchise between wholly owned subsidiaries of the same entity, nor shall such consent be required for a transfer in trust, by mortgage, by other hypothecation, or assignment of any rights, title, or interest of the grantee in the cable system in order to secure indebtedness.
b.) Ownership or control. If the grantee sells or otherwise transfers ownership in the cable
system, such sale or transfer shall conform to section 617 of the cable act. For the
purpose of determining whether it shall consent to such change, transfer or acquisition of
control, the franchising authority may inquire into the qualifications of the prospective
controlling party, and the grantee shall assist the franchising authority in any such
inquiry. In seeking the grantee's consent to any change in ownership or control, the
transferee shall have the responsibility to:

1.) Show to the satisfaction of the franchising authority whether the proposed
purchaser, transferee, or assignee (referred to as the "proposed transferee") which,
in the case of a corporation, shall include all directors and all persons having a
legal or equitable interest of 50 percent or more of the voting stock, has:
   i. Ever been convicted or held liable for acts involving moral turpitude,
      including but not limited to any violation of federal, state or local law or
      regulations or is presently under an indictment, investigation or complaint
      charging such acts;
   ii. Ever had a judgment in an action for fraud, deceit or misrepresentation
      entered against it, her, him, or them by any court of competent
      jurisdiction; or
   iii. Pending any legal claim, lawsuit or administrative proceeding arising out
      of or involving a cable system. The franchising authority retains the right
      to withhold approval of the transfer until the transferee has provided the
      information required in this subsection.

2.) Establish, to the satisfaction of the franchising authority, the financial solvency of
the proposed transferee by submitting all current financial data for the proposed
transferee which the grantee was required to submit in its franchise application,
and such other data as the franchising authority may request, where such shall be
audited, certified and qualified by a certified public accountant.

3.) Establish to the satisfaction of the franchising authority any technical capability of
the proposed transferee is such as shall enable it to maintain and operate the cable
system for the remaining term of the franchise under the existing franchise terms.

c.) Any financial institution having a pledge of the franchise or its assets for the
advancement of money for the construction and/or operation of the franchise shall have
the right to notify the franchising authority that the financial institution or its designee, as
approved in writing by the franchising authority, shall take control and operate the cable
system if the grantee defaults in its financial obligations. Further, such financial
institution shall also submit a plan for such operation that will ensure continued service
and compliance with all franchise requirements during the term the financial institution
exercises control over the system. The financial institution shall not exercise control over
the cable system for a period exceeding one year, unless extended by the franchising
authority at its discretion, but during such period of time it shall have the right to petition
the franchising authority to transfer the franchise to another grantee. Except insofar as the
enforceability of this subsection may be limited by applicable bankruptcy, insolvency,
reorganization, moratorium or similar laws affecting creditors' rights generally, and
further subject to applicable federal, state or local law, if the franchising authority finds
that such transfer, after considering the legal, financial and technical qualities of the
proposed transferee, is satisfactory, the franchising authority shall transfer and assign the
right and obligations of such franchise as in the public interest.

d.) The consent or approval of the franchising authority to any transfer by the grantee shall
not constitute a waiver or release of the rights of the franchising authority in and to the
streets, and any transfer shall, by its terms, be expressly subject to the terms and conditions of any franchise.

e.) In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory of the franchise agreement.
f.) The franchising authority may approve the transfer or deny the transfer pursuant to section 617 of the cable act.
g.) When the grantor approves a transfer under this section, the new grantee shall indicate acceptance of the franchise as specified in section 8-2.6, including the filing of all necessary bonds, funds, proofs of insurance and certifications.
h.) The restrictions of this section shall be effective immediately upon execution of a franchise agreement.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.6. Right of inspection of construction.**
The grantor shall have the right to visually inspect all construction or installation work performed subject to the provisions of this chapter and to make such visual inspections as it shall find necessary to ensure compliance with the terms of this chapter and other pertinent provisions of law.

(Ord. No. 14586, § 2, 4-13-1998)

**Sec. 8-5.7. New developments.**
The grantee is encouraged to upgrade its facilities, equipment, and service so that its cable system is as advanced as the current state of production technology will allow.

(Ord. No. 14586, § 2, 4-13-1998)

**ARTICLE VI. COMPLIANCE AND MONITORING**

**Sec. 8-6.1. Testing for compliance.**
a) The grantor shall have the right to compel the grantee to test, analyze, and report on the performance of the cable system. The grantor may also perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the grantee or the cable system in order to determine whether or not the grantee is in compliance with the terms of this chapter and applicable state or federal laws. Such tests may be undertaken only after giving the grantee reasonable notice thereof, not to be less than ten business days, and providing a representative of the grantee has an opportunity to be present during such tests. If such testing demonstrates that the grantee has substantially complied with such material provisions of this chapter, the cost of such testing shall be borne by the franchising authority. Except in emergency circumstances, the franchising authority agrees that such testing shall be undertaken no more than once a year and that the results thereof shall be made available to the grantee.

b) Any special performance tests or measurements required by the grantor shall be reported to the grantor within 14 business days after such tests or measurements are performed. Such report shall include the following information: the nature of the complaint that precipitated the special tests, the results of such tests, and the method in which such complaints were resolved. Any other information pertinent to the special test shall be recorded.
Sec. 8-6.2. Books and records.
The franchising authority or its certified public accountant, upon reasonable notice to the grantee, may review such of its books and records at the grantee's business office, during normal business hours and on a non-disruptive basis, as is reasonably necessary to ensure compliance with the terms of this chapter. Such records shall include but shall not be limited to any public records required to be kept by the grantee pursuant to the rules and regulations of the Federal Communications Commission. Notwithstanding anything to the contrary set forth in this chapter, the grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature under state and federal rules of evidence. The franchising authority agrees to treat any information disclosed by the grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know or in order to enforce the provisions of this chapter. The grantee shall not be required to provide subscriber information in violation of section 631 of the cable act.

Sec. 8-6.3. Communications with regulatory agencies.
Copies of all petitions, applications, communications, reports, and all other documents pertaining to the cable system and franchise submitted by the grantee or its parent companies to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency shall be made available to the grantor upon written request to the grantee.

Sec. 8-6.4. Complaint records.
A written log or an equivalent stored in computer memory and capable of access and reproduction shall be maintained for all service interruptions or complaints regarding cable system service problems. The grantee shall maintain detailed logs setting forth the date and substance of each service interruption or complaint regarding the system service problems received by phone, mail or other means during the preceding calendar month and the date and nature of action taken by the grantee to respond to such complaints or, if still pending, the status thereof. Such logs shall be available to the grantor for review for two years thereafter.

Sec. 8-6.5. City's role in complaints.
a) Unresolved complaints concerning the cable system or its operation or maintenance shall be directed to the city administrator. The city administrator shall forward the complaint to the grantee or shall take up the question by correspondence with the grantee.
b) The procedure to handle complaints and grievances with respect to subscriber complaints and the quality of services rendered by the grantee, equipment malfunctions and other matters shall be as follows:
1) Within 30 days from the occurrence of the facts and circumstances giving rise to a complaint or grievance, the complainant shall state his complaint or grievance to the grantee in writing. If the grantor receives such a complaint or grievance, the complaint shall be forwarded to the grantee in writing.
2) Within five days from the receipt of a complaint or grievance by the grantee, the grantee shall state to the complainant its intentions with respect to the complaint or grievance in writing.
3) Nothing in this section shall limit or alter the requirements contained in this chapter for customer service standards as contained in appendix A to Ordinance No. 14586.

4) The grantor shall be notified of the action taken to resolve grievances or complaints.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-6.6. Performance testing.
The grantee shall perform all cable system tests and maintenance procedures as required by the Federal Communications Commission and this chapter.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-6.7. Review sessions.
a) In recognition of the fact that a great many technical, financial, marketing and legal uncertainties are associated with all aspects of cable communications at the present time, it is the intent of the city to provide for a maximum feasible degree of flexibility in this franchise throughout its term to achieve an advanced and modern cable system for the city. The principal means for accomplishing this flexibility will be the scheduled review sessions provided for in this chapter. It is intended that such review sessions will serve as a means of cooperatively working out solutions to problems that develop. Furthermore, such review sessions shall be two-way processes. For example, if either party has perceived that some major problem has developed, the session shall be devoted primarily to working out solutions acceptable to both parties.

b) The grantor may hold periodic review sessions. All such review sessions shall be open to the public, and notice thereof shall be published once, not less than four days or more than 20 days before each review session, as provided by law. The published notice shall specify the topics to be discussed. The review sessions may be canceled by mutual agreement of the grantor and grantee. The following topics may be discussed at every scheduled review session:
   1) Recent and developing judicial and federal communications rulings.
   2) Service rate structures.
   3) Free and discounted services.
   4) Application of new technology or new developments.
   5) Cable system performance.
   6) Cable system extension policy.
   7) Services provided.
   8) Programming offered.
   9) Customer complaint review.
   10) Community development and education.
   11) Interconnection.
   12) New services.
   13) Franchise fees.
   14) Subscriber privacy abuse issues.
   15) New developments.

c) Other topics, in addition to those listed in subsection (b) of this section, may be added by either party. Members of the general public may also request additional topics.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-6.8. Regulatory responsibility.
The franchising authority, acting alone or acting jointly with other franchising authorities, may exercise or delegate the following responsibilities under this chapter:
a) Administering the provision of the cable system franchise.
b) Coordinating the operation of community access channel and facilities.
c) Providing technical, programming and operational support to public agency users, such as government departments, schools and health care institutions.
d) Establishing jointly with the grantee, or as otherwise specified in the franchise agreement, procedures and standards for use of channels dedicated to public use and the sharing of public facilities, if provided for in any franchise agreement.
e) Planning the expansion and growth of public benefit cable services.
f) Formulating and recommending long-range telecommunications policy.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-6.9. Annual report.
a) No later than 90 days after the close of the grantee's fiscal year, the grantee shall submit a detailed written informative report to the city, including the following information pertaining only to the cable franchise in this city:
   1) A summary of the previous year's activities in development of the cable system, including but not limited to services begun or dropped and subscribers gained or lost.
   2) A detailed revenue statement including a breakdown of all revenue sources upon which the city can verify franchise fee accuracy. The list of revenues shall include but not be limited to a specific breakdown of the following items: basic tier service charges; expanded basic service charges; installation charges; reconnection fees; advertising revenues; premium channel revenues; shopping service revenue; revenue from other sources such as contracted or subleased video, audio and data transmission services; pay per view and miscellaneous revenue; and total customers per month per category.
   3) A summary of complaints, identifying the number and specific nature of complaints and their disposition.
   4) A list of key management persons for the franchise along with their addresses and job titles.
   5) The annual report of the parent company, if a public corporation.
   6) A summary of types of communication signals and services provided without charge or provided under a barter arrangement along with their dollar equivalent.
   7) A written confirmation that insurance coverages are maintained as required in section 8-7.2.

b) The grantee shall only be required to provide the information listed in subsection (a) of this section upon written request by the grantor.

(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE VII. INSURANCE AND INDEMNIFICATION

Sec. 8-7.1. Indemnification.
Under this chapter, the grantee shall defend, indemnify, protect, and hold harmless the grantor from and against any and all liability, losses, and damage to property or bodily injury or death to any person, including payments made under worker's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, or operation of grantee's cable system and caused by any act or failure to act on the part of the grantee, its agents, officers, servants, or employees. The grantor shall give the grantee written notice of its obligation to indemnify
Sec. 8-7.2. Insurance coverage and notifications.

a) For the purposes of this chapter, the grantee shall maintain insurance in such amounts and kinds of coverage as may be specified in this section. The grantee shall maintain such insurance with insurance underwriters authorized to do business in the state. All policies shall name the grantor, its employees, servants, agents, and officers as additional insured parties. Each policy shall provide that it may not be canceled nor the amount of coverage altered until 30 days after receipt by the city clerk of a registered mail notice of such intent to cancel or alter coverage.

b) The grantee shall maintain and provide to the city clerk proof of public liability insurance for not less than the following amounts:

1) Any one occurrence, bodily injury or property damage, $1,000,000.00.
2) Products/completed operations annual aggregate liability, $1,000,000.00.
3) General aggregate, $1,000,000.00.

Sec. 8-7.3. Insurance for contractors and subcontractors.

The grantee shall provide coverage for any contractor or subcontractor involved in the construction, installation, maintenance or operation of its cable system by either obtaining the necessary endorsements to its insurance policies or requiring such contractor or subcontractor to obtain appropriate insurance coverage consistent with this section and appropriate to the extent of its involvement in the construction, installation, maintenance or operation of the grantee's cable system.

Sec. 8-7.4. Foreclosure.

A foreclosure or other judicial sale of all or part of the cable system shall be treated as a change in control of the grantee, and the provisions of section 8-8.8 of this chapter shall apply.

Sec. 8-7.5. Receivership.

The city shall have the right to cancel the franchise granted pursuant to this chapter 120 days after the appointment of a receiver or trustee to take over and conduct the business of the grantee, whether in receivership, reorganization, bankruptcy, or other action or proceedings, unless such receivership or trusteeship shall have been vacated prior to the expiration of such 120 days or unless, within 120 days after being elected or appointed, such receiver or trustee shall have:

Fully complied with all provisions of this chapter and remedied all defaults there under; and

Executed an agreement, approved by the court having jurisdiction, whereby such receiver or trustee agrees to be bound by this chapter and the franchise granted to the grantee.

Sec. 8-7.6. Continuity of service.

It shall be the right of all subscribers to continue receiving cable service insofar as their financial and other obligations to the grantee are honored. If the grantee elects to overbuild, rebuild, modify, or sell the cable system or the franchising authority gives notice of intent to terminate or fails to renew this franchise, the grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service for three months. If a change in the grantee occurs or if a new operator acquires the cable system, the original grantee shall cooperate with the franchising
authority, a new grantee or operator in maintaining continuity of service to all subscribers. During such period, the grantee shall be entitled to the revenue for any period during which it operates the cable system and shall be entitled to reasonable costs for its services when it no longer operates the cable system.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-7.7. Franchise processing costs.
a.) New franchises. For a new cable franchise awarded, the costs to be borne by the grantee shall include but shall not be limited to all costs of publication of notices prior to any public meeting and publication of relevant ordinances and franchise agreements incurred by the franchising authority.
b.) Franchise renewal. For a franchise renewal, the grantee shall reimburse the franchising authority the cost of publication of the relevant franchise agreement.
c.) Franchise transfer. For a franchise transfer, the transferee shall reimburse the franchising authority the cost of publication of relevant franchise agreements. The franchising authority reserves the right to withhold approval of such transfer until the transferee has reimbursed all publication costs.
d.) Other costs. The processing costs provided for in this section shall be in addition to any other inspection or permit fee or other fees due to franchising authority under any other ordinance of general applicability.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-7.8. Taxes.
Subject to federal and state law, the grantee under this chapter shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees and other charges of a like nature which may be taxed, charged, assessed, levied, or imposed upon the property of the grantee and upon any services rendered by the grantee.
(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE VIII. ENFORCEMENT AND TERMINATION OF FRANCHISE

Sec. 8-8.1. Notice of violation.
If the franchising authority believes that the grantee has not complied with the terms of the franchise granted under this chapter, it shall notify the grantee in writing of the exact nature of the alleged noncompliance.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.2. Grantee's right to cure or respond.
The grantee shall have 30 days from receipt of the notice described in section 8-8.1 to:
a.) Respond to the franchising authority, contesting the assertion of noncompliance;
b.) Cure such default; or
c.) If, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the franchising authority of the steps being taken and the projected date that they will be completed.
(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.3. Public hearing.
If the grantee fails to respond to the notice described in section 8-8.1 pursuant to the procedures
set forth in section 8-8.2 or if the alleged default is not remedied within 30 days or the date projected pursuant to subsection 8-8.2(3), the franchising authority shall schedule a public hearing to investigate the default. The franchising authority shall notify the grantee in writing of the time and place of such meeting no less than five business days in advance and shall provide the grantee with an opportunity to be heard.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.4. Enforcement.

a) If the franchising authority, after the public hearing as provided in section 8-8.3, determines that the grantee is in default of any provision of the franchise, the franchising authority, subject to applicable federal law, may:
   1) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages;
   2) Commence an action at law for monetary damages or seek other equitable relief; or
   3) If there is a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked in accordance with the procedures outlined in this section.

b) The franchising authority shall give written notice to the grantee of its intent to revoke the franchise on the basis of noncompliance by the grantee, including one or more instances of substantial noncompliance with a material provision of the franchise. The notice shall set forth the exact nature of the noncompliance. The grantee shall have 30 days from such notice to object in writing and to state its reasons for such objection. If the franchising authority has not received a response satisfactory from the grantee, it may then seek termination of the franchise at a public meeting. The franchising authority shall cause to be served upon the grantee, at least five days prior to such public meeting, a written notice specifying the time and place of such meeting and stating its intent to request such termination.

c) At the designated meeting, the franchising authority shall give the grantee an opportunity to state its position on the matter, after which it shall determine whether or not the franchise shall be revoked. The grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the franchising authority de novo and to modify or reverse such decision as justice may require. Such appeal to the appropriate court must be taken within 120 days of the issuance of the determination of the franchising authority.

d) The franchising authority may, at its sole discretion, take any lawful action that it deems appropriate to enforce the franchising authority's rights under the franchise in lieu of revocation of the franchise.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.5. Closing of streets.

Under this chapter, the grantee shall not be entitled to damages from the grantor sustained by the virtue of the closing, vacation, or relocation of any streets or alleys.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.6. Reservation of rights.

The grantee shall not be relieved of its obligation to comply with this chapter by reason of the grantor's failure to enforce prompt compliance.

(Ord. No. 14586, § 2, 4-13-1998)
Sec. 8-8.7. Impossibility of performance.
The grantee shall not be held in default or noncompliance with the provisions of the franchise granted under this chapter or suffers any enforcement or penalty relating thereto where such noncompliance or alleged defaults are caused by the following circumstances if reasonably beyond its control:

a) Necessary utility rearrangements, pole change outs or obtainment of easement rights.
b) Governmental or regulatory restrictions.
c) Lockouts.
d) War.
e) National emergencies.
f) Fire.
g) Acts of God.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.8. Termination of franchise.
a) Grounds for revocation. Under this chapter, the grantee reserves the right to revoke any franchise and rescind all rights and privileges associated with the franchise if:

1) The grantee should default in the performance of any of its material obligations under this chapter or the franchise and fails to cure the default within 60 days after receipt of written notice of the default from the grantor, or such longer time as specified by the grantor.
2) A petition is filed by or against the grantee under the bankruptcy act or any other insolvency or creditors' rights law, state or federal, and the grantee shall fail to have it dismissed.
3) A receiver, trustee or liquidator of the grantee is applied for or appointed for all or part of the grantee's assets.
4) The grantee makes an assignment for the benefit of creditors.
5) The grantee violates any order or ruling of any state or federal regulatory body having jurisdiction over the grantee, unless the grantee or any party similarly affected is lawfully contesting the legality or applicability of such order or ruling and has received a stay from a court of appropriate jurisdiction.
6) The grantee evades any of the provisions of this chapter or the franchise agreement.
7) The grantee practices intentional fraud or deceit upon the grantor or cable subscribers.
8) The grantee materially misrepresents facts in the application for a franchise.
9) The grantee ceases to provide services over the cable system for seven consecutive days for any reason within the control of the grantee.

b) Restoration of property. In removing its plant, structures and equipment, the grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to the grantee's removal of its equipment and appliances, without affecting the electric or telephone cables, wires or attachments. The grantor shall inspect and approve the condition of the public ways and public places and cables, wires, attachments and poles after removal. Liability insurance indemnity provided in section 8-7.2 and the performance bond in section 8-8.10 shall continue in full force and effect during the period of removal.

c) Reimbursement of costs. If the grantee fails to complete any work as required in subsections (a) and (b) of this section or any work required by law or ordinance within the time established and to the satisfaction of the grantor, the city may cause such work to be done, and the grantee shall reimburse the grantor the costs thereof within 30 days after receipt of an itemized list of such costs or the grantor may recover such costs as provided in section 8-
Sec. 8-8.9. Security fund.

a) Within ten days after execution of the franchise agreement pursuant to this chapter, the grantee shall deposit with the city clerk and shall maintain on deposit through the term of this franchise the sum of $10,000.00 as security for the faithful performance by it of all the provisions of the franchise and compliance with all orders, permits, and directions of any agency of the grantor having jurisdiction over its acts or defaults under the contract and the payment by the grantee of any claims, liens, and taxes due the grantor which arise by reason of the construction, operation, or maintenance of the system.

b) Within ten days after notice that any amount has been withdrawn from the security fund deposited pursuant to subsection (a) of this section, the grantee shall pay to or deposit with the city clerk a sum of money sufficient to restore such security fund to the original amount of $10,000.00.

c) If the grantee fails to pay to the grantor any compensation within the time fixed or fails after ten days' notice to pay to the grantor any taxes due and unpaid or fails to repay to the grantor within such ten days any damages, costs, or expenses which the grantor shall be compelled to pay by reason of any act or default of the grantee in connection with this franchise or fails after three days' notice of such failure by the grantor to comply with any provision of this contract which the grantor reasonably determines can be remedied by an expenditure of the security, the city clerk may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the city clerk shall notify the company of the amount and date thereof.

d) The security fund deposited pursuant to this section shall become the property of the grantor if this contract is canceled by reason of the default of the grantee. The grantee, however, shall be entitled to the return of such security fund or portion thereof as remains on deposit at the expiration of the term of this franchise, provided that there is then no outstanding default on the part of the grantee. Interest earned by the investment of the security fund will accrue to the grantee.

e) The rights reserved to the grantor with respect to the security fund are in addition to all other rights of the grantor, whether reserved by this franchise or authorized by law, and no action, proceeding, or exercise of a right with respect to such security fund shall affect any other right the grantor may have.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.10. Faithful performance bond.

Upon acceptance of a franchise pursuant to this chapter, the grantee shall submit and maintain throughout the term of the franchise a faithful performance bond in the amount of $100,000.00. The bond shall ensure compliance with all applicable laws, regulations, ordinances and provisions of this permit; shall provide for recoverable loss or damages, compensation, indemnification, reasonable attorney fees, cost of removal or abandonment of the grantee's property; and shall cover penalties of $100.00 per day for failure to meet the construction requirements of any franchise agreement.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-8.11. Violations and penalties.

If a grantee fails to comply with the requirements of this chapter or a cable franchise agreement, the city may proceed against the grantee in accordance with sections 1-9, 1-10, and 1-11
pertaining to municipal infractions of this Code or as authorized by I.C.A. § 364.22. However, this section does not limit the pursuit by either the grantor or a grantee of any other civil remedy for any breach of a cable franchise agreement.

(Ord. No. 14586, § 2, 4-13-1998)

ARTICLE IX. MISCELLANEOUS PROVISIONS

Sec. 8-9.1. Actions of parties.
In any action by the franchising authority or the grantee that is mandated or permitted under the terms of this chapter, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, when any approval or consent is required under the terms of this chapter, such approval or consent shall not be unreasonably withheld.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-9.2. Equal protection.
If the franchising authority enters into a franchise, permit or license of any kind with any other person or entity other than the grantee to enter into the franchising authority's streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the service area, the material provisions thereof shall be reasonably comparable to those contained in this chapter in order that one operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-9.3. Notices.
Unless expressly otherwise agreed between the parties, every notice or response required by this chapter or a cable franchise to be served upon the franchising authority or the grantee shall be in writing and shall be deemed to have been duly given to the required party five business days after having been posted in a properly sealed and correctly addressed envelope when hand delivered or sent by certified or registered mail, postage prepaid.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-9.4. Descriptive headings.
The captions to sections contained in this chapter are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text in this chapter.

(Ord. No. 14586, § 2, 4-13-1998)

Sec. 8-9.5. Severability.
If any section, sentence, paragraph, term or provision of this chapter is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision of this chapter, all of which will remain in full force and effect for the term of the franchise or any renewal thereof. If the Federal Communications Commission declares any section invalid, the franchising authority and the grantee may renegotiate such section.

(Ord. No. 14586, § 2, 4-13-1998)
Chapter 9 CIVIL EMERGENCIES

Sec. 9-1. Purpose and declaration of policy.
This chapter is enacted to set out and clarify the authority of the city and its officer sand employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. This chapter does not preclude joint or cooperative planning and response efforts with other city, county, state, regional, national and international authorities and bodies.
(Ord. No. 14622, § 9-1, 3-22-1999)

Sec. 9-2. Mayor's power during emergency.
Notwithstanding any provisions of this Code to the contrary, when the mayor determines, in the mayor's sole discretion, that a state of public emergency exists within the city, the mayor, pursuant to I.C.A. § 372.14, may by proclamation declare a state of emergency, govern the city by proclamation, and exercise through the assistance of the city administrator and in consultation with the city attorney all emergency powers, including but not limited to all of the following:

a) The power to direct emergency response activities by city departments, including but not limited to the police and fire departments, and by such emergency services personnel as the mayor may designate or appoint.

b) The power to execute contracts for the emergency construction or repair of public improvements, when the delay of advertising and public letting might cause serious loss or injury to the city, upon following the procedures of section 9-9.

c) The power to purchase or lease goods and services the mayor deems necessary to the city's emergency response or for the repair of city facilities, or both, upon following the procedures of section 9-9.

d) The power to lease real property, structures, or both, that the mayor deems necessary for the continued operation of city government.

e) The power to promulgate rules and orders to implement and clarify the mayoral proclamation exercising emergency power.

f) The power to delegate any or all of these duties to the city administrator, who may in turn delegate any or all of the duties.
(Ord. No. 14622, § 9-2, 3-22-1999)

Sec. 9-3. Effective date and termination of emergency powers.
Proclamations, rules and orders issued pursuant to section 9-2 shall be effective upon issuance and shall remain in effect until withdrawn by the mayor or issuing authority. However, these proclamations, rules and orders shall be withdrawn by the mayor or issuing authority, and those acting pursuant to section 9-2 shall cease to exercise emergency powers, at such times as the conditions giving rise to the emergency cease and emergency conditions resulting from the initial condition cease.
(Ord. No. 14622, § 9-3, 3-22-1999)

Sec. 9-4. Penalty for violation of emergency proclamation, rule or order.
The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule or order, which proclamation, rule or order is issued pursuant to section 9-2, or the violation of any order or directive given by a peace officer or designated emergency services
Sec. 9-5. General duties of city administrator acting as director of disaster services.

a) The city administrator shall be responsible for the performance and supervision of performance of all duties in connection with coordinating and carrying out the city's part in furnishing services in the event of major natural or manmade disasters, including but not limited to, floods, fire, drought, earthquakes, tornadoes, windstorms, epidemics, hazardous substance or nuclear power plant accidents or incidents, insurrections, riots, looting and persistent violent civil disobedience, which threaten the public peace, health and safety, or which damage and destroy public or private property of this city. Depending on the nature and scope of the disaster and nature and scope of agreements with other public entities, the city administrator may coordinate or delegate, or both, the responsibility for the performance and supervision or performance for such duties to other such entities.

b) The city administrator shall assist the mayor in the exercise of emergency powers under section 9-2.

c) The city administrator, or the city administrator's designee, shall act in coordination with the state, county and other governmental agencies as may be necessary to plan and implement a joint jurisdiction emergency planning and disaster services plan and mutual aid arrangements.

d) The city administrator shall consult with the city attorney and the county emergency management director in the planning and exercise of emergency powers.

(Ord. No. 14622, § 9-5, 3-22-1999)

Sec. 9-6. Emergency operations plan.

The city administrator, or the city administrator's designee, shall recommend an emergency operations plan for the city and recommend for adoption by the city council mutual aid plans and agreements which are deemed essential for the plan in cooperation with the county emergency management commission and the emergency management division of the state department of public defense. The city administrator, or the city administrator's designee, shall make continuing studies of the need for amendments and improvements in such plans.

(Ord. No. 14622, § 9-6, 3-22-1999)

Sec. 9-7. Other specific powers and duties of the city administrator when acting as the director of disaster services.

a) The city administrator, when acting as director of disaster services, shall:

b) Request the mayor, when appropriate, to declare a state of emergency as provided in section 9-2.

c) Control and direct emergency training activities in coordination with the county emergency management director.

d) Maintain a liaison with other municipal, county, state, regional and federal disaster services agencies, including but not limited to coordination through the county emergency management commission and the emergency management division of the state department of public defense.

e) Marshall, after the declaration of a state of emergency, all necessary personnel, equipment and supplies from any department of the city to aid in carrying out the emergency operations plan.

f) Prepare, under the direction of the mayor and in consultation with the city attorney, all
necessary emergency proclamations, rules and orders, pursuant to section 9-2, and implement
the emergency operations plan.

g.) Coordinate in consultation with the city attorney the drafting of proposed mutual aid
agreements.
h.) Serve as an operations officer for any joint or mutual emergency operation administration.
i.) Assume other emergency responsibilities as assigned by the mayor or city council.

(Ord. No. 14622, § 9-7, 3-22-1999)

Sec. 9-8. Operational organization.
The operational disaster services organization of the city shall consist of municipal officers and
employees who may be designated by the city administrator and all volunteer workers. Plans of
organization shall substantially conform to recommendations of the federal government and the
emergency management division of the state department of public defense. The organization
shall coordinate with the county emergency management commission when appropriate.

(Ord. No. 14622, § 9-8, 3-22-1999)

Sec. 9-9. Emergency procurements.
Notwithstanding any provision of this Code to the contrary, the mayor, upon declaration of a
state of emergency by proclamation as provided in section 9-2, may authorize the city
administrator, or the city administrator's designee, to procure by purchase or lease, such goods
and services as are deemed necessary for the city's emergency response effort. This emergency
procurement of goods or services may be made in the open market without filing a requisition or
estimate and without advertisement for immediate delivery or furnishing. A full written account
of all emergency procurements made during this emergency, together with a requisition for the
required materials, supplies, equipment, or services, shall be submitted to or provided by the city
administrator within 30 days after their procurement, and shall be open to public inspection for a
period of at least one year subsequent to the date of the emergency purchases. The city
administrator shall, within three months of the conclusion of the emergency, formally
communicate these emergency expenditures in a full written account to the city council.

(Ord. No. 14622, § 9-9, 3-22-1999)
Chapter 10 ELECTIONS*

*Cross reference(s)-Administration, ch. 2.
State law reference(s)-City elections generally, I.C.A. § 376.1 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1 – 10-15. Reserved.

ARTICLE II. WARDS AND PRECINCTS*

Sec. 10-16. Division of city into wards and precincts.
The city is divided into four election wards with two precincts in each.
(Ord. No. 14363, § 2, 11-12-1991)

Sec. 10-17. First ward, precincts.

a. The area enclosed within the following described boundaries shall constitute the First
ward, First precinct: Commencing at the intersection of Third Avenue and Linn Street,
thence East along Linn Street to its intersection with Seventh Avenue, thence North along
Seventh Avenue to its intersection with Main Street, thence East along Main Street to
East city limits, thence North along the East city limits to Marion Street, thence West
along Marion Street to its intersection with Third Avenue, thence south along Third
Avenue to East Linn Street, the point of beginning.

b. The area enclosed within the following described boundaries shall constitute the First
ward, Second precinct: Commencing at the intersection of Third Avenue and East Linn
Street, thence north along Third Avenue, to its intersection with Marion Street, thence
east along Marion Street to the East city limits, thence following the Northeasterly and
Northerly city limits, West to its intersection with Center Street, thence South along
Center Street to its intersection with Third Street, thence South along Third Street to its
intersection with Innes Boulevard, thence West along Innes Boulevard to its intersection
with Fourth Street, thence South along Fourth Street to its intersection with Boone Street,
thence East along Boone Street to its intersection with Center Street, thence North along
Center Street to its intersection with Linn Street, thence East along Linn Street to its
intersection with Third Avenue, the point of beginning.

(Ord. No. 14678 § 2, 8-27-2001; Ord. No. 14888, 8-22-2011)

Sec. 10-18. Second ward, precincts.

a.) The area enclosed within the following described boundaries shall constitute the Second
ward, First precinct: Commencing at the intersection of Fourth Street and Nevada Street,
thence North along Fourth Street to its intersection with Innes Boulevard, thence East
along Innes Boulevard to its intersection with Third Street, thence North along Third
Street to its intersection with Center Street, thence North along Center Street to the city
limits, thence Westerly along the Northerly and Westerly city limits to its intersection with Summit Street, thence East along Summit Street to its intersection with Ninth Street, thence South along Ninth Street to its intersection with Nevada Street, thence East along Nevada Street to its intersection with Fourth Street, the point of beginning.

b.) The area enclosed within the following described boundaries shall constitute the Second ward, Second precinct: Commencing at the intersection of Ninth Street and Nevada Street thence North along Ninth Street to its intersection with Summit Street, thence West along Summit Street to the Westerly city limits, thence South along Westerly city limits to its intersection with Lincoln Way, thence East along Lincoln Way to its intersection with Twelfth Street, thence north along Twelfth Street to its intersection with Nevada Street, thence east along Nevada Street to its intersection with Ninth Street, the point of beginning.

(Ord. No. 14678 § 3, 8/27/2001)

Sec. 10-19. Third ward, precincts.

a.) The area enclosed within the following described boundaries shall constitute the Third ward, First precinct: Commencing at the intersection of Linn Street and Third Avenue, thence West along Linn Street to its intersection with Center Street, thence South along Center Street to its intersection with Boone Street, thence West along Boone Street to its intersection with Fourth Street, thence South along Fourth Street to its intersection with Nevada Street, thence West along Nevada Street to its intersection with Twelfth Street, thence south along Twelfth Street to its intersection with Lincoln Way, thence Westerly along Lincoln Way to the Westerly - Southwesterly city limits to its intersection with Westwood Drive, thence East along Westwood Drive to its intersection with Sixth Street, thence North along Sixth Street to its intersection with Edgeland Drive, thence East along Edgeland Drive to its intersection with Third Street, thence north along 3rd Street to its intersection with Olive Street, thence east along Olive Street to its intersection with Center Street, thence North along Center Street to its intersection with South Street, thence East along South Street to its intersection with Third Avenue, thence north along Third Avenue to its intersection with Linn Street, the point of beginning.

b.) The area enclosed within the following described boundaries shall constitute the Third ward, Second precinct: Commencing at the intersection of Olive Street and Center Street, thence West along Olive Street to its intersection with Third Street, thence south along Third Street to its intersection with Edgeland Drive, thence West along Edgeland Drive to its intersection with Sixth Street, thence South along Sixth Street to its intersection with Westwood Drive, thence West along Westwood Drive to Southwesterly city limits, thence Southwesterly, South and Southeasterly along city limits to its intersection with Center Street, thence North along Center Street to its intersection with Olive Street, the point of beginning.

(Ord. No. 14678 § 4, 8-27-2001)

Sec. 10-20. Fourth ward, precincts.

a.) The area enclosed within the following described boundaries shall constitute the Fourth ward, First precinct: Commencing at the intersection of Linn Street and S Third Avenue, thence East along Linn Street to its intersection with Seventh Avenue, thence North along Seventh Avenue to its intersection with Main Street, thence East along Main Street to its intersection with the East city limits, thence South along East city limits to the intersection of Olive Street, thence West along Olive Street to its intersection with South Third Avenue, thence North along South Third Avenue to its intersection with Linn
Street, the point of beginning.
b.) The area enclosed within the following described boundaries shall constitute the Fourth
ward, Second precinct: Commencing at the intersection of Center Street and South Street,
thence East along South Street to its intersection with South Third Avenue, thence South
along South Third Avenue to its intersection with Olive Street, thence East along Olive
Street to the East city limits, thence Southwesterly along East and South city limits to its
intersection with Center Street, thence North along Center Street to its intersection with
South Street, the point of beginning.
(Ord. No. 14678 § 5, 8-27-2001)

Sec. 10-21 – 10-22. Reserved.

Sec. 10-23. Inclusion of annexed areas.
Any area annexed to the city upon voluntary petition shall be included in the voting precinct of
the ward to which it becomes a part without further amendment to this article.
(Ord. No. 14129, § 8, 2-8-1982)
Chapter 11 ELECTRICITY*

ARTICLE I. IN GENERAL

Sec. 11-1. Short title.
This chapter shall be known as the City of Marshalltown, Iowa, Electrical Ordinance, and may be so cited.
(Ord. 14392, 8-14-1992)

Sec. 11-2. Purpose and scope.
a) It is the purpose of this chapter to adopt the edition of the National Electrical Code set out in Section 11-4, including provisions for the inspection and regulation of electrical installations, issuance of permits and collection of fees, and to provide penalties for violations of this chapter in order to protect public safety, health and welfare.
b) The provisions of this chapter shall apply to and govern the supply of electricity and all installations, alterations, repairs, renewals, replacements, disturbances, connections, disconnections, and maintenance of all electrical equipment. For the purpose of this chapter, the term "electrical equipment" means all materials, wiring, conductors, fittings, devices, appliances, fixtures, signs, and apparatus, or parts thereof.
(Ord. 14392, 8-14-1992)

Sec. 11-3. Activities exempt from chapter.
a) The following activities are exempt from the provisions of this chapter. Any work involved in the manufacturing or testing of electrical equipment or apparatus, but not including supply wire to such equipment.
b) Any work associated with:
   1) Minor repair work or minor installations the estimated cost of which does not exceed forty dollars ($40.00), or replacement of lamps, or the connection of portable electrical equipment suitable to permanent installed receptacles; provided, however, the following shall not be exempt from the provisions of this chapter.
      i. Replacement of part of any electrical service.
      ii. Any electrical wiring done as a part of any construction or remodeling that requires a building permit.
      iii. New installations of central air conditioning.
      iv. New installations of permanently wired electric heat.
      v. Any installation covered by Article 680 of the National Electrical Code (Swimming Pools and Spas).
   2) Permanently connected electrical appliances or devices that have been electrically and mechanically disconnected and separated from all sources of electrical supply by a licensed electrician. The opening of switches or the blowing or removal of fuses shall not be considered an electrical or mechanical disconnection or separation.
c) The installation or replacement of approved fuses.
d) The installation or replacement of pin-type lamps or plug-connected portable appliances.
Sec. 11-4. Electrical code—Adopted.
The 2014 National Electrical Code, as recommended by the National Fire Protection Association, is hereby adopted in full, by reference, specifically the National Electrical Code, 2014 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471, except as amended in section 11-5.

Sec. 11-5. Amendments to the Current National Electric Code.
661—504.1(103) Installation requirements. The provisions of the National Electrical Code, 2014 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments.
504.(1) Add the following exceptions to section 210.8, paragraph (A), subparagraph (2):
   a. Exception No.1 to (2): Receptacles that are not readily accessible >
   b. Exception No.2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7 (A)(6), (A)(7), or (A)(8).
   c. Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52 (G).
504.1(2) Add the following exceptions to section 210.8 (A)(5).
   a. Exception No.2 to (5): Receptacles that are not readily accessible.
   b. Exception No.3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7 (A)(6), (A)(7) or (A)(8).
   c. Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).
504.1(3) Eliminate the exception to the section 220.12 and instead implement the following exception;
Exception: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.
504.1(5) Eliminate section 210/12b/
This rule is intended to implement Iowa Code chapter 103.

(Ord. 14392, 8-14-1992; Ord. 14859 §1, 1-23-2012, Ord 14936 §2, 1-26-2015)
ARTICLE II. RESERVED.

ARTICLE III. PERMITS.

Sec. 11-37. Required; issued for work meeting requirements of chapter.

a.) No electrical work as defined in section 11-2 shall be done unless a permit authorizing the work has been issued by the electrical inspector.

b.) A permit shall be issued if the electrical work, as proposed in the application for a permit, meets all the requirements of this chapter.

(Ord. 14392, 8-14-1992)

Sec. 11-38. Persons to whom permit may be issued.

Permits shall be issued only to electrical contractors licensed by the city, except as provided in section 11-39. However, any permit required by this article may be issued to the owner of a single-family dwelling or mobile home used exclusively for living purposes, to do any work regulated by this chapter; provided, that the dwelling will be occupied by the owner, the owner appears before the electrical inspector and shows himself competent to do the specific work for which he desires a permit, and the owner purchases all materials and performs all labor in connection with the work. All work done in accordance with this exception must meet all the requirements of this article and shall be inspected like other work.

(Ord. 14392, 8-14-1992)

Sec. 11-39. Restricted permit.

a.) Any restricted electrician doing service, repair, control work and making connection from power panel to the type of appliances or equipment which he or his employer sells or services shall procure from the electrical inspector a restricted permit, and pay the fee for inspection set out in section 11-45 or, if said work or service be not covered by section 11-45 said inspection fee shall set by resolution.

b.) Said restricted permit shall only entitle the permittee to perform maintenance, repair and installation of the work or services therein designated, all subject to inspection by the city electrical inspector.

(Ord. 14392, 8-14-1992)

Sec. 11-40. Application for permit.

a.) Application for permits shall be made to the electrical inspector, on forms provided by the city clerk, prior to the beginning of the work for which a permit is required, emergency work excepted.

b.) The application shall be accompanied by the appropriate fee according to the schedule set out in section 11-45 and shall state the name and business address of the person or association proposing to do the work for which a permit is required and shall provide the following additional information:

1) A description of the property where the work is to be done.
2) The name of the owner or occupant of the property.
3) A general description of the materials to be used.
c.) In addition to the foregoing, the application shall specify the particular parts of the work which will require inspection.

(Ord. 14392, 8-14-1992)

Sec. 11-41. Period of validity of permit; extension.
Permits issued under provisions of this article shall be valid for one year from its date of issue and may be extended for good cause shown.

(Ord. 14392, 8-14-1992)

Sec. 11-42. Inspector may request plans and specifications; amendments; adjustments of fee; supplementary permit.
Plans and specifications showing the proposed work in the necessary detail shall be submitted if requested by the electrical inspector. If a permit is denied, the applicant may submit the revised plans and specifications without payment of any additional fee. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit was issued, amended plans and specifications shall be submitted. Fees shall be adjusted compensatory with the change. A supplementary permit, subject to the same conditions applicable to the original permit, shall be issued to cover the change.

(Ord. 14392, 8-14-1992)

Sec. 11-43. Annual permit for repair and maintenance; application.
a.) In lieu of individual permits, an annual permit shall be issued after application to any person, firm, corporation or other association, regularly employing a journeyman electrician, for the repair, installation and maintenance of electrical equipment in or on buildings or premises owned or occupied by the applicant for the permit.
b.) An application for an annual permit shall be in writing, shall be accompanied by the requisite fee, which shall be set by resolution, and shall contain a description of the premises on which the work is to be done.
c.) The electrical inspector shall have the right to inspect the premises of the permit holder at any reasonable time.

(Ord. 14392, 8-14-1992)

Sec. 11-44. Emergency work.
In emergency situations work may be initiated and completed by licensed electricians without first obtaining a permit. However, a permit must be obtained within a reasonable time after the passage of the critical period. With this one exception, all emergency work must be done in conformity with the provisions of this chapter and shall be inspected by the electrical inspector for full compliance.

(Ord. 14392, 8-14-1992)

Sec. 11-45. Inspection fee.
Fees for inspections shall be set by resolution.

Sec. 11-46. Inspection procedure.
a.) Upon the completion of electrical work that has been done under a permit other than annual permit, the person, firm, corporation, or other association doing the work shall notify the electrical inspector.
b.) The inspector shall make such inspection within twenty-four (24) hours, exclusive of
Saturdays, Sundays, and holidays, after receipt of notice, or as soon thereafter as practicable.

c.) If the inspector finds the work to be in conformity with the provisions of this chapter, he shall issue to the person or association that has done the work a certificate of approval. This certificate shall authorize the use of the work and its connection to the supply of electricity. The inspector shall deliver to the agency supplying the electricity a certificate of authorization.

d.) A certificate of approval may be issued authorizing the connection and use of a temporary installation. Such certificate shall be issued to expire at a stated time and may be revoked by the inspector for any violation of any of the provisions of this chapter.

e.) No person having charge of the construction, alteration or repair of any building or any other person, shall cover or conceal or cause to be covered or concealed any wire or electrical apparatus for which permit has been issued or for which permit is required before said wiring or apparatus has been inspected and approved by the electrical inspector.

f.) The electrical inspector shall have authority to remove or cause the removal of lath, plaster, boarding or other covering which may prevent the proper inspection of any electrical apparatus or wiring. The city assumes no responsibility to replace same.

(Ord. 14392, 8-14-1992)

**Sec. 11-47. Right of entry of inspector.**
The electrical inspector shall have the right, during reasonable hours and after showing proper identification, to enter any building or premises in the discharge of his official duties to make any inspection, re-inspection, or test of electrical equipment that is reasonably necessary to protect the public health, safety, and welfare.

(Ord. 14392, 8-14-1992)

**Sec. 11-48. General authority of inspector to order discontinuation of electrical power service.**
If the electrical inspector finds that any electrical equipment or installation is defective or that it has been installed in conflict with the provisions of this chapter, he shall notify the person or association responsible for the electrical equipment or installation by certified mail of his findings and order. If the necessary changes or repairs are not completed within fifteen (15) days or such longer period as may be specified in the notice, the inspector shall have the authority to disconnect or order the discontinuation of electrical service to the equipment or installation in question. In emergency, if necessary for safety to persons or property, or if electrical equipment may interfere with the work of the fire department, the inspector shall have the authority to disconnect or cause the disconnection immediately of any such electrical equipment. If fires have damaged the wiring of any building or structure, re-connection to electrical supply shall not be made until authorized in writing by the inspector.

(Ord. 14392, 8-14-1992)

**Sec. 11-49. Advance approval of certain materials; list of approved materials.**
The electrical inspector may approve in advance electrical materials inspected and approved by the Underwriters’ Laboratories, Inc. and other materials of equal or higher quality. The inspector shall keep on file a list of such approved materials, which list shall be accessible for public reference during regular office hours.

(Ord. 14392, 8-14-1992)
ARTICLE IV. ELECTRICAL APPEAL BOARD

Sec. 11-61. Created; composition; appointment.
There is hereby created an electrical appeal board consisting of three (3) members, to be appointed by the city council.
(Ord. 14392, 8-14-1992)

Sec. 11-62. Qualifications of members.
a.) All members of the electrical appeal board shall be residents of the city.
b.) One member shall be a representative of the public, one a journeyman electrician and one a licensed electrical contractor.
(Ord. 14392, 8-14-1992)

Sec. 11-63. Terms of members.
The terms of each member of the electrical appeal board shall be six (6) years; provided, however, that the original appointments to the board shall be made as follows: One member shall be appointed to serve for a period of two (2) years, one member for four (4) years, and one member for six (6) years.
(Ord. 14392, 8-14-1992)

Sec. 11-64. Compensation.
Necessary and actual expenses shall be allowed to members of the electrical appeal board, but no other compensation shall be paid to them.
(Ord. 14392, 8-14-1992)

Sec. 11-65. Members not to be members of examining board.
None of the appointees to membership on the electrical appeal board shall be a member of the electrical examining board.
(Ord. 14392, 8-14-1992)

Sec. 11-66. Council to provide space for meetings and hearings, equipment and facilities.
The city council shall provide suitable space in which the electrical appeal board may hold meetings and conduct hearings and shall provide the board necessary equipment and facilities and pay for these expenses.
(Ord. 14392, 8-14-1992)

Sec. 11-67. Meetings; quorum; election of officers.
The electrical appeal board shall hold its first meeting not more than thirty (30) days after July 24, 1978. Thereafter, the board shall meet as often as may be necessary for the proper performance of its duties but in any case not less than twice a year. A quorum of the board shall consist of all its members. The board shall elect a chairman and a secretary annually.
(Ord. 14392, 8-14-1992)

Sec. 11-68. Who may appeal; procedure.
a.) Any person aggrieved by any ruling, decision, interpretation, or order of the electrical inspector shall have the right to appeal to the electrical appeal board by filing a written
notice of such appeal with the city clerk within ten (10) days from the date of the ruling, decision, interpretation or order being appealed.

b.) If such notice is filed, the appeal board shall set a time and place for a hearing, and notify the party that has filed the appeal. The date of the hearing shall be not more than fifteen (15) days after the date of the notice of appeal was filed. The notice of the hearing shall be sent by certified mail. The hearing shall be open to the public.

c.) All interested persons shall be given an opportunity to be heard.

(Ord. 14392, 8-14-1992)

Sec. 11-69. Decision of board; variances from governing provisions.
The electrical appeal board by majority vote shall affirm, modify, or reverse any appealed ruling, decision, interpretation, or order of the electrical inspector. The board may permit variance from the strict terms and provisions of this article, if such variance can be made without increasing the hazards to health or safety of persons or property. Mere inconvenience to the appellant shall not be grounds for the granting of such variance.

(Ord. 14392, 8-14-1992)

Secs. 11-70 – 11-80. Reserved.

ARTICLE V. ELECTRICIANS

Sec. 11-81. Short title.
This article shall be known as the City of Marshalltown, Iowa, Electricians' Licensing Ordinance and may be so cited.

(Ord. 14392, 8-14-1992)

Sec. 11-82. Purpose.
The purpose of this article is to provide for the examination and licensing of electrical contractors, journeyman electricians and restricted electricians in order to protect the public from hazards to life and property that might arise from improper installation of electrical systems.

(Ord. 14392, 8-14-1992)

Sec. 11-83. Definitions.
As used in this article the following words and phrases shall have the meanings ascribed to them in this section:

a) Apprentice. Apprentice shall mean a person who, while learning the electrician's trade, is assisting in the installation, alteration or repair of electrical work and while engaged in such work is in the presence of and under direct supervision of a licensed journeyman electrician.

b) Electrical contractor. Electrical contractor shall mean any person, firm, corporation, association, or combination thereof, who undertakes or offers to undertake to plan for, lay out, supervise, and do electrical work for a fixed sum, price, fee, percentage, or other compensation.

c) Electrical equipment. Electrical equipment shall mean all electrical material, wiring, conductors, fittings, devices, appliances, fixtures, signs, and apparatus or parts thereof.

d) Electrical work. Electrical work shall mean installations, alterations, repairs, removals, renewals, replacements, distributions, connections, disconnections, and maintenance of all electrical equipment.
e) Journeyman electrician. Journeyman electrician shall mean a person who has the necessary qualifications, training, experience, and technical knowledge to do electrical work in accordance with the standard rules and regulations governing such work.

f) Licensed. Licensed shall mean licensed under this article unless otherwise specified.

g) Restricted electrician. Restricted electrician shall mean a person that has the necessary qualifications, training, experience and technical knowledge, to do electrical work in accordance with the standard rules and regulations governing such work, but is only permitted to do service, repair, control work and make electrical connections from power panel to the type of appliances or equipment which he or his employer sells or services.

h) Shall. If the word "shall" is used, the meaning is that the act to be performed is mandatory.

(Ord. 14392, 8-14-1992)

Sec. 11-84. Persons exempted.
The provisions of this article shall not apply to any of the following: regular employees of a public utility who do electrical work for such public utility only; employees who do electrical work for a telephone or telegraph company, and persons, firms, or corporations that perform electrical work for such a company, if such electrical work is an integral part of the plant used by such telephone or telegraph company in rendering its duly authorized service to the public; and regular employees of any railroad who do electrical work only as a part of that employment.

(Ord. 14392, 8-14-1992)

Sec. 11-85. License required.
No person, firm, corporation, association or combination thereof shall engage in the business of installing, maintaining, altering or repairing any electrical equipment within the scope of this article unless such person, firm, corporation, association or combination thereof shall have obtained from the city an electrical contractor's license, nor shall any electrical contractor employ any but licensed electrical journeymen; except that the holder of existing electrical licenses granted by the city may be issued renewals of their licenses without taking the examination herein provided for; and also with the exception that no license shall be required in order to execute or perform any electrical work exempted by the provisions of this article.

(Ord. 14392, 8-14-1992)

Sec. 11-86. Exemptions from license requirements.
No license is required for the following described work:

a.) Replacement of lamps and fuses, or the connection of portable electrical equipment to permanently installed receptacles.

b.) The installation, alteration or repair of electrical equipment installed by, or for, any electrical supply agency in the generation, transmission, distribution or metering of electricity.

c.) Work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

d.) Work involved in the erection, installation, repairing, remodeling or maintenance of elevators, dumbwaiters or escalators, not including electrical equipment for supplying current to the control panel of elevators, dumbwaiters or escalators.

e.) The assembly, erection and connection of electrical equipment by the manufacturer of such equipment, but not including any electrical equipment other than that involved in making electrical connections on the equipment itself, or between two (2) or more units.
of said equipment.
(Ord. 14392, 8-14-1992)

Sec. 11-87. Licenses classified.

a.) Classes established. Three (3) classes of licenses may be issued by the city which are designated as:

1.) Class I: Electrical contractor's license.
2.) Class II: Electrical journeyman's license.
3.) Class III: Electrical restricted license.

b.) Scope of classes.

1.) CLASS I ELECTRICAL CONTRACTOR'S LICENSE. No person, firm, corporation, association or combination thereof shall engage in business as an electrical contractor within the city unless such person, firm, corporation, association or combination thereof has obtained from the city an electrical contractor's license. Such a license shall entitle the holder thereof to engage in the business of, and to secure permits for the installation, alteration and repairs of any electrical devices, appliances or equipment.

2.) CLASS II ELECTRICAL JOURNEYMAN'S LICENSE. Such a license shall entitle the holder thereof to perform any work of installing, maintaining, altering or repairing electrical equipment as an electrical journeyman under the direction of the holder of an electrical contractor's license by whom he is employed. Or, any person regularly employed by an individual, corporation, firm, association or combination thereof to supervise the maintenance and repair of electrical equipment in a manufacturing, industrial or commercial establishment shall be licensed as a journeyman electrician if the board of electrical examiners finds him to be qualified. Such a license shall entitle the holder thereof to undertake the work of, and secure an annual permit for maintaining and repairing electrical devices, appliances and equipment provided that the holder of such license regularly employs, as supervisor, one or more persons certified by the board of electrical examiners as being qualified for such work, and provided that such work shall be confined to the premises owned or occupied by the holder of said license, the location of which shall be described in the license.

3.) CLASS III ELECTRICAL RESTRICTED LICENSE. Any person regularly employed by an individual, corporation, firm, association or combination thereof to supervise or perform the maintenance or repair of the appliances or equipment which he or his employer sells or services shall be licensed as a restricted electrician.

(Ord. 14392, 8-14-1992)

Sec. 11-88. License to be displayed.

Every holder of a license shall keep his or their license displayed in a conspicuous place in his or their place of business at all times.
(Ord. 14392, 8-14-1992)

Sec. 11-89. Restricted electrician.

Any person, firm or corporation regularly employed as an appliance dealer or installer or his employee performing such service shall be qualified by the board of examiners and be licensed as a restricted electrician. Any person so licensed shall work only on the type of appliance or equipment which he or his employer sells or services.
(Ord. 14392, 8-14-1992)
Sec. 11-91. Apprentices, helpers.
Apprentices and helpers employed to assist a licensed electrician need not be licensed; provided, however, that such apprentices and helpers perform their work directly under the supervision of a licensed electrician, and shall register with city electrical inspection department and pay a ten ($10.00) dollar annual fee.
(Ord. 14392, 8-14-1992)

Sec. 11-92. Contractors and restricted electricians to be insured.
Before the electrical contractors' or restricted electricians' license is issued, the applicant shall file with the city clerk a liability insurance policy, certificate of insurance or executed copy thereof, providing coverage for the certificate holder in a sum of not less than three hundred thousand dollars ($300,000.00) for personal injury or death, and not less than one hundred thousand dollars ($100,000.00) for property damage. The insurance aforesaid shall cover the period of the certificate or any renewal thereof and provide that the City of Marshalltown, Iowa, will be notified in the event of termination.
(Ord. 14392, 8-14-1992)

Sec. 11-93. Work done by homeowner.
The owner or owners of a single family dwelling or mobile home, including the usual accessory buildings and quarters used exclusively for living purposes, may do electrical work without a license if he demonstrates his capability to do such work to the satisfaction of the electrical inspector; provided, however, that the dwelling or mobile home will be occupied by the owner or owners and that a permit is issued as provided in article III of this chapter.
(Ord. 14392, 8-14-1992)

Sec. 11-94. Board of examiners created; membership; appointment.
There is hereby created a board of electrical examiners, which shall consist of five (5) members. All members of the board shall be residents of the city. The electrical inspector shall be a member, one member shall be a city councilman, one member shall be a licensed journeyman electrician, one a restricted electrician, and one member shall be a licensed electrical contractor. The city council shall appoint these latter four (4) members, including one of its members.
(Ord. 14392, 8-14-1992)

Sec. 11-95. Quorum of board of examiners.
Three (3) members of the board of electrical examiners shall constitute a quorum for the transaction of business, but final action by the board shall require a majority vote of all its members.
(Ord. 14392, 8-14-1992)

Sec. 11-96. Chairman, secretary of board.
a.) The members of the board of examiners shall annually select one of its members to act as chairman, who shall preside at all meetings of the board.
b.) The electrical inspector shall serve as secretary to the board and shall keep and preserve minutes and records of all proceedings had before the board.
(Ord. 14392, 8-14-1992)

Sec. 11-97. Terms of members of board.
The term of each member other than the electrical inspector and council member shall be three
(3) years; provided, however, that the original appointments to the board shall be made as follows: One member shall be appointed to serve for a period of one year, one member for two (2) years, and one member for three (3) years.
(Ord. 14392, 8-14-1992)

Sec. 11-98. Council to provide meeting space, facilities and expenses for board.
The city council shall provide suitable space in which the board of electrical examiners may hold its meetings, and all necessary equipment, facilities and expenses for conducting examinations.
(Ord. 14392, 8-14-1992)

Sec. 11-99. Applications for examination.
Any person desiring to be licensed as an electrical contractor, a journeyman electrician, or a restricted electrician shall make application to the electrical inspector for an examination. The inspector shall provide application forms for this purpose. The completed forms shall include the name of the applicant, his home address, his business address, and a brief resume of his training and experience. In addition, an electrical contractor applicant shall have served at least four (4) years as a licensed journeyman electrician. Proof of electrical trade school education may waive up to two (2) years of this requirement.
(Ord. 14392, 8-14-1992)

Sec. 11-100. Examination fees.
Every person who takes a local examination or re-examination for journeyman electricians' license or restricted electricians' license shall first pay an application fee of twenty-five dollars ($25.00) plus the annual license fee. Electrical Contractor License applicants shall first pay an application fee of twenty-five dollars ($25.00) plus the annual license fee. Examination fees shall be paid to the city clerk, and a receipt therefore shall be attached to each application for a license or permit. The first year license fee is included in the application fee. Examination fees shall not be refunded. A one-hundred-fifty dollar ($150.00) expediting fee shall be assessed to any applicant seeking approval of an application except at a regularly scheduled exam meeting.
(Ord. 14392, 8-14-1992; Ord. 14716, 7-14-2003)

Sec. 11-101. Conduct, scope of examination.
The board shall meet at least twice a year or as often as necessary to conduct examinations of applicants for licenses. An electrical journeyman or restricted electrician applicant shall be entitled to an examination within forty-five (45) days after filing application therefore. The examination shall be practical, written or oral, or a combination thereof, and shall be of such a nature as to test the capabilities of all applicants for the same type of license uniformly. The applicant shall clearly demonstrate to the board his qualifications for the particular license for which he has applied, and show satisfactory knowledge of the methods and standards for doing work under the National Electrical Code and other provisions of this chapter and ordinances of the city.
A license for electrical contractor work shall be obtained by successfully passing an exam approved by the Electrical Exam Board. Procedures for testing and application forms shall be available at the office of the electrical inspector during normal business hours.
(Ord. 14392, 8-14-1992, Ord No. 14737, § 1, 5-24-2004)

Sec. 11-102. Emergency permit without examination.
An emergency permit may be granted by the inspector without examination, if he deems the permittee qualified to do emergency work, and provided that it be shown that said permit will
prevent financial loss or hardship to said holder or the establishment for which he works, said emergency permit shall expire within thirty (30) days from its issuance.

(Ord. 14392, 8-14-1992)

**Sec. 11-103. Re-examination after failure.**
If an applicant fails to pass an examination, he may reapply for re-examination after the expiration of thirty (30) days and upon payment of another examination fee. Applications shall be limited to no more than two (2) per year.

(Ord. 14392, 8-14-1992)

**Sec. 11-104. Expiration, renewal of license; fees.**
All licenses shall expire on December 31, and shall be renewed annually upon application of the licensee and payment of the fee to the city clerk. Any license not renewed prior to December thirty-first shall expire on December thirty-first and may not be renewed without examination.

a.) Electrical contractor license. Annual fee seventy-five dollars ($75.00).
b.) Journeyman electrician license. Annual fee twenty dollars ($20.00).
c.) Restricted electrician license. Annual fee seventy-five dollars ($75.00).”

(Ord. 14392, 8-14-1992)(Ord14716, 7-14-2003)

**Sec. 11-105. Accounting for, use of fees.**
Examination and license fees shall be turned over to the city clerk and from such fund shall be paid the costs of examination, issuance of licenses, permits and enforcement of this article.

(Ord. 14392, 8-14-1992)

**Sec. 11-106. Recognition of licenses from other cities.**
Any electrical contractor or journeyman electrician who comes to Marshalltown from another city or town that has similar licensing standards and who produces credentials showing proper accreditation as an electrical contractor or journeyman electrician shall be excused from the examination required under this ordinance, and a license shall be issued to him upon payment of the required license fee, if the board approves his credentials.

(Ord. 14392, 8-14-1992)

**Sec. 11-107. Revocation, suspension of license.**
The board of electrical examiners may revoke or suspend the license of any holder issued under provisions of this article if the holder has substantially violated the provisions of this chapter. The holder shall surrender such license upon receipt by certified mail of written notice of revocation or suspension. A person whose license has been revoked shall not be permitted to apply for another license within one year from the date of revocation.

(Ord. 14392, 8-14-1992)

**Sec. 11-108. Appeals from board action.**
In the event any person shall feel aggrieved by any action of the board of electrical examiners, he may appeal from such action to the city council by filing written notice of his appeal within ten (10) days from the date of such action. The council shall give the appealing party and the examining board five (5) days written notice by certified mail of the date, time and place of hearing. All interested persons shall be given opportunity to be heard at such hearing and the council shall affirm, modify, or overrule the action of the board.

(Ord. 14392, 8-14-1992)
Sec. 11-109. License not transferable.
It shall be unlawful for any license holder to transfer his license or allow it to be used, directly or indirectly by any other person.
(Ord. 14392, 8-14-1992)

Sec. 11-110. Penalty.
Anyone who violates any of the provisions of this chapter shall, upon conviction, be subject to the penalties in section 1-8. In addition thereto, violation of any provision of this chapter shall be a municipal infraction.
(Ord. 14392, 8-14-1992)
Cross reference(s)-Buildings and building regulations, ch. 7.
Chapter 12 FIRE PREVENTION AND PROTECTION

Cross reference(s)-Fire hazard for billboards, § 3-46; buildings and building regulations, ch. 7; hazardous conditions and substances, ch. 14.5; following fire apparatus, § 20-390; crossing fire hose, § 20-391.

ARTICLE I. IN GENERAL

Sec. 12-1. Adoption of fire prevention code.
Unless specifically provided for in other codes or city ordinances, the International Fire Code, 2006 Edition (hereinafter to be known as the IFC), including Appendices B, C, D, as published by the International Code Council, Inc. in cooperation with the International Conference of Building Officials of Whittier, California, and except as modified as to portions thereof as are deleted, substituted, redefined or inserted in this article, is adopted by reference, is on file with the city clerk and is fully incorporated as the fire prevention code of the city. The provisions of said fire code shall be controlling for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and using of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises and in all matters covered by said Fire Code within the corporate limits of the City of Marshalltown, Iowa, and shall be known as the Marshalltown Fire Code.

Sec. 12-2. Amendments, definitions, substitutions or deletions to fire prevention code.
The fire prevention code adopted in section 12-1 is amended in the following respects:
   a.) Section 101.1 Title is amended to read as follows: These regulations shall be known as the Fire Code of Marshalltown, hereinafter referred to as “this code”.
   b.) Section 105.1.1 Permits required is amended to read as follows: Permits required by this code shall be obtained from the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises, designated therein at all times and shall be readily available for inspection by the fire code official. The minimum permit fee shall be established by Resolution of the City Council without amending this ordinance.
   c.) Section 109.3 Violation Penalty is amended to read as follows: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
   d.) Section 111.4 Failure to comply is amended to read as follows: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100 dollars or more than $500 dollars.
e.) Section 308.3.1.1 Liquified-Petroleum Gas-Fueled Cooking Devices is hereby deleted.

f.) Section 505.1 Address numbers shall be amended to read as follows: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). From 100-199 ft from the street the number shall be a minimum of 6 inches high with a minimum stroke of 0.5 inches. From 200-299 ft from the street the number shall be a minimum of 8 inches high with a minimum stroke of 0.5 inches. For each additional 100 ft from the street, the number shall increase by an additional 2 inches in height. Measurements to determine the minimum number size shall be measured from the approved address location to the centerline of the street for which the premises is addressed.

g.) Section 906.1.1. Portable Fire Extinguishers. Where required shall be amended to read as follows: Portable fire extinguishers shall be installed in the following locations:
   1.) In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies, without exception.
   2.) Within 30 feet (9144 mm) of commercial cooking equipment.
   3.) In areas where flammable or combustible liquids are stored, used or dispensed.
   4.) On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
   5.) Where required by the sections indicated in Table 906.1.
   6.) Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

h.) Section 2204.3.1 Unattended Self-Service Motor Fuel Dispensing Facilities. General is hereby revised to read as follows: Where approved, unattended self service motor fuel dispensing facilities are allowed, however, the dispensing of Class I or II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. As a condition of approval, the owner or operator shall provide, and be accountable for, daily site visits, regular equipment inspection and maintenance. EXCEPTION: Supervision by a qualified attendant is not required for a service station which is not open to the public and which is owned and used only by a commercial, industrial, governmental or manufacturing establishment for fueling vehicles owned by it used in connection with its business provided that the owner of such station is accountable for the safe operation of the station and the training of the users thereof. Such stations may include card or key operated dispensers so long as the fuel is not sold. Unattended self-service motor fuel dispensing facilities shall comply with Sections 2204.3.1 through 2204.3.7.

i.) Section 3406.2.4.4 Locations where aboveground tanks are prohibited is hereby revised to read as follows: The Storage of Class I and II liquids in aboveground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

EXCEPTION: Areas zoned as M1 and M2.
**Sec. 12-3. Enforcing officer.**
The Chief of the Fire Department shall be the enforcing officer of the provisions of the International Fire Code and take such action upon reports of the Fire Marshal as are required hereby to obtain or enforce compliance herewith and shall have the assistance of the legal department in relation thereto.


Cross reference(s)-Officers and employees, § 2-16 et seq.

**Sec. 12-4. Appeals.**
Whenever the Chief or designated subordinate disapproves an application or refuses to grant a permit applied for, or which it is claimed that the provisions of the code do not apply or the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief to the Fire Code Board of Appeals as provided for by Section 108 of the International Fire Code within thirty (30 days from the date of the decision appealed.


**Sec. 12-5. Penalty.**
It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy, use or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.


Secs. 12-6 – 12-23. Reserved.

**ARTICLE II. FIRE DEPARTMENT**

*Cross reference(s)-Officers and employees, § 2-16 et seq.

**DIVISION I. GENERALLY**

**Sec. 12-24. Composition; appointment of members.**
The fire department shall consist of the fire chief, a deputy fire chief and an assistant fire chief and such number of captains, lieutenants, drivers, privates and volunteer firefighters as the council shall fix. The chief of the fire department shall, subject to the approval of the city administrator, appoint all regular members of the fire department from civil service lists as provided by law.

(Rev. Ords. 1950; Ord. No. 11, § 1; Ord. No. 8048, § 1, 3-28-1951)

**Sec. 12-25. Compensation.**
The council, by majority vote, shall fix the compensation of the members of the fire department, and such compensation shall neither be increased nor diminished except by majority vote of the council.

(Rev. Ords. 1950; Ord. No. 11, § 3)
Sec. 12-26. Appointment and general duties of volunteer firefighters.
In addition to the regular fire department, the council may appoint such number of volunteer firefighters as the council by resolution shall designate, who shall attend fires throughout the city, in accordance with the rules and regulations of the fire department. The chief of the fire department must approve all bills of volunteer firefighters.
(Rev. Ords. 1950; Ord. No. 11, § 4)

Sec. 12-27. Rules and regulations; subordinate officers; uniforms; suspension or discharge of chief.
a.) The council shall make such rules and regulations for the government of the fire department and its employees as it deems necessary and proper to promote the greatest efficiency of the service and shall designate such subordinate officers from among the members of the fire department as it shall, by the rules and regulations adopted, declare necessary to the highest efficiency, good government and management of the department.
b.) The council shall prescribe the uniform for the regular members of the fire department.
c.) The city administrator may suspend or discharge, for cause, the chief of the fire department and select the deputy fire chief or assistant fire chief in the regular service to act in the capacity of chief of the fire department during such suspension or vacancy and until the chief is restored or his successor is appointed and qualified.
(Rev. Ords. 1950; Ord. No. 11, § 5; Ord. No. 8142, § 1, 7-10-1951)

Sec. 12-28. Interfering with officer or firefighter in performance of duty.
It shall be unlawful to hinder or interfere with any officer or firefighter in the performance of his duty at or going to or returning from any fire or while attending to his duties as a member of the fire department.
(Rev. Ords. 1950; Ord. No. 11, § 6)

Sec. 12-29. Defacing or destroying property or fixtures of department.
It shall be unlawful to cut, deface, destroy or injure any wires, poles, signal boxes, or any other property or fixtures belonging to or connected with the fire department or the fire alarm system or to give or make or cause to be given or made any false alarm of fire or to ring or cause to be rung any fire bell or gong by which a false alarm may be given.
(Rev. Ords. 1950; Ord. No. 11, § 7)

Sec. 12-30. Refusal to assist fireman in performance of duty.
It shall be unlawful to neglect or refuse to assist the firemen in their duties at any fire when called upon to do so by the chief of the fire department or the officer acting in his place.
(Rev. Ords. 1950, Ord. No. 11, § 10)

Sec. 12-31. Penalties.
Anyone violating any of the sections of this article shall, upon conviction, be subject to the penalties provided in section 1-8.
(Rev. Ords. 1950; Ord. No. 11, § 11)

Secs. 12-32 – 12-40. Reserved.

**DIVISION 2. CHIEF OF FIRE DEPARTMENT**
*Cross reference(s)-Officers and employees, § 2-16 et seq.*
Sec. 12-41. Acting as fire warden.  
The chief of the fire department shall act as fire warden and shall strictly enforce all ordinances, laws and orders of the state fire marshal dealing with precautions against fire.  
(Rev. Ords. 1950; Ord. No. 9, § 2)

Sec. 12-42. General supervision of department, other officers present at fires.  
The chief of the fire department shall have general supervision of the fire department, subject to the control of the mayor and council.  
He shall have command, control and direction of all members of the fire department and of all other persons, officers or police who may be present at fires. He may call upon any persons present at a fire to assist the firemen in their duties.  
(Rev. Ords. 1950; Ord. No. 9, §§ 2, 3)

Sec. 12-43. Supervision of buildings and equipment used by department.  
a.) The fire chief shall have general supervision and control of all buildings used by the fire department and of all trucks, hoses, engines, machinery, apparatus and other property used by the fire department. He shall carefully examine into the condition of all such property and see that the property is at all times in good repair and condition and shall report to the council any alteration or addition required and shall, with the consent of the council, cause all necessary repairs to be made without delay.  

b.) He shall have charge of all apparatus and keys to the fire alarm signal stations. He shall distribute keys, keep a record of such distribution and take a receipt for such keys given out.  
(Rev. Ords. 1950; Ord. No. 9, §§ 4, 5)

Sec. 12-44. Personnel, payroll records; quarterly report of fires.  
The chief of the fire department shall keep correct rolls of all members of the department and of all volunteer firefighters, their respective ages and addresses, the date of admission and discharge, with the rate of pay and amount due each. He shall certify in writing all payrolls and all bills incurred for the fire department, to the council, once a month, together with a list of all fires during the quarter reported on, the cause thereof, if known, and the number and description of buildings destroyed or injured.  
(Rev. Ords. 1950; Ord. No. 9, § 6)

Sec. 12-45. Reserved.

Sec. 12-46. Prescribing limits at fire.  
The chief of the fire department may prescribe the limits in the vicinity of any fire within which no person, except those residing therein, members of the council, members of the fire department, police officers, and those admitted by him shall be permitted to come.  
(Rev. Ords. 1950; Ord. No. 9, § 8)

Sec. 12-47. Destruction of property to prevent spread of fire or public danger.  
a.) The chief of the fire department shall, when in his judgment it becomes necessary to check or control any fire, have power to order any fence, building, or erection of any kind to be cut down and removed, and, with the consent of two members of the council, he shall have power to cause any building or erection to be blown up with explosives for the purpose of checking or extinguishing a fire.  

b.) He shall have power, with the consent of the council, to tear down any portion of any building that may be standing after a fire, which, in their judgment, may be dangerous to persons or property.
Sec. 12-48. Cutting off electrical power at scene of fire.
The chief of the fire department shall have the power to cause the removal of all wires or the turning off of all electrical current whenever the wires interfere with the work of the fire department.
(Rev. Ords. 1950; Ord. No. 9, § 11)

Sec. 12-49. Right of entry on private property; order to remove combustible materials; assessment of costs.
The chief of the fire department shall have power to enter any house, building, yard or premises, between 7:00 a.m. and 6:00 p.m. of any weekday, for the purpose of making an inspection of the house, building, yard or premises, and he shall make or cause to be made such inspection during each October and at such other times as he thinks proper or is ordered to do so by the council. If any violation of any law or ordinance or other dangerous condition exists or combustibles such as rubbish, shavings, excelsior, straw, hay, waste, rags, paper or other material that may be dangerous or liable to ignite are kept on or in the premises, he shall at once order, in writing, the owner, occupant or agent where such violation or dangerous condition exists to remove or repair the condition within 24 hours after receipt of such order. If the owner, occupant or agent fails to comply with such order, the chief of the fire department shall remove or repair the condition to comply with such order and return a detailed statement of the cost thereof to the council. The clerk shall present a bill of such cost to the owner, occupant or agent, and if the bill is not paid within 30 days, the council shall certify the amount to the county auditor as a special tax against the property.
(Rev. Ords. 1950; Ord. No. 9, § 12)

Sec. 12-50. Annual report to council.
The chief of the fire department shall, at the last regular meeting of the council in each fiscal year, report in full to the council in regard to the fire department, showing the number of firefighters employed, the fire alarms answered, the loss by fire and insurance carried, the condition of all property and apparatus with suggestions and recommendations for the improvement of the department. He shall attach to his report a complete list of all municipal property in his possession.
(Rev. Ords. 1950; Ord. No. 9, § 13)

Secs. 12-51 – 12-59. Reserved.

DIVISION 3. SERVICE BEYOND CORPORATE LIMITS

Sec. 12-60. City-owned property.
Fire service of the city is extended to all city-owned property lying outside the city limits, including the property of the city waterworks.
(Ord. No. 14233, § 1, 6-23-1986)
Cross reference(s)-Police service is extended to city-owned property outside city limits, § 24-1.

Sec. 12-61. Areas that may be served.
The fire department may respond to calls for fire-fighting equipment and other emergency assistance outside the corporate limits of the city, from owners of property or tenants in Taylor Township, Linn Township and Timber Creek Township where there is no other fire protection,
and in that portion of Marion Township south and west of the Iowa River where such owners, tenants or residents of property have valid agreements with the City of Marshalltown for such protection.

(Rev. Ords. 1950, Ord. No. 12, § 1; Ord No. 8463 § 1, 1-26-1953; Ord. No. 8764 § 1, 1-24-1955)

Sec. 12-62. Municipal immunity from liability; when department not obligated to respond.

a.) The city does not, by any agreement to provide fire protection service beyond its corporate limits, relinquish or forfeit any governmental immunity from liability as a municipal corporation, and shall not be liable in damages for any failure or inability to render such fire protection service.

b.) The fire department shall not be obligated to respond to calls for service beyond its corporate limits when its fire-fighting equipment or personnel are occupied in fire fighting or fire protection in the City of Marshalltown or when, due to weather conditions, condition of roads or breakdown of equipment or apparatus, the fire department is unable to render such service.

(Ord. No. 8764, § 2, 1-24-1955)

Sec. 12-63. Conditions under which service may be rendered.

The following provisions and conditions shall govern the fire protection service within the area permitted by section 12-61:

a.) Not more than one truck with proper equipment nor more than two (2) regular firemen shall be dispatched or used at any time for such purpose.

b.) A duly executed agreement signed by the owner or tenant of the property to be furnished fire protection service shall be on file with the city clerk and the payment of the following costs agreed on in advance before a response to fire calls shall be authorized.

c.) Fifty dollars ($50.00) for the first hour or part thereof for each fire truck used;

d.) Twenty dollars ($20.00) per hour after first hour for each hour or part thereof for each fire truck used;

e.) Three dollars ($3.00) per hour or part thereof for each fireman with fire truck on country or contract call; plus

f.) Two dollars ($2.00) per hour for each fireman called to duty to replace firemen on a country or contract call.

g.) Immediately upon the dispatch of a fire truck to any call outside of the city, additional regular firemen shall be immediately recalled to duty so that the required number of firemen shall be on duty at all times and remain on duty until such fire-fighting apparatus and regular firemen responding to such call shall be returned to the city and are again on duty in the fire department.

(Rev. Ords. 1950, Ord. No. 12, § 1, Ord. No. 8463, § 1, 1-26-1953; Ord No. 8764, § 3, 1-24-1955)

Sec. 12-64. Authority of fire chief to respond to calls.

The chief of the fire department shall have authority to use city firefighting equipment outside of the corporate limits of the city upon calls for assistance from the mayor or fire chief of any town in the county where the use of additional equipment may aid in bringing dangerous fires under control or upon call from the members of the state highway patrol where fires upon or along the highway have created conditions dangerous to the public use.

(Ord. No. 8764, § 4, 1-24-1955)
ARTICLE III. OPEN BURNING

Sec. 12-77. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
   a.) Backyard. Backyard means any area as defined under the Marshalltown Zoning Ordinance.
   b.) Backyard burning. Backyard burning means the burning of natural vegetation origination on the premises and burnt by individuals domiciled on or owning the premises. Natural vegetation includes, but is not limited to leaves, grass, small branches, flower remains and trimmings.
   c.) Garbage. Garbage means all solid and semi-solid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing and serving of food or of material intended for use as food.
   d.) Open burning. Open burning means any burning of combustible materials wherein the products of combustion are emitted into the open air without the use of a free standing incinerator as defined by the International Fire Code as adopted by the City of Marshalltown.
   e.) Recreational Fire. Recreational Fire means an outdoor fire burning seasoned hardwood contained in appliances specifically designed for this purpose, and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.
   f.) Rubbish. Rubbish means all waste materials of nonputrescible nature.

(Ord. No. 14825, 2-11-2008)

Sec. 12-78. Burning of garbage prohibited. No person, firm or corporation shall dispose of garbage at any time by burning same.
(Ord. No. 14825, 2-11-2008)

Sec. 12-79. Burning of Rubbish Prohibited with Exceptions. It shall be unlawful for any person, firm or corporation to do open burning of rubbish except upon written permission of the Fire Chief or Fire Marshal.
(Ord. No. 14825, 2-11-2008)

Sec. 12-80. Burning of Diseased Trees. Diseased trees may be burned in areas designated by the Fire Chief or Fire Marshal and upon terms and conditions he may prescribe.
(Ord. No. 14825, 2-11-2008)

Sec. 12-81. Permissible Open Burning Enumerated. It shall be lawful to engage in open burning of plant material grown on the premises or deposited thereon by the elements by the owner or occupant of the premises involved, subject to the following:
   a.) Open burning shall occur in the backyard between the hours of 7 a.m. to 7 p.m. or darkness, whichever occurs first, and is limited to single family dwellings only. All open burning piles shall be extinguished by the onset of darkness or 7 p.m. whichever occurs
first.
b.) Open burning is not allowed after 12 o’clock noon on Saturdays or at anytime on Sundays or on holidays as defined: Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, New Years Day.
c.) Open burning of any material is not allowed by an owner or occupant of premises upon which more than one family dwelling unit is found.
d.) All open burning must be in compliance with the International Fire Code as adopted by the City of Marshalltown.
e.) A backyard is defined under the Marshalltown Zoning Ordinance.
f.) Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
g.) The location for open burning shall not be less than 50 feet from any structure. Fires in approved containers shall be no less than 15 feet from any structure.

(Ord. No. 14825, 2-11-2008)

Sec. 12-82. Recreational Burning Allowed.
Recreational burning shall be allowed for food preparation and camping purposes - or as defined in the definition section. The material to be burned is limited to seasoned wood, and the fire shall comply with all other applicable state and local codes related to open burning.
a.) All recreational fires shall be contained in appliances specifically designed for this purpose. Recreational fires shall be located no less than 15 feet from any structure. The responsible party must provide means to control flying embers.
b.) All recreational fires shall be extinguished by methods that will ensure all remaining embers are completely extinguished. Recreational fires shall be extinguished by 2:00 am.
c.) Municipal camping areas are exempt from the requirements of this section except the restrictions on size. All other requirements of this section concerning open burning shall apply to recreational burning at municipal camping areas.
d.) Recreational fires are allowed year-round.
e.) Recreational burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(Ord. No. 14825, 2-11-2008)

Sec. 12-83. Open Burning, Recreational Burning – Rear and Side Yard Restrictions.
Subject to any contrary provisions of the International Fire Code, as adopted by the City of Marshalltown, open burning of permitted plant material, on permitted premises, shall be at least 15 feet from side and rear yard boundary lines.

(Ord. No. 14825, 2-11-2008)

Sec. 12-84. Open Burning – Pine and Spruce Trees.
It shall be unlawful to engage in open burning within 20 feet of any part of a pine or spruce tree located in the City of Marshalltown.

(Ord. No. 14825, 2-11-2008)

Sec. 12-85. Fire Department Response Fee.
Any violation of the rules concerning prohibited burning and open burning, which require a response by the Marshalltown Fire Department to control or extinguish such combustion, will be subject to a response fee as established by resolution. Commercial property found in violation of
this ordinance shall be charged the permit fee for open burning as established by resolution.
(Ord. No. 14825, 2-11-2008)

Sec. 12-86. Penalties.
Any person, firm or corporation violating any section of this article shall be guilty of a
misdemeanor and upon conviction thereof shall be punished as provided in section 1-8. Each day
upon which such violation occurs shall constitute a separate violation.
(Ord. No. 14825, 2-11-2008)

ARTICLE IV. AUTOMATIC ALARM DEVICES*

*Cross reference(s)-Regulation of alarm system, § 17-219 et seq.

DIVISION 1. GENERALLY

Secs. 12-87 – 12-95. Reserved.

DIVISION 2. FALSE ALARMS*
Cross reference(s)-False burglar alarms, § 17-221.

Sec. 12-96. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:
   a.) Alarm monitoring service. Alarm monitoring service means a business providing the
       function of receiving on a continuous basis, through trained employees, emergency
       signals from alarm systems, and thereafter relaying a message by line voice to the fire
department.
   b.) Alarm system. Alarm system means any device, whether mechanical, electrical or
       otherwise, which creates, produces, generates or relays any sound signal or message,
       whether audible or not, in order to detect any fire or other emergency which summons the
fire department.
   c.) Alarm user. Alarm user means the person, firm, corporation, or entity of any kind in
control of any building, structure, or facility that purchases, leases, contracts for, or
otherwise contains an alarm system other than a burglar or holdup alarm system.
   d.) Annunciator. Annunciator means that part of an employee system that communicates the
fact that the system has been triggered or activated.
   e.) Audible or visual annunciator. Audible or visual annunciator means an annunciator which
gives alarm by means of a bell, siren, buzzer, flashing light, or similar sound- or light-
producing device when activated, which is mounted at some location which is clearly
visible when observed or clearly audible at a distance of 50 feet or more outside of any
building in which it is mounted. Annunciators can communicate directly with the fire
department or indirectly through the use of an alarm monitoring service or remote
monitoring point.
   f.) False alarm. False alarm means an occasion that has resulted in a response by the fire
department to the activation of any alarm system because of malfunction, mechanical or
electrical defect, improper installation or improper operation or procedure by any person
and no actual fire or other emergency occurred requiring an immediate or emergency response by fire department personnel. The term "false alarm" does not include an alarm system activated as a result of any malfunction of equipment owned or operated by the telephone company or resulting from the authorized servicing, testing, maintenance, adjustments, alterations or installations of such alarm system; a power outage; or utility construction provided that the respective permittee or authorized agent thereof notified the chief of the fire department prior to commencement of any of such activities. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user. The term "false alarm" does not include activation of an alarm system caused by an unauthorized activation in a public building of an alarm required by law to be located in an area open to the public or students of an educational institution, provided such alarm system is in conformity with all applicable laws and regulations. The burden of proving that such alarm was not a false alarm shall be on the alarm user.

g.) Fire chief. Fire chief means the chief of the city fire department or any person designated by him/her and authorized to administer this chapter.

(Ord. No. 14253, § 1, 4-27-1987)

Sec. 12-97. Application of division.
This division shall apply to all automatic alarms that are responded to by the city fire department.

(Ord. No. 14253, § 2, 4-27-1987)

Sec. 12-98. Excessive false alarms; service fee.

a.) Where an alarm system malfunctions and/or produces chronic or excessive false alarms and the fire chief has determined that such malfunctions or false alarms are in excess of the number of such false alarms allowed under this division, the chief shall assess a service fee for such excess alarms. Excess false alarms shall mean more than five per calendar year.

b.) Whenever an alarm system has been determined by the fire chief to transmit an excessive number of false alarms and a service fee has been charged, the service fee may be waived by the fire chief upon demonstration by the alarm user that the alarm user has caused correction of any problem or equipment which was the basis for the service charge in a manner satisfactory to the fire chief.

The fee for excessive false alarms shall be determined by the following table:

<table>
<thead>
<tr>
<th>False Alarms Per Calendar Year</th>
<th>Amount Per False Alarm</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 to 9</td>
<td>$50.00</td>
</tr>
<tr>
<td>10 to 14</td>
<td>$75.00</td>
</tr>
<tr>
<td>15 or more</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Chapter 13 GARBAGE AND REFUSE*

*Cross reference(s)-Buildings and building regulations, ch. 7; hazardous conditions and substances, ch. 14.5.

ARTICLE I. IN GENERAL*

Sec. 13-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a.) Area. Area means the legally defined boundaries of the city.
b.) Commercial and Industrial Units/Occupants. Commercial and industrial units/occupants means all locations within the city that are not considered residential units/occupants under this article. Mobile home parks where a single meter meters water services are considered commercial. All rental units or complexes of four or more residential rental units are considered commercial units. Commercial and industrial units are subject to this article.
c.) Compostable Material. Compostable material means all yard wastes except tree limbs, bark or branches from trees or shrubs with any diameter of one-fourth inch or more.
d.) Commission. Commission means the solid waste management commission of the county.
e.) Containers or bins. Containers or bins mean those containers and bins for collection of garbage or recyclables.
f.) Curbside. Curbside means that portion of the right-of-way adjacent to paved or traveled city roadways contiguous to the frontage of properties in the city. The term "curbside" also means at any point further than five feet from the front line of any dwelling, structure, business or building. See the definition of the term "front" in this section and section 13-84.
g.) Curbside collection. Curbside collection means the collection of all garbage or recyclables placed curbside or in front of the house as near to the street as possible if no curb exists.
h.) Front. Front means that operation of a dwelling, business or other structure facing any street, highway or other place. A structure may have more than one front if it faces on more than one street, highway or other place; for example, a corner lot. On a structure that has no lines parallel to the street, highway or other place, the front shall be that portion most nearly parallel to the street, highway or place, and if the sides are equally parallel to the street, highway or other place the two sides shall both be the front. Where the front line is uneven, the term "front" means the most forward portion of the structure.
i.) Garbage and Refuse. Garbage and refuse means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables. Dead animals are not included in the term "garbage." The term "refuse" means all other miscellaneous waste materials not specifically defined as garbage or specifically defined as recyclable.
j.) Member. Member means the city.
k.) Person. Person means any individual, firm, association, syndicate, co partnership,
corporation, trust, other legal entity having proprietary interest in premises, or other legal entity having responsibility for an act.

l.) Recyclables. Recyclables means those items defined as recyclables in section 13-79 and 13-102.

m.) Residential unit/Occupant. Residential unit/occupant means each single-family home or multifamily dwelling located within the corporate limits of the city and occupied by a person or group of persons, except mobile home parks as described in the definition of "commercial and industrial units" in this section. However, all residential rental structures or residential complexes of four or more rental units are considered commercial units. Any home occupation (class 1 or class 2) found in area zone R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, and R-5, all as defined by the city zoning ordinance, shall be considered a residential unit/occupant under this article for purposes of disposal of garbage and recyclables generated by the home occupation.

n.) Recyclables hauler. Recyclables hauler means any person desiring to pick up and transport for processing any recyclable in the city. Anyone subcontracting to perform any such recycling pickup or transportation task is also considered a recyclables hauler under this definition.

o.) Recyclables transportation vehicle. Recyclables transportation vehicle or Vehicle means a vehicle, as defined by state law, which is or is intended to be used to transport recyclables.

p.) Solid Waste. Solid waste means garbage, refuse, rubbish and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural and domestic activities.

q.) Tree processing material. Tree processing material means yard wastes which are not compostable material and tree stumps.

r.) Volume-based garbage system. Volume based garbage system means a system with an ever-increasing charge based upon number of containers utilized or upon actual weight of garbage generated.

s.) Yard waste. Yard waste means organic debris produced as part of yard and garden development and maintenance, such as grass clippings, leaves, bark, branches, twigs, flowers, fruit, vegetables and trees.


Cross reference(s)-Definitions generally, § 1-2.

Sec. 13-2. Reservation of city's rights.
The city reserves the right to enter into contract at any time with any license holder or others for the collection and disposal of garbage and refuse within the city or may itself operate and maintain such service.


Sec. 13-3. Receptacles required; specifications.
Except as provided under section 13-4, it shall be unlawful for any person, firm or corporation to deposit or place any garbage in any street, alley, lane, public place or private property outside of buildings within the city unless the garbage is enclosed in a watertight metal or plastic receptacle and the receptacle is provided with handles or bales and a tight fitting cover and with a capacity not exceeding 30 gallons, except commercial dumpsters and the like furnished by the collectors.
Sec. 13-4. Receptacle with paper or plastic bag inserts.
If the receptacle required under provisions of section 13-3 consists of a tight fitting metal cover and an approved metal stand or cabinet, watertight, leak proof paper or plastic bags may be used for the retention and disposal of garbage or refuse but shall only be used as inserts. The capacity of the paper or plastic bag insert shall not exceed 36 gallons.

Sec. 13-5. Preparation of refuse for collection.
Refuse shall be placed in baskets or boxes, and the baskets or boxes shall be provided with handles. Newspapers and magazines shall be bundled and tied. Hedge and tree trimmings shall be securely tied in bundles not more than six feet in length or more than two feet in diameter.

Sec. 13-6. Approved methods of disposal.
   a.) Unless mandatory garbage collection is required pursuant to Article VI of this chapter, garbage or refuse may be disposed of by householders or the occupant of any building or place of business by:
      1) Delivery to a licensed collection agency.
      2) Hauling to state-approved landfill disposal area and dumping there as directed by the custodian in charge, provided that the containers are covered and watertight.
      3) Disposal of garbage in a home garbage disposal unit.
   b.) It shall be unlawful for any person to dispose of garbage or refuse in any manner other than provided in this section.

Sec. 13-7. Householder to provide and maintain receptacle; wrapping required.
   a.) The proper receptacle for the receiving and holding of garbage shall be furnished by the householder or the occupant of any building or place of business, and the receptacle shall be kept covered and in a sanitary condition at all times. Garbage shall be wrapped when placed in the receptacle. Responsibility for providing receptacles for rental property shall be the landlord's.
   b.) It shall be the duty of any person, firm or corporation using or maintaining a garbage receptacle to cause the receptacle to be emptied of its contents before it is so full that the cover will no longer fit tightly.

Sec. 13-8. Location of receptacle.
   a.) All garbage, whenever practical, shall be delivered by the householder or the occupant of any building or place of business to the ground level for collection, and the receptacle therefore must be kept in a location convenient for collection.
   b.) It shall be unlawful for any person to place, set or throw or otherwise put garbage or any paper, metal, plastic or any other material receptacle containing garbage between the line of any street, highway or other place and the front line of any dwelling, business or other structure, except on collection day when it can be placed no more than 5’ in front of the
front line of the dwelling, business or other structure. For purposes of this section, the front line shall be extended from the structure corner to the side lot lines.

c.) It shall be unlawful for any person, firm or corporation, licensed to collect garbage or refuse within the city, to pick up, collect or take into possession any garbage, as defined by section 13-1, paper, metal, plastic or any other material found between the line of any street, highway or other place and 5’ in front of the front line of any dwelling, business or other structure. For purposes of this section, the front line shall be extended from the structure corner to the side lot lines.

d.) The City of Marshalltown can provide a waiver, at the city’s sole discretion, for the placement of garbage receptacles or refuse in front of a dwelling, business or other structure if the placement of the receptacle or refuse is for the community benefit, or a one time occurrence. Examples may include receptacles downtown on main street, the City’s annual spring cleanup or a construction dumpster. Said waiver shall also allow for the lawful collection of said material by the City or a licensed garbage or refuse hauler.


It shall be unlawful for any person, firm or corporation to deposit, throw, or place any refuse or garbage in any street, alley, lane, public place, or private property outside of buildings within the city unless the refuse or garbage is to be hauled away and, pending hauling, is kept in such a manner as in no way to constitute a nuisance, hazard, or annoyance to others.


Sec. 13-10. License to collect garbage, refuse required.
It shall be unlawful for any person, firm or corporation to collect garbage or refuse within the city except from his own residence or business property, without first obtaining a license from the city.

Cross reference(s)-Licenses and business regulations, ch. 17.

Sec. 13-11. Application for license; approval.

a.) Application for a license to collect garbage or refuse shall be made at the office of the city clerk on forms provided by the clerk. The applicant shall file with his or her application a certificate or affidavit of insurance as set forth in section 13-12, shall pay the required license fee and shall present current proof of having passed inspection.

b.) Upon receipt of such application and accompanying documents properly executed and otherwise proper and accurate, including but not limited to the certificate or affidavit of insurance, upon receipt of the license fee and upon inspection approval, the city clerk shall issue the license.

c.) If the clerk denies the license, the applicant may appeal to the city council by the procedure provided in section 17-1.1.


Sec. 13-12. Insurance required of licensee; certificate; liability coverage.

a.) Required. The garbage hauler shall not be permitted to commence work under this article until he has obtained all required insurance and filed proof of such with the city clerk.

b.) Compensation insurance. The garbage hauler shall take out and maintain worker's
compensation insurance for all of his employees. In any case, where work subject to the worker's compensation act is subcontracted, the garbage hauler shall require any subcontractor to provide worker's compensation insurance for all the latter's employees unless such employees are covered by the protection afforded by the garbage hauler.
c.) Public liability and property damage insurance. The garbage hauler shall obtain and maintain such public liability and property damage insurance as shall protect him from claims for damages for personal injury, including accidental death, as well as claims for property damages which may arise from operations under this article, whether such work is performed by the garbage hauler or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows: public liability insurance in an amount not less than $500,000.00 for injuries, including accidental death or injury on account of one accident, and property damage insurance in an amount of not less than $500,000.00.
d.) Comprehensive vehicle liability insurance. The garbage hauler and any subcontractor shall obtain, prior to commencement of any work under this article, comprehensive vehicle-mobile liability insurance in the following amounts:
  1) For injury to or death of persons, not less than $500,000.00 to or for any one person and $500,000.00 for any one accident; and
  2) For injury to or destruction of property, not less than $100,000.00 for any one accident, where such loss arises by reason of the ownership, maintenance, operation, use, loading and/or unloading of any vehicle.
  3) Such insurance shall be applicable to each and every truck or other vehicle used in hauling garbage or recyclables or as otherwise used in the performance of work under or in connection with this article.
e.) Such policy shall contain the standard provisions promulgated by the state department of insurance as to coverage of persons and property and shall be specifically designated to protect any person or property from injuries or damages sustained by reason of carrying on the work of garbage or refuse collection and disposal. The certificate or affidavit shall specifically evidence the amount of insurance coverage which shall remain in effect for the term of the license and shall provide that written notice shall be given to the city clerk 30 days prior to any change in the conditions of the certificate or affidavit or any expiration or cancellation of any coverage or policy of insurance.


All licenses issued pursuant to this article shall expire on April 1 following the date of issuance.

Sec. 13-14. License fee.
The fee for the license issued under this article shall be set by city council resolution.

Sec. 13-15. Renewal of license.
The annual license of all persons licensed under this article shall be automatically renewed from year to year upon the payment of the fee provided in this article, filing of certificate of proper insurance coverage and filing of an approved vehicle inspection. Licenses may be revoked upon compliance with the procedures set out in section 13-16.
Sec. 13-16. Revocation of license.
The city council may, for a violation of the provisions of this chapter, revoke any license granted in this article, after notice and public hearing.

Sec. 13-17. Frequency of collection.
a.) Collections of garbage or refuse from private residences shall be made not less than one time per week.
b.) Collections of garbage from hotels, restaurants, clubs, boardinghouses or other places of like character where considerable garbage is produced daily shall be made on a more frequent basis.

a.) Garbage and Refuse Contained. All vehicles used in the transportation of garbage or refuse within the city shall be kept in a sanitary and safe condition and shall be so constructed as to prevent leakage in transit. The body of the truck shall be wholly enclosed and shall at all times while in transit be kept covered with an adequate cover or canvas cover. All persons licensed under the terms of this chapter shall use packer-type trucks for normal collection purposes. Such vehicles shall include a mechanical device for packing or compressing garbage or refuse, which device shall be used and operated at all times in collection and disposal of garbage or refuse and kept in good working order.
b.) Fine. The fine for each violation in subsection (a) of this section shall be 65.00, plus surcharges.
c.) Collection. The method and procedure of payment and collection for each violation in subsection (a) shall be the same as that provided for the payment collection of fines for violation of city ordinances under state law.
(Ord. No. 10761A, § 15, 5-24-1965; Ord. No. 12993, § 15, 9-27-1976; Ord. 14876 § 1, 7-12-2010; Ord 14913, §1. 11-26-2012)

Sec. 13-19. Pickup service; servicing of complaints.
Each garbage or refuse collector shall maintain an adequate and prompt pickup service. He shall service all complaints from patrons on missed service and improper handling. Such service shall be promptly available for servicing complaints from the office of the city clerk for any material improperly deposited within the limits of streets or highways during transit.

Sec. 13-20. Washing and disinfecting of collection truck bodies.
All truck bodies used for the disposal of garbage and refuse shall be washed out periodically to minimize odors

No vehicle used in the transportation of garbage and refuse within the city shall be parked or left standing in any residential district, as defined or delineated in the zoning ordinance of 1957, as amended, except for the loading or picking up of garbage or refuse. This section shall not apply to the driver of any such vehicle that is disabled while in the residential district to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such district. In no event shall any such disabled vehicle remain over 12 hours.
Sec. 13-22. Inspection of equipment.
Every application for a license required by this article or a license renewal shall contain a certification by the applicant that the applicant has inspected the equipment to be used in the transportation of garbage or refuse and that the equipment is in good mechanical condition and free of leaks. It shall be a municipal infraction to operate equipment that leaks or allows garbage or refuse to spill from the equipment.

Secs. 13-23 – 13-34. Reserved.

ARTICLE II. SANITARY LANDFILL

Sec. 13-35. Designation as public disposal site.
By virtue of contract approved between the member and the commission, the sanitary landfill sites operated by the commission are designated as the public disposal sites for all garbage, solid waste and refuse collected within the corporate limits of the member.

Sec. 13-36. Rules and regulations governing use.
The rules and regulations governing the use of the sanitary landfill sites shall be as determined by the commission to be in the best interests of the member.

Sec. 13-37. Days of operation.
The landfill sites shall normally be open to the public on such days and hours as the commission may designate; however, the commission may alter the days and hours so scheduled to satisfy unusual conditions or emergencies.

Sec. 13-38. Operation.
a.) The commission shall be responsible for the operation of the landfill sites in a manner which will ensure sanitary and safe conditions at all times.
b.) The operation of the landfill sites shall comply with all regulations of all local, state, county or federal agencies, which may have jurisdiction over such operation.

Sec. 13-39. Disposal of solid waste on designated site.
No person shall permanently dispose of solid waste of any kind upon any land within the corporation limits of the member unless the commission has designated such land as a public landfill site approved by the Iowa Department of Natural Resources. However, the prohibition contained in this section shall not apply to the deposit of inert wastes, not potentially injurious to health or the public welfare where permission to make such a deposit has been obtained from the owner or responsible agent, nor to the filling in or grading of property with earth, mud, ashes or similar materials; provided, however, that all applicable local and state laws have been complied with.

Sec. 13-40. **Compliance with instructions of commission required.**
No person shall deposit any solid waste at any commission landfill site, except in compliance with posted instructions or instructions of an attendant in charge.
(Ord. No. 12797, § 5, 10-16-1975)

Sec. 13-41. **Exclusion of certain materials.**
Certain materials may be excluded from those refuse materials which may be deposited at a commission landfill site. These excluded materials may include junk automobile bodies and similar bulky objects which may require special processing prior to disposal; trees and tree limbs; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the commission deems necessary to exclude.
(Ord. No. 12797, § 6, 10-16-1975)
Cross reference(s)-Hazardous conditions and substances, ch. 14.5.

Sec. 13-42. **Private payment for disposal of solid waste.**
   a.) It shall be unlawful for any person, other than the commission or a member on its behalf, to receive payment of any kind or request payment of any kind for the disposal of any solid waste at any sanitary landfill site.
   b.) The charging of a fee for the collection of any garbage or other solid waste from a customer by a private refuse collector shall not be construed as a violation of this section, since the disposal is considered to be incidental to the total collection and disposal service; provided, however, such collection and disposal shall be conducted entirely by forces with equipment owned or operated by the private refuse collector.
(Ord. No. 12797, § 7, 10-16-1975)

Sec. 13-43. **Fees for use of facilities.**
Fees paid to or for the benefit of the commission for the use of the public landfill facilities shall be in accordance with the posted and/or published schedule of fees of the commission or the member, as provided in the contract referred to in section 13-35.
(Ord. No. 12797, § 8, 10-16-1975)

Sec. 13-44. **Enforcement of article.**
It shall be the duty of the police department and all police officers of the member to enforce the provisions of this article.
(Ord. No. 12797, § 9, 10-16-1975)


**ARTICLE III. DISPOSAL OF YARD WASTES***

Cross reference(s)-Preparation of hedge and tree trimmings for collection, § 13-5; vegetation, ch. 27.

Sec. 13-52. **Disposal requirements.**
It shall be unlawful for any person, firm or corporation to dispose of yard wastes except as follows:
   a.) Separation of yard waste. All yard wastes shall be separated by the owner or occupant of the premises from garbage and refuse, as defined in section 13-1, accumulated on the
premises and shall be composted on the premises, transported to a city council approved composting/tree processing facility or otherwise be legally disposed of, and no yard wastes shall be deposited in a landfill. All yard wastes transported to city-council approved composting/tree processing facilities shall be separated into compostable material and tree processing material.

b.) Containers. Compostable material yard wastes that are to be transported by licensed haulers to city-council approved composting facilities must be placed in a specially marked biodegradable bag, issued only by the city and bearing the city logo. It shall be unlawful to place any material other than compostable material in such bags. All tree processing materials shall be separated from all compostable materials and bundled in a manner suitable for handling.

c.) Fees. The city council shall, by resolution, develop fees for the use of the city-owned composting/tree processing facility.


Sec. 13-53. License to collect yard wastes.
It shall be unlawful for any person, firm or corporation to collect yard wastes for a fee within the city without first obtaining a license from the city.
(Ord. No. 14340, § 1(3), 12-27-1990)

Sec. 13-54. Application for license: approval.

a.) Application for a license to collect yard waste shall be made at the office of the city clerk on forms provided by the clerk. The applicant shall file with his or her application a certificate or affidavit of insurance as set forth in section 13-55 and shall pay the required license fee. Upon receipt of such application and accompanying documents properly executed and otherwise proper and accurate, including but not limited to the certificate or affidavit of insurance and upon receipt of the license fee, the clerk shall then issue the license. The license shall cover a period of one year. A license holder shall notify the city clerk of any change of address within 30 days.

b.) If the city clerk denies the license, the applicant may appeal to the city council by the procedure provided in section 17-1.1.


Sec. 13-55. Insurance requirements.

a.) Required. The yard waste hauler shall not be permitted to commence work under this article until he has obtained all required insurance and filed proof of such with the city clerk.

b.) Compensation insurance. The yard waste hauler shall take out and maintain worker's compensation insurance for all of his employees. In any case, where work subject to the worker's compensation act is subcontracted, the yard waste hauler shall require any subcontractor to provide worker's compensation insurance for all the latter's employees unless such employees are covered by the protection afforded by the yard waste hauler.

c.) Public liability and property damage insurance. The yard waste hauler shall obtain and maintain such public liability and property damage insurance as shall protect him from claims for damages for personal injury, including accidental death, as well as claims for property damages which may arise from operations under this article, whether such work is performed by the yard waste hauler or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows: public liability insurance in an amount not less than $500,000.00 for injuries,
including accidental death or injury on account of one accident, and property damage
insurance in an amount of not less than $500,000.00.
d.) Comprehensive vehicle liability insurance. The yard waste hauler and any subcontractor
shall obtain, prior to commencement of any work under this article, comprehensive
vehicle-mobile liability insurance in the following amounts:
1) For injury to or death of persons, not less than $500,000.00 to or for any one person
and $500,000.00 for any one accident; and
2) For injury to or destruction of property, not less than $100,000.00 for any one
accident, where such loss arises by reason of the ownership, maintenance, operation,
use, loading and/or unloading of any vehicle.
3) Such insurance shall be applicable to each and every truck or other vehicle used in
hauling garbage or recyclables or as otherwise used in the performance of work under
or in connection with this article.
e.) Such policy shall contain the standard provisions promulgated by the state insurance
commission as to coverage of persons or property and shall be specifically designated to
protect any person or property from injuries or damage sustained in yard waste collection,
transportation and disposal.
f.) The certificate or affidavit shall be in effect for the term of the license and shall provide
that written notice shall be given to the city clerk not less than 30 days prior to any
change in the certificate or affidavit or cancellation of any coverage or policy of
insurance.
(Ord. No. 14340, § 1(5), 12-27-1990)

Sec. 13-56. License fee.
The fee for the license required under this article shall be established by city council resolution.
(Ord. No. 14340, § 1(6), 12-27-1990)

Sec. 13-57. Renewal of license.
The annual license of all persons licensed under this article shall be automatically renewed from
year to year upon the payment of the fee provided for in this article and the filing of the
certificate of proper insurance coverage. Licenses may be revoked upon compliance with the
procedures set out in section 13-58.
(Ord. No. 14340, § 1(7), 12-27-1990)

Sec. 13-58. Revocation of license.
The city council may, for a violation of the provisions of this article, revoke any license granted
under this article, after notice and public hearing.
(Ord. No. 14340, § 1(8), 12-27-1990)

Sec. 13-59. Hours of operation of facility; use of bags required; collection vehicles; placement for
collection.
a.) Hours of operation of the city composting/tree processing facility shall be established by
the director of public works/city engineer, and it shall be unlawful to dump or dispose of
yard wastes at such facility except during hours of operation, or without specific approval
by the city’s engineering department.
b.) It shall be unlawful for any licensed hauler to collect compostable yard waste unless
contained in the city logo bags.
c.) Vehicles used in the transportation of yard wastes shall not permit the spilling of the
contents. If such vehicles are also used for garbage or refuse collection, they shall be
cleaned and disinfected prior to use for yard waste collection.

d.) All yard wastes to be collected shall be placed in accordance with the provisions of section 13-8.
(Ord. No. 14340, § 1(9), 12-27-1990)

Sec. 13-60. Penalty for violation.
Any person who violates the provisions of this article shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code. In addition to the criminal penalty set forth in this section, a violation of this article is a municipal infraction.

Secs. 13-61 – 13-76. Reserved.

ARTICLE IV. VOLUME BASED GARBAGE COLLECTION; SPECIFIC RECYCLABLES*

Sec. 13-77. Volume based charges.
Any individual or entity holding a license to haul garbage and refuse in the city shall charge based upon the volume of garbage and refuse generated. These volume-based charges may be made through the number of containers or bins utilized or based upon actual weight collected.

Sec. 13-78. Recycling required.
Each commercial, industrial and residential unit/occupant in the city shall recycle those items designated in section 13-79. Those items designated as recyclables shall not be disposed of except by delivery by the commercial, industrial or residential unit/occupant or by a licensed recyclable hauler to an individual or entity engaging in recycling of the item involved. No recyclables shall be disposed of by depositing the recyclables with garbage or refuse, and no licensed hauler shall pick up any recyclable commingled with garbage or refuse.
(Ord. No. 14472, § 3, 8-25-1994)

Sec. 13-79. Recyclables defined.
a.) Recyclables under this article are defined as follows:
   1) Tin.
   2) Clear glass bottles and jars.
   3) Plastic milk jugs designated no. 2 H.D.P.E.
   4) Newsprint.
   5) Office paper.
   6) Cardboard (corrugated).
   7) Magazines, slicks and catalogues (no phone books).
   8) Waste oil in leak proof containers.
   9) Lead-acid batteries (casing undamaged).

b.) No licensed recyclable hauler is required to pick items in subsections (a)(8) and (a)(9) of this section as a part of their regular customer pickup. However, any licensed recyclable hauler making any scheduled recyclable pickup shall pick up items in subsections (a)(1)-(a)(7) of this section.
Sec. 13-80. Right of city to designate recyclables.
The city reserves the right to add other items as designated recyclables at a later date, including but not limited to:
   a.) Aluminum.
   b.) Bimetal cans.
   c.) Brown and green glass.
   d.) No. 1 P.E.T.E. plastics and other no. 2 H.D.P.E. plastics.
(Ord. No. 14472, § 5, 8-25-1994)

Sec. 13-81. Use of container other than garbage can or bin.
All garbage or refuse placed for pickup by any commercial, industrial or residential unit/occupant must be in a plastic bag, if contained in a container other than a garbage can or bin.
(Ord. No. 14732, § 1, 1-12-04)

Sec. 13-82. Scheduled pickup of recyclables.
No licensed hauler shall collect recyclables from commercial, industrial and residential units/occupants less than once per month. No recyclable or garbage shall be placed for pickup by any person or entity or picked up by any licensed recyclable or garbage hauler from any curbside location as previously defined in this article.

Sec. 13-83. Hauler license required.
It shall be unlawful for any person, firm or corporation to collect any recyclable within the city, except from his/her/its own residence or business property, without first obtaining a license from the city.
(Ord. No. 14472, § 9, 8-25-1994)

Sec. 13-84. Placement of recyclables for pickup.
   a.) It shall be unlawful for any person to place any recyclable container or recyclable in front of any structure, complex of structures, property, building, business or dwelling except on a designated pickup day for collection purposes, and then no further than 5’ in front of the front line of the dwelling, business or other structure. See section 13-1 for a definition of the term "front" or frontage as used in this section.
   b.) It shall be unlawful for any person or licensed recyclable hauler to pick up any recyclable deposited or found between the line of any street, highway or other place and a point no further than five feet from the front line of any dwelling, structure, business or building. For purposes of this section, the front line shall be extended from the structure corner to the side lot lines. For purposes of a further definition to be used in construing this subsection, see section 13-1 for the definition of the term "front."
(Ord. No. 14472, §§ 10, 11, 8-25-1994)

Sec. 13-85. Penalty for violation.
A violation of any section of this article shall constitute a misdemeanor and shall be punished by a Penalty as provided in Sec. 1-8 of the Code.
ARTICLE V. RECYCLABLES HAULERS*

*Cross reference(s)-Motor vehicles and traffic, ch. 20.

Sec. 13-102. Definition of recyclables.

a.) Recyclables under this article are defined as follows:
   1) Tin.
   2) Clear glass bottles and jars.
   3) Plastic milk jugs designated no. 2 H.D.P.E.
   4) Newsprint.
   5) Office paper.
   6) Cardboard (corrugated).
   7) Magazines, slicks and catalogues (no phone books).
   8) Waste oil in leak proof containers.
   9) Lead-acid batteries (casing undamaged).

b.) No licensed recyclables hauler is required to pick up items under subsections (a)(8) and (a)(9) of this section as a part of their regular customer pickup. However, any licensed recyclables hauler making any scheduled recyclable pick up shall pick up items under subsections (a)(1)-(a)(7) of this section.

(Ord. No. 14473, § 2, 8-8-1994; Ord. No. 14477, § 1, 9-12-1994; Ord. 14710, 3-24-2003)

Sec. 13-103. License required.

Any recyclables hauler in the city shall be licensed for this purpose by the city pursuant to this article. A license application must be completed to be so licensed, which applications are available in the office of the city clerk.

(Ord. No. 14473, § 3, 8-8-1994)

Cross reference(s)-Licenses and business regulations, ch. 17.

Sec. 13-104. License fee.

a.) Upon receipt of such application properly executed and otherwise proper and accurate, and upon the payment of a fee in such amount as determined by the city council, the city clerk shall issue the hauler's recycling license.

b.) If the city clerk denies the license, the applicant may appeal to the city council by the procedures provided in section 17-1.1.

(Ord. No. 14473, § 4, 8-8-1994; Ord. No. 14609, § 4, 12-30-1998)

Sec. 13-105. Insurance.

a.) Required. The recyclables hauler shall not be permitted to commence work under this article until he has obtained all required insurance and filed proof of such with the city clerk. Neither shall the recyclables hauler allow any subcontractor to commence work until all similar insurance required of the subcontractor has been so obtained and approved.

b.) Compensation insurance. The recyclables hauler shall take out and maintain worker's compensation insurance for all of his employees. In any case, where work subject to the worker's compensation act is subcontracted, the recyclables hauler shall require any subcontractor to provide worker's compensation insurance for all the latter's employees.
unless such employees are covered by the protection afforded by the recyclables hauler.

c.) Public liability and property damage insurance. The recyclables hauler shall obtain and maintain such public liability and property damage insurance as shall protect him from claims for damages for personal injury, including accidental death, as well as claims for property damages which may arise from operations under this article, whether such work is performed by the recyclables hauler or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows: public liability insurance in an amount not less than $500,000.00 for injuries, including accidental death or injury on account of one accident, and property damage insurance in an amount of not less than $500,000.00. The recyclables hauler shall require each and every subcontractor to obtain and maintain similar policies with the same limits stipulated in this subsection.

d.) Comprehensive vehicle liability insurance. The recyclables hauler and any subcontractor shall obtain, prior to commencement of any work under this article, comprehensive vehicle-mobile liability insurance in the following amounts:
1) For injury to or death of persons, not less than $500,000.00 to or for any one person and $500,000.00 for any one accident; and
2) For injury to or destruction of property, not less than $100,000.00 for any one accident, where such loss arises by reason of the ownership, maintenance, operation, use, loading and/or unloading of any vehicle.
3) Such insurance shall be applicable to each and every truck or other vehicle used in hauling garbage or recyclables or as otherwise used in the performance of work under or in connection with this article.

e.) Umbrella liability coverage. The recyclables hauler and subcontractor shall further obtain and maintain umbrella liability coverage with the same limits of liability as specified in subsection (c) of this section providing excess insurance over and above the basic automobile policy referred to in subsection (d) of this section.

f.) Proof of carriage of insurance. Prior to commencement of work under this article, the recyclables hauler shall furnish to the city clerk the certificates of insurance relating to all required coverage.

g.) Cancellation of insurance. Each policy shall provide that it is noncancelable for a period of 30 days following written notice of intention to cancel given to the city by certified mail.

(Ord. No. 14473, § 5, 8-8-1994)

Sec. 13-106. Public education.

a.) The recyclables hauler will develop a plan of education so as to inform his clientele of the requirements of this article imposed upon the collection of garbage, refuse and recyclables. This plan of education shall be submitted, along with the license application, for review and approval as a part of the licensing process. As a part of this educational effort the recyclable hauler will distribute, in printed form, a statement of his collection schedule as well as a statement of items that are recyclable and an explanation concerning how the garbage/refuse and recyclable system is to operate. This printed statement shall be distributed to existing and new customers in either English and Spanish language form as required. Any cost associated with the educational effort shall be the exclusive responsibility of the recyclables hauler.

b.) The city shall make available unrented advertising space, as is available to the city, without cost for use as a part of this educational effort and shall provide such other
assistance as is reasonably possible at no cost to the city.
(Ord. No. 14473, § 6, 8-8-1994)

The recyclables hauler acknowledges and recognizes the legal duty to not discriminate against any employee, applicant, or person based upon race, color, creed, national origin, ancestry, age or disability and will include a similar provision in any contract prohibiting such conduct by any subcontractor, all relating to any work required by this article.
(Ord. No. 14473, § 7, 8-8-1994)

Sec. 13-108. Compliance with law.
All recyclables haulers licensed pursuant to this article shall comply with all statutes, ordinances, rules and regulations of all state, federal and local authorities associated with the pickup, transportation and processing of items defined as recyclables in this article.
(Ord. No. 14473, § 8, 8-8-1994)

Sec. 13-109. Routes and schedules.
The recyclables hauler shall not begin pickup of residential recyclables until 5:00 a.m. and shall use all reasonable efforts to preserve the peacefulness and tranquility of the city. Such recyclables pickup shall cease no later than 5:00 p.m. The time allowed for pickup of recyclables may be extended based upon casualty or hardship by a request directed to the office of the city administrator.
(Ord. No. 14473, § 9, 8-8-1994)

Sec. 13-110. Renewal of license.
The annual license to haul recyclables shall be automatically renewed, from year to year, upon payment of the annual fee provided in this article and upon filing of the required certificate of proper insurance coverage. Licenses may be revoked upon a showing of noncompliance with this article.
(Ord. No. 14473, § 10, 8-8-1994)

Sec. 13-111. Revocation of license.
The city council may, for a violation of the provisions of this article, revoke any license granted under this article after notice and public hearing before the council.
(Ord. No. 14473, § 11, 8-8-1994)

Sec. 13-112. Reserved.

Sec. 13-113. Filing of volume based plan and reporting of tonnage.
a.) All garbage haulers shall file, in writing, a description of their volume or weight based system concerning garbage and refuse. Such a volume or weight based system shall create a financial incentive to recycle and reduce the volume of garbage and refuse generated. Filing of this required written statement is a condition that must be satisfied prior to the issuance of a recyclables hauler's license.

b.) All recyclables haulers shall report to the solid waste management commission of the county on a monthly basis the tonnage figures representing the actual weight of all recyclables picked up by the recyclables hauler during that respective month. This report shall be in writing.
(Ord. No. 14473, § 13, 8-8-1994)
Sec. 13-114. Alternate drop off site for recyclables.
If a private recyclable drop off site is not available to all city citizens and within the city limits of Marshalltown, individual recyclables haulers shall, either individually or in concert (one or more recyclables haulers) or by contract with a private entity, provide a drop off site for recyclables that shall be available to all city citizens. If required to provide a drop off site, each person making an application for a recyclables hauler’s license shall file, in writing, a statement setting out the location and hours of service for such voluntary drop off site. The charge made for recyclables received at the drop off site is to be set by the recyclables hauler.
(Ord. No. 14732, §3, 1-12-2004)

Sec. 13-115. Recyclables collection vehicles and equipment.
Any motor vehicle, trailer or other piece of equipment utilized in the collection and transportation of recyclables shall be enclosed or covered in such a fashion that recyclables will not escape from the container in their transportation. If any recyclable of a nature which could leak from a container is collected, such recyclables shall be transported in a vehicle, trailer, bin or container, which is enclosed, covered, leak resistant and of an easily cleanable construction. If the city determines that a recyclables hauler is responsible for the loss of any recyclable within the city, the recyclables hauler shall be responsible for the pickup and cleanup of the recyclable. If the city is required to pick up or clean up the recyclable, the responsible recyclables hauler shall pay the cost of doing such. The city may inspect any vehicle used by any recyclables hauler to see that it is in compliance with this article.
(Ord. No. 14473, § 15, 8-8-1994)

Sec. 13-116. Penalty for violation.
A violation of any section of this article shall constitute a misdemeanor and shall be punished by a Penalty as provided in Sec. 1-8 of the Code.

ARTICLE VI. MANDATORY GARBAGE COLLECTION

Sec. 13-121. Purpose.
The purpose of this Article is to establish criteria under which mandatory garbage collection shall be required by the City of Marshalltown.
(Ord. No. 14830, 5/12/2008)

Sec. 13-122. Mandatory collection criteria.
Subject to the process set out in this Article, a property owner or owners, who receive two or more nuisance complaints related to garbage, trash or miscellaneous junk, within a calendar year for the same property, shall be required by the City of Marshalltown to hire a licensed garbage hauler to remove garbage weekly.
(Ord. No. 14830, 5/12/2008)

Sec. 13-123. Notification process.
A property owner meeting the criteria of Section 13-122, will be notified by the City of Marshalltown that mandatory garbage collection is being required. Notification shall be by regular mail, certified mail, or by personal delivery.
   a.) The notification will include a form to be completed by a licensed garbage hauler, selected by the property owner, who will provide the service to the property owner.
b.) The property owner is required to return this completed form within 14 calendar days of receipt of notification. Failure to return the completed form within 14 calendar days, will subject the property owner to penalties as set out in Section 13-126.
(Ord. No. 14830, 5/12/2008)

A property owner, who contests the imposition of mandatory garbage collection under this Article, may appeal to the City Administrator. The appeal shall be in writing, shall state the grounds for appeal, and shall be filed with the City Clerk within 7 days of the mailing or personal delivery of the notification to the property owner. If an appeal is filed, the City Administrator may extend the time to complete the form as set out in Section 13-123.
(Ord. No. 14830, 5/12/2008)

Sec. 13-125. Length and terms of mandatory service.

a.) A property owner required to have garbage service under this Article, shall maintain that service for a period of at least 48 months from the designated start date of the garbage service.

b.) Garbage haulers servicing a property owner pursuant to this Article, shall immediately notify the City of Marshalltown, if and when either the property owner or the hauler discontinue service.

c.) The property must remain free of any nuisance violation related to trash, garbage, or miscellaneous junk, for a period of at least 48 months from the designated start date of the garbage service.

d.) The property owner must maintain adequate service based on the amount of trash and garbage generated from the property.

e.) Failure to comply with any of the terms or requirements of this Section will subject the property owner to penalties as set out in Section 13-126.
(Ord. No. 14830, 5/12/2008)

Sec. 13-126. Penalties for violations of this Article.
A violation of any Section of this Article shall constitute a municipal infraction, punishable as provided in Sec. 1-10 of the Code. Seeking a civil penalty as authorized in this Article, does not preclude the city from seeking alternate relief from the court in the same action, or pursuing other criminal and civil remedies or actions.
(Ord. No. 14830, 5/12/2008, Ord 14933 §2, 9-8-2014)

Chapter 14 GAS AND PLUMBING*

Cross reference(s)—Payment of fees or fines prerequisite to issuance of any license or permit, § 1-12; buildings and building regulations, ch. 7.

ARTICLE I. IN GENERAL

Sec. 14-1. Reserved.

Sec. 14-2. Penalty for violation.
Any person who violates any section of this chapter shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code. In addition, a violation of this chapter is a municipal infraction. In addition to the foregoing, the city plumbing and gas inspector may order the removal, correction or disconnection of any gas or plumbing installation that does not meet the code specifications and shall have the authority to disconnect installation when it is found that it endangers life and health.

Sec. 14-3. Enforcement by plumbing and gas inspector.
The plumbing and gas inspector shall enforce all ordinances relating to the gas heating contractors, gasfitters and plumbing; the rules and regulations of the state board of health relating to gas heating contractors, gasfitters and plumbing; the laws of the state relating thereto; and shall have and perform such other duties and responsibilities as may from time to time be delegated to him or her. The chief building official and the fire chief will supervise the inspector.
(Ord. No. 14309, § 1, 12-18-1989; Ord. No. 14535, § 1, 4-8-1996)

Sec. 14-4. Inspector a part of building department; inspections.
The city plumbing and gas inspector shall be a part of the office of the city building department, and the officers therein can inspect any work under this chapter at any time without notice. Any license, permit or certificate provided for in this chapter shall be exhibited to such official upon request.
(Ord. No. 14309, §§ 2, 26, 12-18-1989; Ord. No. 14535, § 2, 4-8-1996)

Sec. 14-8. Board of examiners' appointment; terms.
a.) The mayor, with city council approval, shall appoint a board of examiners, one of whom shall be the city plumbing and gas inspector, one city councilperson, one master plumber who has engaged in the plumbing business for at least five years in the city, one journeyman plumber, and one from the gas department of Alliant Energy.
b.) Members of the board of examiners shall serve for a period of two years or until their successors are duly appointed and qualified.
c.) If a vacancy occurs, it shall be the duty of the plumbing and gas inspector to notify the mayor of such vacancy and the mayor, with city council approval, shall immediately
appoint a new member of the board to fill the unexpired term.


Sec. 14-9. Reserved.

Sec. 14-10. Compensation and expenses of board of examiners; meeting room.

a.) The members of the board of examiners shall serve without compensation, but shall be reimbursed such reasonable expenses as may be authorized and approved by the chief building official and the fire chief.

b.) The city shall provide for the necessary incidental expenses of the board and shall provide a suitable room where the examining board may hold its meetings.

(Ord. No. 14309, § 5, 12-18-1989; Ord. No. 14535, § 5, 4-8-1996)

Sec. 14-11. Quorum of board of examiners.

Three members of the board of examiners shall constitute a quorum for the transacting of all business, but any action taken by such board shall require a majority vote of all members of the board.

(Ord. No. 14309, § 6, 12-18-1989; Ord. No. 14535, § 6, 4-8-1996)


The gas and plumbing examining board shall have power and it shall be its duty to meet as often as necessary to conduct any business it might have. It shall also meet whenever the mayor shall, in writing, request it to do so; shall have jurisdiction over all persons desiring or intending to engage as gas heating contractors, gasfitters, plumbing contractors, journeymen or master plumbers in this city. Such board shall have the power of examining persons applying for a license as a gas heating contractor, gasfitter, plumbing contractor, journeyman or master plumber in this city with the plumbing and gas inspector being its agent unless problems arise. All complaints on decisions of the plumbing and gas inspector may be appealed to the board of examiners for its final decision. The plumbing and gas inspector shall file a report of violations by licensed gas heating contractors, gasfitters or plumbers with the board for its action. The board shall have the power to revoke any license or certificate for violation of this chapter, rules or regulations.

(Ord. No. 14309, § 7, 12-18-1989; Ord. No. 14535, § 7, 4-8-1996)

Sec. 14-13. Revocation of license or certificate by board of examiners; notice, hearing.

Every license or certificate issued pursuant to this chapter shall be subject to revocation or suspension by the board of examiners for violation by the holder of such license or by his or her agent or employees of any section or requirement of this Code or of the rules and regulations established under this chapter or ordinances amendatory thereto or for other cause which the board of examiners shall deem to be good and sufficient after notice. Notice of such hearing shall be deemed to have been given when the notice is deposited in the United States post office in a sealed envelope addressed to the licensee or certificate holder at the address given in his or her application, and the postage prepaid, at least ten days prior to the date of such hearing. When the license or certificate of any person shall have been revoked, no succeeding license or certificate shall be issued to such person without the approval and consent of the board of examiners.

(Ord. No. 14309, § 9, 12-18-1989; Ord. No. 14535, § 9, 4-8-1996)
The plumbing and gas inspector shall act as the clerk of the board of examiners, and it shall be his or her duty to keep a record of the meetings of the board and to register the names and residences of all persons licensed by the city and the kind of license issued to each, if any, and the date thereof.
(Ord. No. 14309, § 8, 12-18-1989; Ord. No. 14535, § 8, 4-8-1996)


ARTICLE II. GAS INSTALLERS*

*Cross reference(s)-Payment of fees or fines prerequisite to issuance of any license or permit, § 1-12; licenses and business regulations, ch. 17.

Sec. 14-26. License required.

a.) It shall be unlawful for any person, except as provided under subsections (b), (c) or (d) of this section, for the installation or replacement of gas-fired water heaters, boilers, furnaces or other like heating appliances or whenever gas piping connections are altered or otherwise broken until he or she shall have first obtained a permit and a gas heating contractor's license authorizing him or her to perform such work; provided, however, that the person making such installation is a licensed gasfitter and provided further that no person licensed as a gasfitter shall be required to be licensed as a gas heating contractor. The city council shall establish by resolution a schedule of fees for issuance of a gas permit.

b.) Any gas permit required by this Code may be issued to any person to do any construction or work regulated by this Code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings, if such person is a bona fide owner of any such dwelling and accessory buildings and that the dwelling and buildings are occupied by or designed to be occupied by the owner, provided that the owner shall personally purchase all materials and shall personally perform all labor in connection therewith, and all work shall be inspected by the city gas and plumbing inspector.

c.) Any gas and electric utility company who employs a full-time qualified maintenance repairman for the maintenance, repairs or replacement of piping up to and including the meters shall qualify for an annual license. The city gas and plumbing inspector shall inspect the premises of the holder at the holder's request.

d.) Any industrial firm, public educational facility or state, county, or municipal governmental organization having some social, educational or religious purpose regularly employing a licensed gasfitter for the repair, installation or maintenance of any gas equipment in or about buildings or premises owned or occupied by such industrial firm; public education facility; state, county or municipal government; public utility; or institution shall qualify for an annual certificate. Application for an annual certificate shall be in writing, accompanied by an annual fee to be set by resolution, and shall contain a general description of the premises upon which the applicant may do work. There shall be no fee for the city or its own utilities. The gas inspector shall have the right to inspect the premises of the permit holder at any reasonable time. Nothing contained in this subsection shall be construed to permit the holder to violate any city ordinance or rule nor shall it permit the holder to do excavation of any part of the street, parking or
sidewalks, unless owned by the permit holder or the holder has excavation rights under easement.

(Ord. No. 14309, § 13, 12-18-1989; Ord. No. 14535, § 13, 4-8-1996)

Sec. 14-27. Application and examination for gasfitter.
Applicants for a gasfitter's license shall make application for examination to the city clerk, which application shall be accompanied by the required fee. The board of examiners through the city plumbing and gas inspector shall examine all applicants as to their qualifications and shall issue a license to such applicant found qualified. No license shall be issued to any applicant who has not furnished satisfactory proofs that he or she is a competent, safe and proper person to engage in such trade. No applicant who fails to pass the examination may be reexamined until 30 days have elapsed.

(Ord. No. 14309, § 10, 12-18-1989; Ord. No. 14535, § 10, 4-8-1996)

Sec. 14-28. Fees for gas heating contractors and gasfitters.
The city council shall establish, by resolution, a schedule of fees for gasfitter examinations, gas heating contractor licenses, and for renewal fees for gas heating contractors and gas fitters.

(Ord. No. 14309, § 11, 12-18-1989; Ord. No. 14535, § 11, 4-8-1996)

Sec. 14-29. Expiration of certificate or license.
No license or certificate issued under this article shall be transferable. Any certificate or license shall expire on December 31 of each year but may be renewed from year to year upon payment of the renewal fee and making application for renewal. Failure to make application subjects the applicant to a new examination.

(Ord. No. 14309, § 12, 12-18-1989; Ord. No. 14535, § 12, 4-8-1996)

Sec. 14-30. Insurance.
The application for a gas heating contractor's license shall be accompanied by a liability insurance policy, certificate of insurance, or executed copy thereof, providing coverage for the licensee in a sum of not less than $500,000.00 for personal injury or death, and no less than $100,000.00 for property damage. The insurance shall cover the period of the license or any renewal thereof and shall provide that the city will be notified of termination.

(Ord. No. 14309, § 14, 12-18-1989; Ord. No. 14425, § 2, 5-10-1993; Ord. No. 14535, § 14, 4-8-1996)


ARTICLE III. RESERVED

ARTICLE IV. PLUMBERS AND PLUMBING*

*Cross reference(s)-Payment of fees, fines or unsatisfied judgment prerequisite to issuance of license or permit, § 1-12; licenses and business regulations, ch. 17; water and sewers, ch. 28.

Sec. 14-66. Qualifications of master plumber.
A master plumber shall have a general practical knowledge of the purpose and method of the construction of plumbing work, shall be competent to plan and supervise the installation of
plumbing, and shall be required to have some knowledge of mechanical drawing and pass the required examination for a certificate as a master plumber.

(Ord. No. 14309, § 16, 12-18-1989; Ord. No. 14535, § 16, 4-8-1996)

**Sec. 14-67. Qualifications of journeyman plumber.**
A journeyman plumber must be able to read blueprints, do simple mathematical problems, and must know the city plumbing ordinances and the rules and regulations of the state board of health concerning plumbing. He or she shall have had at least four years' practical experience as an apprentice assisting in the installation of plumbing work, and shall pass the required examination for a certificate as a journeyman plumber.

(Ord. No. 14309, § 15, 12-18-1989; Ord. No. 14535, § 15, 4-8-1996)

**Sec. 14-68. Examination; issuance and renewal of plumbing certificate.**
Any person desiring to be licensed as a journeyman or master plumber, as determined in this article, shall have passed the required Block and Associates exam and shall make application to the board of examiners, through its agent the plumbing and gas inspector. Upon passing such examination a certificate shall be issued by the board of examiners through the plumbing and gas inspector. Any certificate or license shall expire on December 31 of each year but may be renewed from year to year upon payment of the renewal fee and making application for renewal. Failure to make application subjects the applicant to a new examination. The city council shall establish by resolution plumbing certificate license renewal fees.

(Ord. No. 14309, § 17, 12-18-1989; Ord. No. 14535, § 17, 4-8-1996)

**Sec. 14-69. Plumbing contractor certificate.**

a.) No person, firm or corporation shall engage in the construction, reconstruction, alteration or repair of any house plumbing system in or for any building in the city without first having obtained a plumbing contractor's certificate, except as provided in subsections (c) and (d) of this section.

b.) A special certificate may be issued to perform any work regulated by this Code on any single-family dwelling owned and occupied by the certificate holder, provided the holder shall obtain a permit, shall have passed the required test, and shall personally perform all labor in connection therewith. The special certificate shall not permit the holder to perform any services, except on the premises owned and occupied by him or her.

c.) For work, generally known as maintenance work, such as repairing leaks, the removal of stoppage in sewer or waste pipes, or the repairing of faucets and closet tanks, permits will not be required. Nothing in this subsection shall, however, be construed to permit the excavation of any part of the street, parking, or sidewalk.

d.) Any industrial firm; public educational facility; state, county or municipal governmental organization; public utility; or any institution having some social, educational or religious purpose regularly employing a licensed journeyman plumber for repair, installation or maintenance of any plumbing or drainage equipment in or about buildings or premises owned or occupied by such industrial firm; public education facility; state, county or municipal government; public utility; or institution shall qualify for an annual certificate. Application for an annual certificate shall be in writing, accompanied by an annual fee of $50.00, and shall contain a general description of the premises upon which the applicant may do work. There shall be no fee for the city or its own utilities. The city plumbing inspector shall have the right to inspect the premises of the permit holder at any reasonable time. Nothing contained in this subsection shall be construed to permit the holder to violate any city ordinance or rule or the city waterworks, nor shall it permit the
holder to do excavation of any part of the street, parking, or sidewalks, unless owned by the certificate holder or the certificate holder has excavation rights under the easement.

(Ord. No. 14309, § 18, 12-18-1989; Ord. No. 14535, § 18, 4-8-1996)

**Sec. 14-70. Employment of certified plumber.**
No person, firm or corporation shall employ any person, firm or corporation, except as provided in subsection 14-69(d), to engage in the construction, reconstruction, alteration or repair of any plumbing contractor's system in and for any building in the city unless such employed person, firm or corporation has obtained a plumbing contractor's certificate.

(Ord. No. 14309, § 19, 12-18-1989; Ord. No. 14535, § 19, 4-8-1996)

**Sec. 14-71. Qualifications for a plumbing contractor's certificate.**
Any person, firm or corporation may obtain a plumbing certificate as a plumbing contractor only when the active manager of the firm or corporation is the holder of a certificate as a master plumber. A certificate issued to such firm or corporation shall have upon its face the name of the active manager as holder of a master plumber's certificate.

(Ord. No. 14309, § 20, 12-18-1989; Ord. No. 14535, § 20, 4-8-1996)

**Sec. 14-72. Fees for plumbing contractor's certificate.**
The city council shall establish, by resolution, a fee for a plumbing contractor's certificate and for the yearly renewal fee of a plumbing contractor's certificate.

(Ord. No. 14309, § 22, 12-18-1989; Ord. No. 14535, § 22, 4-8-1996)

**Sec. 14-73. Insurance.**
Before a plumbing contractor's certificate shall be issued, the applicant shall file with the city clerk a liability insurance policy, certificate of insurance or executed copy thereof, providing coverage for the certificate holder in a sum of not less than $500,000.00 for personal injury or death, and not less than $100,000.00 for property damage. The insurance shall cover the period of the certificate or any renewal thereof and shall provide that the city will be notified of termination.

(Ord. No. 14309, § 21, 12-18-1989; Ord. No. 14425, § 3, 5-10-1993; Ord. No. 14535, § 21, 4-8-1996)

**Sec. 14-74. Registration and supervision of apprentice.**
No plumbing contractor shall hire or employ or have in his or her employ any apprentice who is not registered with the examining board as such, nor shall any plumbing contractor employ more than one apprentice for each journeyman plumber in his or her employ, and at no time shall any apprentice perform any plumbing work unless he or she is actually in the supervision of and with a duly certified journeyman plumber. Every apprentice shall register his or her name and address with the plumbing and gas inspector for the examining board before January 1 of each year.

(Ord. No. 14309, § 24, 12-18-1989; Ord. No. 14535, § 24, 4-8-1996)

**Sec. 14-75. Plumbing permit required.**
No person, firm or corporation shall begin the construction, reconstruction, alteration or repair of any plumbing or house drainage system in or for any building in the city, except as provided in section 14-69, without first having obtained a permit from the division of plumbing inspection. The city council shall establish by resolution a schedule of fees for issuance of a plumbing permit.

(Ord. No. 14309, § 25, 12-18-1989; Ord. No. 14535, § 25, 4-8-1996)
Sec. 14-76. Plumbing code adopted.
    a.) The Uniform Plumbing Code as published by the International Conference of Plumbing and Mechanical Officials, 2009 Edition is adopted in full as the Plumbing Code of the City of Marshalltown, Iowa, except portions that are deleted, modified or amended herein, hereinafter referred to as the Plumbing Code.
    b.) Enforcement and Penalty. Any person, firm, or corporation violating any of the provisions of the Plumbing Code, as amended, shall be guilty of a simple misdemeanor.
    c.) Violations of the Plumbing Code, as amended, shall also constitute a municipal infraction.

(Ord. No. 14375, § 1, 3-23-1992; Ord. No. 14536, § 1, 4-8-1996; Ord. No. 14647, 5-8-2000, Ord. No. 14900, 6-11-2012)

Sec. 14-77. Amendments, modifications, additions and deletions to plumbing code.
Plumbing fees shall be set by Resolution of the City Council.
The 2009 edition of the Uniform Plumbing Code is hereby amended to the extent described herein.
2009 UPC Chapter 1
Table 1-1, Plumbing and Gas Fee Schedule is established by Resolution by the City Council.
2009 UPC Chapter 4 Amendments
402.3 Urinals, is amended by deleting subsection 402.3.1 Non-water urinals.
2009 Chapter 7 Amendments
703.1, is amended by adding the minimum size building drain in one and two family dwellings shall be four (4) inches.
717.0, is amended by adding to the end of the section: “The minimum diameter for a building sewer shall be four (4) inches.”
2009 UPC Chapter 8 Amendments
807.4, is amended by substituting the following: “No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine, or by looping the discharge line of the dishwasher as high as possible near the flood level rim of the kitchen sink. Listed air gap fittings shall be installed with the flood level (FL) marking at or above the flood level rim of the sink or drain-board, whichever is higher.”
2009 UPC Chapter 9 Amendments
906.7, the first sentence, is amended to read: “Vent termination shall be a minimum of three (3) inches in diameter, but in no event smaller than the required vent size.”
908.0 is amended by deleting the word “vertical” in the following subsections:
908.1.1 and 908.1.2.
908.2 is deleted in its entirety.
2009 Chapter 12 Amendments
1209.5.2.3, is amended by deleting the word “copper” from this section.
1209.5.3, is amended by deleting the term “seamless copper.”
1209.5.3.1, is deleted in its entirety.
1209.5.3.2, is amended by deleting the word “copper” from this section.
1209.5.8.4, is amended by deleting the word “copper” from subsection 3.
1211.2.1, is amended by adding the following: “Fuel piping from the gas meter into the building shall be hard piped. Corrugated Stainless Steel piping shall not be used.”
1211.2. is amended by adding a subsection (3): “(3) Stainless Steel Corrugated piping shall be concealed in the walls or ceiling, there shall be a transition to hard pipe from the wall or ceiling...
to the appliance.”
1212.1.3 Subsection 3 is amended to read: “Appliance connectors shall, at no time, have a
diameter less than that of the inlet of the appliance as provided by the manufacturer. All other
appliances unless, specifically designed by the manufacturer, and not designed to be readily
moved, shall be rigidly connected to the gas piping with materials as provided in Section
1210.0.”
1212.1.4 is deleted.
1212.1.6 is substituted to read: “Gas fired food service (commercial cooking) appliances shall
either be hard piped or be connected with listed quick disconnect devices as section 1212.6
describes.”
1214.1.1 is amended by adding the following sentence: “Screwed gas piping shall be pressure
tested with a pressure of ten pounds (10#’s) of air for at least fifteen (15) minutes and welded
piping shall be pressure tested with a minimum pressure of sixty (60#’s) pounds of air for thirty
(30) minutes.”
(Ord. No. 14647, 5-8-2000; Ord 14900, §1. 6-11-2012)
d.) Section 1003A,* Cross Connection Control-Containment Provisions, is added to read as
follows:
a.) Definitions. The following definitions shall apply only to section 1003A. For the purpose
of this section, these definitions supersede definitions given elsewhere in this Code.
1) Approved backflow prevention assembly for containment. A backflow prevention
assembly which is listed by the University of Southern California Foundation for Cross
Connection Control and Hydraulic Research as having met the requirements of ANSI-
AWWA Standard C510-89, Double Check valve Backflow Prevention Assemblies," or
ANSI-AWWA Standard C511-89, "Reduced-Pressure Principle Backflow-Prevention
Assemblies," for containment. The listing shall include the limitations of use based on the
degree of hazard. The backflow prevention assembly must also be listed by the
International Association of Plumbing and Mechanical Officials.
2) Approved backflow prevention assembly for containment in a fire protection system. A
backflow prevention assembly to be used in a fire protection system which meets the
requirements of Factory Mutual Research Corporation (FM) and Underwriters'
Laboratories, Inc. (UL), and the requirement of the fire code and the building code of the
City of Marshalltown, in addition to the requirements of paragraph (1)a. Devices sized
smaller than 2 1/2 inches which have not been listed by Underwriters' Laboratories, Inc.
(UL), and tested by Factory Mutual Research Corporation (FM) may be allowed if they
meet the requirements of the fire code and the building code of the city.
3) Auxiliary water supply. Any water supply on or available to the premises other than the
water purveyor's approved public water supply such as but not limited to a private well,
pond, or river.
4) Containment. A method of backflow prevention that requires the installation of a
backflow prevention assembly at the water service entrance.
5) Cross connection. Any actual or potential connection or arrangement, physical or
otherwise, between a potable water supply system and any plumbing fixture or tank,
receptacle, equipment, or device, through which it may be possible for nonpotable, used,
unclean, polluted, and contaminated water, or other substance, to enter into any part of
such potable water system under any condition.
6) Customer. The owner, operator, or occupant of a building or property that has a water
service from a public water system, or the owner or operator of a private water system
which has a water service from a public water system.

7) Degree of hazard. The rating of a cross connection or water service that indicates if it has the potential to cause contamination or pollution.

8) Double check valve backflow prevention assembly. A backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.

9) High hazard cross connection. A high hazard cross connection is a cross connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

10) Isolation. A method of backflow prevention in which a backflow prevention assembly is located at the cross connection rather than at the water service entrance.

11) Low hazard cross connection. A low hazard cross connection is a cross connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

12) Reduced pressure principle backflow prevention assembly. A backflow prevention device consisting of two independently acting internally loaded check valves, a different pressure relief valve, four properly located test cocks, and two isolation valves.

13) Registered backflow prevention assembly technician. A person who is registered by law to test or repair backflow prevention assemblies and report on the condition of those assemblies.

14) Thermal expansion. Volumetric increase of water due to heating resulting in increased pressure in a closed system.

15) Water service. Depending on the context, water service is the physical connection between a public water system and a customer's building, property, or private water system, or the act of providing potable water to a customer.

b.) Administrative authority.

1) For the purposes of section 1003A only, the administrative authority is the city council acting through the Marshalltown Water Works Board of Trustees.

2) The administrative authority and its agents shall have the right to enter, with the consent of the customer or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for possible cross connections.

3) The administrative authority may approve training programs for backflow prevention assembly technicians and register backflow prevention assembly technicians who successfully complete an approved training program.

4) The administrative authority through its agent, the Marshalltown Water Works, may collect fees for the administration of this program. The annual renewal fee shall be $10.00 per year.

5) The administrative authority shall maintain records of cross connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

6) The city shall provide necessary legal assistance for enforcement of this section.

c.) New water services.

1) Plans shall be submitted to the administrative authority for review on all new water services in order to determine the degree of hazard.

2) The administrative authority shall determine the type of backflow prevention assembly required for containment based on the degree of hazard.
3) The administrative authority shall require the installation of the appropriate backflow prevention assembly for containment before the initiation of water service.

d.) Existing water services.
1) Upgrades of existing water services shall be treated as new water services for the purpose of section 1003A.
2) Within six months after adoption of this section, the administrative authority shall publish and make available to each customer a copy of the standards used to determine the degree of hazard.
3) Within 30 days after written notice from the administrative authority and after publication of the standards, customers whose premises are classified as single-family residential shall complete and return to the administrative authority a cross connection hazard survey to be used to determine the type of containment device.
4) Within 30 days after written notice from the administrative authority and after publication of the standards, the following customers shall complete and return to the administrative authority a cross connection hazard survey to be used to determine the type of containment device:
   5) Customers whose premises are not classified as single-family residential.
   6) Customers whose premises are classified as single-family residential and the premises contain an irrigation or fire protection system.
   7) The administrative authority shall, on the basis of information received from customers or gathered through on-premises investigations or surveys, determine the type of backflow prevention assembly required for containment based on the degree of hazard.
8) Within the timeframe specified in writing by the administrative authority, the customer shall install a backflow prevention assembly for containment required by the administrative authority.
9) For existing water services, the administrative authority may inspect the premises to determine the degree of hazard. When high hazard cross connections are found, the administrative authority shall, at its sole discretion:
   10) Develop a schedule of compliance which the customer shall follow; or
      i. Terminate the water service until a backflow prevention assembly for containment required by the administrative authority has been installed.
      ii. Failure of the administrative authority to notify a customer that they are believed to have a high hazard cross connection and that they shall install backflow prevention assemblies for containment in no way relieves a customer of the responsibility to comply with all requirements of this section.

e.) Customer.
1) The customer shall be responsible for ensuring that no cross connections exist without approved backflow protection within his or her premises starting at the point of service from the public potable water system.
2) The customer shall, at his or her own expense, cause installation, operation, testing and maintenance of the backflow prevention assemblies required by the administrative authority.
3) The customer shall ensure the administrative authority is provided with copies of records of the installation and of all tests and repairs made to the backflow prevention assembly within 15 days after testing and/or repairs are completed.
4) In the event of a backflow incident, the customer shall immediately notify the Marshalltown Water Works of the incident and take steps to confine the contamination or pollution.
f.) Required backflow prevention assemblies for containment—Water services.
   1) An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more cross connections which the administrative authority classifies as high hazard.
   2) An approved double check valve assembly is required for water services having no high hazard cross connections but having one or more cross connections which the administrative authority has classified as low hazard.

g.) Required backflow prevention assemblies for containment—Fire protection systems.
   1) A reduced pressure principle backflow prevention assembly shall be installed on all new and existing fire protection systems that the administrative authority determines to have any of the following:
      i. Direct connections from public water mains with an auxiliary water supply on or available to the premises for pumper connection.
      ii. Interconnections with auxiliary supplies such as reservoirs, rivers, ponds, wells, mills, or other industrial water systems.
      iii. Use of antifreezes or other additives in the fire protection system.
      iv. Combined industrial or domestic with high hazard and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.
      v. Any other facility, connection, or condition that may cause contamination.
   2) A double check valve assembly will be required for all other fire protection systems. The double check valve shall be required on all new systems at the time of installation and on existing systems at the time that they are upgraded.
   3) Submittal of proposed backflow prevention devices to the administrative authority does not relieve the designer or sprinkler contractor of the responsibility of submitting plans, including backflow prevention devices, to the fire marshal for approval.

h.) Registration of backflow prevention assembly technician. A backflow prevention assembly technician registered by the State of Iowa shall include his or her registration number on all correspondence and forms required by or associated with this section.

i.) Registered backflow prevention assembly technician noncompliance.
   1) The registration of a technician may be revoked or suspended for a period of up to two years for noncompliance with this section.
   2) Any of the following conditions constitute noncompliance:
      i. Improper testing or repair of backflow prevention assemblies.
      ii. Improper reporting of the results of testing or of repairs made to backflow prevention assemblies.
      iii. Failure to meet registration requirements.
      iv. Related unethical practices.

j.) Installation of backflow prevention assemblies.
   1) The required backflow prevention assemblies for containment shall be installed in horizontal plumbing immediately following the meter or as close to that location as deemed practical by the administrative authority. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from containment or pollution between the backflow prevention assembly and the water main.
      i. Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding.
      ii. Reduced pressure principle backflow prevention assemblies shall not be installed in
underground vaults or pits.

iii. All backflow prevention assemblies shall be protected from freezing. Those devices used for seasonal services may be removed in lieu of being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention assembly technician prior to service being reactivated.

iv. If hot water is used within the water system, thermal expansion shall be provided for when installing a backflow prevention assembly for containment.

v. Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies to a suitable drain.

vi. No backflow prevention assemblies shall be installed in a place where it would create a safety hazard, such as but not limited to over an electrical panel, or above ceiling level.

vii. If interruption of water service during testing and repair of backflow prevention assemblies for containment is unacceptable to the customer, another backflow prevention assembly, sized to handle the temporary water flow need during the time of test or repair, should be installed in parallel piping.

viii. All backflow prevention assemblies shall be installed so that they are accessible for testing as stated in section 1003.

ix. All shutoff valves shall conform to the current edition of the Manual of Cross Connection Control (University of Southern California) requirements for either ball or resilient seat gate valves at the time of installation. Ball valves shall be used on assemblies installed in piping two inches and smaller and resilient seat gate valves on assemblies installed in piping larger than two inches.

k.) Testing of backflow prevention assemblies.

1) Testing of backflow prevention assemblies shall be performed by a registered backflow prevention assembly technician. The costs of tests required in the following paragraph b shall be borne by the customer.

2) Backflow prevention assemblies shall be tested upon installation and tested and inspected at least annually.

3) Backflow prevention assemblies that are in place, but have been out of operation for more than three months, shall be tested before being put back into operation. Backflow prevention assemblies used in seasonal applications shall be tested before being put into operation each season.

4) Any backflow prevention assembly that fails a periodic test shall be repaired or replaced. When water service has been terminated for noncompliance, the backflow prevention assembly shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies shall be retested by a registered backflow prevention assembly technician immediately after repair or replacement.

5) The administrative authority may require backflow prevention assemblies to be tested at any time in addition to the annual testing requirement.

6) The registered backflow prevention assembly technician shall report in writing the successful test of a backflow prevention assembly to the customer and to the administrative authority within 15 days of the test.

7) The administrative authority may require, at its own cost, additional tests of individual backflow prevention assemblies as it shall deem necessary to verify test procedures and results.

l.) Repair of backflow prevention assemblies.

1) All repairs to backflow prevention assemblies shall be performed by registered backflow
prevention assembly technicians.

2) The registered backflow prevention assembly technician shall not change the design, material, or operational characteristics of a backflow prevention assembly during repair or maintenance, and shall use only original manufacturer replacement parts.

3) The registered backflow prevention assembly technician shall report in writing the repair of a backflow prevention assembly to the customer and to the administrative authority within 15 days of the repair. The report shall include the list of materials or replacement parts used.

4) Any time fire services are discontinued for a period of time longer than necessary to test the device, the tester is required to notify the fire marshal's office that the fire services are shut off for repairs.

m.) Customer noncompliance.

1) The water service may be discontinued in the case of noncompliance with section 1003A. Noncompliance includes, but is not limited to, the following:
   i. Refusal to allow the administrative authority access to the property to inspect for cross connections.
   ii. Removal of a backflow prevention assembly that has been required by the administrative authority.
   iii. Bypassing of a backflow prevention assembly that has been required by the administrative authority.
   iv. Providing inadequate backflow prevention when cross connections exist.
   v. Failure to install a backflow prevention assembly that has been required by the administrative authority.
   vi. Failure to test and/or properly repair a backflow prevention assembly as required by the administrative authority.
   vii. Failure to comply with the requirements of this section.

n.) In addition to any other remedy provided, a violation of this section is a municipal infraction, punishable by a fine of $100.00 for the first offense and $200.00 for each offense thereafter, or the city may seek other appropriate relief to abate the violation.

(Ord. No. 14375, § 2, 3-23-1992; Ord. No. 14515, § 1, 2-27-1995; Ord. No. 14536, § 2, 4-8-1996)

Sec. 14-78. Penalty for violation.

Any person who violates any provision of section 14-76 or 14-77 shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code. In addition, a violation of section 14-76 or 14-77 is a municipal infraction. In addition to the foregoing, the city plumbing and gas inspector may order the removal, correction or disconnection of any gas or plumbing installation that does not meet code specifications and shall have the authority to disconnect the installation when it is found that it endangers life and health.

Chapter 14.5 HAZARDOUS CONDITIONS AND SUBSTANCES*

Cross reference(s)-Buildings and building regulations, ch. 7; dangerous buildings, § 7-30 et seq.; fire protection and prevention, ch. 12; garbage and refuse, ch. 13; disposal of hazardous materials in landfill prohibited, § 13-41.

Sec. 14.5-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a.) Cleanup. Cleanup means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance or hazardous waste. State law reference(s)-Cleanup defined, I.C.A. § 455B.381(1).

b.) Hazardous condition. Hazardous condition means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance or hazardous waste onto the land, into a water of the state or into the atmosphere that creates an immediate or potential danger to the public health or safety. State law reference(s)-Hazardous condition defined, I.C.A. § 455B.381(4).

c.) Hazardous substance. Hazardous substance means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable or that is an irritant or that generates pressure through decomposition, heat or other means. Hazardous substance may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under subsection 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under subsection 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act. State law reference(s)-Hazardous substance defined, I.C.A. § 455B.381(5).

d.) Hazardous waste. Hazardous waste means a waste or combination of wastes that, because of its quantity; concentration; biological degradation; leaching from precipitation; or physical, chemical, or infectious characteristics, has either of the following effects:
   a. Causes or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
   b. Poses a substantial danger to human health or the environment.
   c. Hazardous waste may include but is not limited to wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives. Hazardous waste does not include the following:
      i. Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.
      ii. Source, special nuclear, or byproduct material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

e.) Person. Person means individual, corporation, firm, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity. State law reference(s)-Person defined, I.C.A. § 4.1(20).
f.) Responsible person. Responsible person means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance or hazardous waste, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or waste or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or waste.

g.) Treatment. Treatment means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

(Ord. No. 14256, § 2, 5-11-1987)

Sec. 14.5-2. Cleanup required.
a.) Whenever a hazardous condition is created so that a hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including groundwaters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in section 14.5-1, as rapidly as feasible to an acceptable safe condition and restore the affected area to its state prior to the hazardous condition as far as practicable. The cost of cleanup shall be borne by the responsible person.
b.) If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the city may, by an authorized officer, give reasonable notice based on the character of the hazardous condition, setting a deadline for commencing and accomplishing the cleanup or the city may proceed to procedure cleanup services. If the cost of the cleanup is beyond the capacity of the city to finance, the authorized officer shall report to the city council and immediately seek any state or federal funds available for such cleanup.

(Ord. No. 14256, § 3, 5-11-1987)

Sec. 14.5-3. Liability for cleanup costs.
Under this chapter, the responsible person shall be strictly liable to the city for all of the following:
a.) The reasonable cleanup costs incurred by the city as a result of the failure of the person to clean up a hazardous substance or waste involved in a hazardous condition caused by that person, including emergency treatment of the hazardous condition.
b.) The reasonable costs incurred by the city to evacuate people from the area threatened by a hazardous condition caused by the person.
c.) The reasonable damages to the city for the injury to, destruction of, or loss of city property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

(Ord. No. 14256, § 4, 5-11-1987)

Sec. 14.5-4. Notifications.
a.) A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the city fire department of the occurrence of a hazardous condition as soon as possible, but not later than six hours after the onset of the hazardous
condition or discovery of the hazardous condition. The fire department shall notify the proper state office in the manner established by the state.

b.) Any city employee or any member of a law enforcement agency or any member of the city fire department who discovers a hazardous condition shall notify the fire department, which shall notify the appropriate city departments and the proper state office in the manner established by the state.

(Ord. No. 14256, § 5, 5-11-1987)

**Sec. 14.5-5. Police authority.**

a.) If the circumstances reasonably so require under this chapter, the police chief may:

1) Evacuate persons from their homes to areas away from the site of a hazardous condition; and

2) Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

b.) No person shall disobey an order of the police chief or any other peace officer/law enforcement officer issued under this section.

(Ord. No. 14256, § 6, 5-11-1987)

**Sec. 14.5-6. Liability.**
The city shall not be liable to any person for claims of damages, injuries or losses resulting from any hazardous condition, except if the city is the responsible person, as defined in section 14.5-1.

(Ord. No. 14256, § 7, 5-11-1987)

**Sec. 14.5-7. Penalty for violation.**
Any person violating any provision, section, or paragraph of this chapter shall be guilty of a misdemeanor and on conviction thereof be Punished by a Penalty as provided in Sec. 1-8 of the Code. Each day a violation occurs shall constitute a separate offense.

Chapter 15 RESERVED.
Chapter 15.5 HOUSING CODE

Cross reference(s)-Buildings and building regulations, ch. 7; unfair housing practices, § 16-23; mobile homes and mobile home parks, ch. 19; streets and sidewalks, ch. 26; swimming pools, ch. 26.5; water and sewers, ch. 28.

ARTICLE I. IN GENERAL

Sec. 15.5-1. Citation of chapter.
This chapter may be referred to as the "housing code of the City of Marshalltown, Iowa."
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-2. Adoption of housing standards; statement of purpose.


b.) The purpose of this chapter is to establish minimum health and safety standards for all rental housing in the city. These standards relate to the condition, maintenance, and occupancy of all dwellings, except owner-occupied single-family dwellings, and are intended to ensure that all rental housing is safe, sanitary and suitable.

c.) If a provision of this housing code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city, existing on the effective date of the ordinance from which this chapter derives, the provision which establishes the highest standard for the practical promotion and protection of the health and safety of the people shall prevail.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-3. Application.
This chapter applies to all rental dwelling units within the city, except hotels, motels, or buildings owned by the state or political subdivision thereof; state-licensed health and custodial facilities; and owner-occupied single-family dwellings.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-4. Definitions and rules of construction.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Meaning of certain words. The term "dwelling," "dwelling unit," "rooming unit," or "premises" shall be construed as though they were followed by the phrase "or any part thereof."

a.) Acceptable or Approved. Acceptable or approved means in compliance with the provisions of this chapter.

b.) Accessory Structure. Accessory structure means a detached structure located on the same premises as the principal structure that is not used, nor intended to be used, for living or sleeping by human occupants.

c.) Adjoining grade. Adjoining grade means the elevation of the ground that extends three feet from the perimeter of the dwelling.

d.) Approved. See Acceptable.
e.) Appurtenance. Appurtenance means that which is directly or indirectly connected or accessory to a building.

f.) Attic. Attic means the part of a building immediately below the roof and wholly or partly within the roof framing and may or may not be habitable.

g.) Basement. Basement means a portion or story of a building, next below the first or main floor, which may or may not be considered habitable space.

h.) Bath. Bath means a bathtub or shower stall connected with both hot and cold water lines.

i.) Bed and breakfast. See Boardinghouse.

j.) Boardinghouse means any structure or that part of a structure containing one or more rooming units or one or more dormitory rooms and further provides meals that are prepared and served at a central location.

k.) Building. Building means any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind.

l.) Cellar. Cellar means a space below the first or main floor, used or intended to be used for storage, a location for heating and building maintenance equipment, and shall not be considered habitable space.

m.) Central heating system. Central heating system means a single system supplying heat to one or more dwelling units or more than one rooming unit.

n.) Certificate of compliance. Certificate of compliance means a document certifying that the unit for which it is issued was in compliance with the applicable sections of this chapter at the time of last inspection.

o.) Communal. Communal means used or shared by or intended to be used or shared by the occupants of two or more rooming units or two or more dwelling units.

p.) Condominium. Condominium means a dwelling unit that is in compliance or conformance with the requirements of I.C.A. ch. 499B.

q.) Cooperative. Cooperative means a dwelling unit that is in compliance or conformance with the requirements of I.C.A. ch. 499A.

r.) Court. Court means an unoccupied open space, other than a yard, on the same lot with a building and which is bordered on two or more sides by the building.

s.) Dining room. Dining room means a habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.

t.) Dormitory. Dormitory means a room or group of rooms in a dwelling used or intended to be used for sleeping purposes by three or more persons per room.

u.) Duplex. Duplex means any habitable structure containing two single-dwelling units. The classification shall be determined by the existence of two separate dwelling units, as defined in this chapter, and shall not be based upon the identity of the occupants.

v.) Dwelling. Dwelling means any building, structure, or mobile home, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

w.) Dwelling, multiple. See Multiple dwelling.

x.) Dwelling, single-family. See Single-family dwelling.

y.) Dwelling unit. Dwelling unit means any room or group of adjoining rooms located within a structure and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation.

z.) Egress. Egress means an exit and also means an alternate route that provides reasonable safety for emergency exiting.

aa.) Emergency. Emergency means a life or health threatening condition or failure within or around a residential premises which requires immediate attention; a condition arising
from actual or imminent failure and resulting in a substantial health or safety hazard to occupants or in substantial hazard to a dwelling. Failure that can create an emergency includes but is not limited to the following: structural collapse or failure; flood; fire; inflows of groundwaters, drainage, or surface waters; failure of a supplied utility such as electricity, gas, water, sewage, heat, but not cooling.

bb.) Exit. Exit means a continuous and unobstructed means of egress to a public way and includes intervening doors, doorways, corridors, exterior-exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks, and yards.

cc.) Extermination. Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

dd.) Family. Family means one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who are occupying a dwelling unit as one housekeeping organization and also includes not more than five persons not so related, or not more than eight emotionally or developmentally disabled or brain damaged persons along with persons providing for their care and occupying a dwelling unit as one housekeeping organization. The term "family" may include domestic servants residing with the family.

ee.) Garbage. Garbage means animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food, including but not limited to food waste, plastic containers, tin cans, glass bottles, and paper products.

ff.) Garbage container. Garbage container means any container that is in compliance or conformance with the requirements of chapter 13 of this Code.

gg.) Habitable room. Habitable room means a room or enclosed floor space within a dwelling unit or rooming unit, used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, kitchenettes, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways and recreation rooms.

hh.) Housing inspector. Housing inspector means the official designated by the city administrator with approval of the city council to be responsible for the enforcement of this chapter and such other city employees, regardless of department, as have been trained in conducting inspections or parts of inspections.

ii.) Infestation. Infestation means the presence, within or around a dwelling, of any insects, rodents, or other pests, in such quantities as would be considered unsanitary.

jj.) Kitchen. Kitchen means a room used or intended to be used for the storage and preparation of food and may contain facilities for the eating of meals.

kk.) Kitchen sink. Kitchen sink means a basin for washing utensils used for cooking, eating, and drinking, located in a kitchen or kitchenette and connected to both hot and cold water lines.

ll.) Kitchenette. Kitchenette means an area used solely for the storage and preparation of food.

mm.) Lavatory. Lavatory means a hand-washing basin connected to both hot and cold water lines, which is separate and distinct from a kitchen sink.

nn.) Living room. Living room means a habitable room within a dwelling unit that is used or intended to be used primarily for general living purposes.

oo.) Mobile home. 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.

pp.) Multiple dwelling. Multiple dwelling means any dwelling containing three or more dwelling units or three or more rooming units or three or more of any combination thereof.

qq.) Occupant. Occupant means any person living in, sleeping in and/or cooking in or having actual possession of a dwelling unit or a rooming unit.

rr.) Operator. Operator means any person who is the agent of an owner who rents to another or has custody or control of a building or parts thereof in which dwelling units or rooming units are let or who has custody or control of the premises as a guardian, executor, receiver, administrator, or other similar assignee.

ss.) Owner. Owner means any person who has custody and/or control of the dwelling, dwelling unit, or rooming unit by virtue of legal or equitable title to such dwelling, dwelling unit or rooming unit.

tt.) Person. Person means any individual, firm, corporation, association, partnership, trust, or estate.

uu.) Placard. Placard means a display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

vv.) Plumbing/mechanical. Plumbing/mechanical means and includes any or all of the following supplied or required facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, water heating devices, catch basins, drains, vents and any other similar supplied or required fixtures together with all connections to water, sewer, or gas services.

ww.) Premises. Premises means a lot, plot, or parcel of land including any buildings and/or accessory structures thereon.

xx.) Privacy. Privacy means the existence of conditions that will permit a person to carry out an activity without interruption or interference by unwanted persons.

yy.) Properly Connected. Properly connected means connected in accordance with the applicable city codes and ordinances; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good and safe working condition.

zz.) Public way means any sidewalk, street, alley, highway, or other thoroughfare established for travel by vehicles or persons and open or available for use by the general public or private ownership.

aaa.) Recreation room. Recreation room means a room used primarily for general recreation purposes. This room shall be in addition to the minimum space and facility requirements for a dwelling unit or rooming unit.

bbb.) Refuse. Refuse means waste material, except human or animal waste, such as garbage, rubbish, rags, lawn trimmings, cold ashes, and dead animals.

ccc.) Refuse container. Refuse container means a container intended for the temporary storage of refuse, which is constructed of a durable material, with at least one opening which is supplied with a tight fitting cover, and is reasonably weatherproof and rodent proof.

ddd.) Rental property. Rental property means any dwelling, dwelling unit, or rooming unit which is being held out or being offered for rent or is currently being let for rent and/or occupied by any person who is not related to the owner of the premises, except,
during the period that such rental property is being held out or offered for rent, all sections of this chapter shall be applicable relating to inspections, but the owner or operator of such property shall not be in violation of the other requirements of this chapter if the requirements are corrected prior to the rental and occupancy of the rental unit unless the violations are affecting the health, safety, and welfare of the occupants of other rental units.

eee.) Roomer. Roomer means an occupant of a rental rooming unit or an occupant of a rental dwelling unit who is not a member of the family occupying the dwelling unit.

fff.) Rooming unit. Rooming unit means any room or group of adjoining rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used primarily for living and sleeping. A rooming unit shall have bath and toilet facilities available for use by the occupants or for communal use in accordance with section 15.5-41 and, in addition, may have kitchen and dining facilities provided within the building available for use by the occupants therein.

ggg.) Rooming house. Rooming house means any structure or that part of any structure containing one or more rental rooming units or one or more dormitory rooms.

hhh.) Rubbish. Rubbish means inorganic waste material consisting of combustible and/or noncombustible materials.

iii.) Rules and regulations. Rules and regulations mean those administrative policies and procedures adopted by the housing code administrator for the efficient and effective management of housing inspection functions.

jjj.) Safe. Safe means the condition of being reasonably free from danger and hazards that may cause accidents or disease.


lll.) Story. Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade, as defined in this chapter, for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in this chapter at any point, such basement or unused under-floor space shall be considered as a story.

mmm.) Substandard housing. Substandard housing means any rental unit or portion thereof, including any dwelling unit, guestroom or suite of rooms or the premises on which such is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof:

a. Substandard conditions shall include but not be limited to the following:
   i. Lack of or improper water closet, lavatory, bathtub or shower.
   ii. Lack of or improper kitchen sink.
   iii. Lack of hot and cold running water to plumbing fixtures.
   iv. Lack of adequate heating facilities.
   v. Lack of or improper operation of required ventilating equipment.
   vi. Lack of minimum amounts of natural light and ventilation required by this chapter.
   vii. Room and space dimensions less than required by this chapter.
   viii. Lack of required electrical lighting.
ix. Dampness of habitable rooms.

x. Infestation of insects, vermin or rodents as determined by the health officer.

xi. General dilapidation or improper maintenance.

xii. Lack of connection to the required sewage disposal system.

xiii. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

b. Structural hazards shall include but not be limited to the following:
   i. Deteriorated or inadequate foundations.
   ii. Defective or deteriorated flooring or floor supports.
   iii. Flooring or floor supports of insufficient size to carry imposed loads with safety.
   iv. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
   v. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
   vi. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split or buckle due to defective material or deterioration.
   vii. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
   viii. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
   ix. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

c. Hazardous wiring shall mean all wiring except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

d. Hazardous plumbing shall mean all plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

e. Hazardous mechanical equipment shall mean all mechanical equipment, including vents, except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

f. Faulty weather protection shall include but not be limited to the following:
   i. Deteriorated, crumbling or loose plaster.
   ii. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
   iii. Defective or lack of weather protection for exterior wall coverings including lack of paint, or weathering due to lack of paint or other approved protective covering.
   iv. Broken, rotted, split or buckled exterior wall coverings.

f. Fire hazard shall mean any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
h. Faulty materials of construction shall mean all materials of construction except those which are specifically allowed or approved by this chapter and the building code and which have been adequately maintained in good and safe condition.

i. Hazardous or unsanitary premises shall mean those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, flammable or combustible materials and similar materials or conditions which constitute fire, health or safety hazards.

j. Inadequate maintenance shall mean any building or portion thereof that is determined to be an unsafe building in accordance with the city building code.

k. Inadequate exits shall mean all buildings or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

l. Inadequate fire protection or firefighting equipment shall mean all buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this chapter except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition or any change in occupancy.

m. Improper occupancy shall mean all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies.

nnn.) Supplied. Supplied means paid for, furnished by, provided by, or under the control of the owner or operator.

ooo.) Temporary housing. Temporary housing means any tent, trailer, motor home, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 days.

ppp.) Toilet. Toilet means a water closet, with a bowl and a trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with a flushing rim.

qqq.) Variance. Variance means a difference between that which is required or specified and that which is permitted.

(Ord. No. 14437, 8-23-1993)

Cross reference(s)-Definitions generally, § 1-2.

**Sec. 15.5-5. Violations and penalties.**

a.) No owner or operator shall rent or offer for rent any dwelling unit for use in whole or in part for human habitation, unless a valid letter of compliance has been issued for any such dwelling unit to the current owner, subject to the following exceptions:

1) Any dwelling unit in which a valid letter of compliance issued to a previous owner is in effect at the time of acquisition by the current owner, and the current owner has
filed an application for a letter of compliance; or

2) Any dwelling unit in which a valid letter of compliance is not in effect at the time of acquisition by the current owner and the current owner has filed an application for a letter of compliance, and any of the following has occurred:

i. The housing inspector conducted an inspection of the dwelling unit, and it was found to conform to the requirements of this chapter;

ii. After an inspection conducted by the housing inspector resulting in a finding that the dwelling unit failed to conform to the requirements of this chapter, the current owner entered into a written agreement with the housing inspector, detailing a program to abate nonconformance with the requirements of this chapter, and such agreement was successfully completed or is still in effect; or

iii. The housing inspector failed to conduct an inspection of the dwelling unit within ten working days from the filing of an application for a letter of compliance for the dwelling unit by the current owner. However, if the housing inspector thereafter conducts an inspection, the exception provided by this subsection shall no longer be in effect, and the requirements of subsections (a)(2)a and (a)(2)b of this section shall apply.

iv. Annual registration of residential rental property shall constitute an application for the letter of compliance.

b.) No person shall occupy nor shall the owner or operator allow any person to occupy any dwelling unit more than 30 days after the effective date of the denial or revocation of a letter of compliance for that dwelling unit or after the housing inspector finds that the vacation of the dwelling unit is necessary before abatement of a nonconformance can reasonably proceed.

c.) No person shall occupy nor shall the owner or operator allow any person to occupy any dwelling unit in excess of the maximum occupancy permitted in section 15.5-40.

d.) No person shall permit a state of nonconformance to exist after the time set by the housing inspector for abating the nonconformance.

e.) No person shall fail to fulfill the specific obligations placed upon the person by the sections of this chapter relating to minimum property standards, whether the person is owner, operator or occupant.

f.) No owner of property regulated by this chapter shall fail or refuse to pay a fee in the method and within the time required, prescribed by section 15.5-8 and applicable resolutions of the city council, nor shall any owner fail to submit a completed registration form to the housing inspector, in accordance with the requirements of section 15.5-7.

g.) Willful or repeated noncompliance with the requirements of this chapter by the owner, operator, or occupant shall constitute a misdemeanor and be punished by a Penalty as provided in Sec. 1-8 of the Code. Each day of noncompliance will constitute a separate violation.

h.) Persons in violation of subsections (a) through (f) of this section may, for each such violation, be cited for a municipal infraction and be subject to such civil penalties as defined in I.C.A. § 364.22. Such persons shall also be liable in such case for all costs, expenses, and disbursement of any such violation. Such persons shall also be liable to eviction or to revocation of the letter of compliance.

i.) The housing inspector, upon finding an apparent violation of this section, may institute appropriate legal proceedings.

j.) Application for a hearing under section 15.5-17 shall stay the effective date of the enforcement of this section unless an emergency exists.
k.) Violation of Section 21-60 by an owner of property subject to the Marshalltown Housing Code shall also constitute a violation of the Marshalltown Housing Code enforceable by collection of a reasonable fee for inspection and enforcement procedures assessed as taxes to that property following the notice provisions described herein.

l.) Violation of Section 13-9 by an owner of property subject to the Marshalltown Housing Code shall also constitute a violation of the Marshalltown Housing Code enforceable by collection of a reasonable fee for inspection and enforcement procedures assessed as taxes to that property following the notice provisions.


Sec. 15.5-6. Application for a letter of compliance.

a.) Application for a letter of compliance with this chapter shall be submitted in writing, on forms provided, to the housing inspector by the owner or operator who shall be required to provide all requested information, including but not limited to the following:
   1) The address of the dwelling.
   2) The number and type of dwelling units in the dwelling.
   3) The zoning district in which the dwelling is located.
   4) The names, addresses, and telephone numbers of the following:
      i. The owner.
      ii. The operator, who must be one natural person living close enough to the city so as to conveniently act as agent or operator, or such other person with whom the housing inspector will communicate with respect to the dwelling unit and the requirements of this chapter.

b.) The failure of the applicant to provide any of the information required by subsection (a) of this section may prevent the application from becoming effective for the purposes of this chapter, notwithstanding the payment of any fees.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-7. Yearly registration.

a.) The registration form for the letter of compliance with this chapter shall request an updating of at least the same information as required by section 15.5-6 and shall be submitted to the housing inspector prior to July 31 of each year or within 14 days of closure when acquiring residential rental property.

b.) The housing inspector shall mail a registration form to all registered residential property owners by July 1 of each year. The owner shall return the completed registration form to the housing inspector within 30 days of receipt of the form. Failure to complete or return the registration form shall result in a revocation of the letter of compliance or denial of the application for the letter of compliance and/or shall be cited as a municipal infraction.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-8. Fees.

There shall be established annually a reasonable schedule of fees for the purpose of partially defraying the cost of inspection, enforcement and administration of the provisions of this chapter. The fee schedule and the times and methods for payment thereof shall be established by resolution of the city council. Amounts due and payable under such schedule of fees shall constitute a debt owed to the city and may be enforced and collected as such. Failure or refusal to pay fees required shall also constitute a violation of this section.

(Ord. No. 14437, 8-23-1993)
Sec. 15.5-9. Issuance of letter of compliance.
A letter of compliance issued for a dwelling unit shall be effective until there is a change in ownership or operation, unless sooner revoked pursuant to section 15.5-12.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-10. Inspections.

a.) The housing inspector shall arrange to inspect the dwelling by contacting the person designated as agent, pursuant to subsection 15-5.6(a)(4), and requesting that person to set a time for the inspection.

b.) The operator shall arrange such inspection within a reasonable time, not to exceed two weeks from the date of the housing inspector's request for inspection. Failure of the operator to do so may result in denial or revocation of the letter of compliance.

c.) The operator or agent shall be present at the dwelling at the time set for inspection and shall accompany the inspector during such inspection. The designee shall have access to the entire dwelling.

d.) The housing inspector shall conduct all inspections during reasonable hours of the day and after presentation of proper identification. The owner may arrange and the occupant shall have the opportunity to be present during an inspection; such arrangements to be made by the operator. Written application for a letter of compliance shall constitute consent by the owner to an inspection. Arrangements to enter shall be made with the occupant. In all cases, if the occupant or owner of a dwelling unit refuses entry to conduct an inspection, the housing inspector shall not conduct any such inspection without a search warrant.

e.) The housing inspector shall, whenever possible, inspect any dwelling at the request of the owner or upon receipt of a complaint from a person with demonstrable interest and evidence that the subject matter of the complaint has been reported to the operator. In addition, the housing inspector may, at the housing inspector's own discretion, inspect any dwelling as frequently as necessary. For the purposes of this subsection, the following shall apply:

1) Persons with demonstrable interest are the owner, occupant or other occupant in the same dwelling; or the owner or occupant of other premises within 500 feet of the premises in question.

2) A complaint shall be whatever is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life and property, as provided in the definition of the term "nuisance" in subsection 21-61(17) of this Code.

3) The fact that a complaint of nonconformance with this chapter is made by the occupant shall not be used as a ground, cause, or basis for termination of the tenancy or reduction of services by the owner.

4) No person shall maintain an action for eviction of an occupant of property owned by such person when seeking to evict the occupant because the occupant has reported a violation of this chapter or a related section of the Code to the housing officer or other city employees.

5) If the housing officer requires an owner, operator or lessee to repair a dwelling unit, nothing in this section shall prohibit the latter from increasing the rent charged for the dwelling unit within 90 days from the completion of the required repairs. If the rent is increased within the 90-day period, an amount not less than the increased rent must be charged for the rental of such repaired dwelling unit for 12 consecutive
months following the effective date of rent increase.

6) No owner, operator, occupant or utility company shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or rooming unit, except for such temporary interruption as may be necessary, while actual repairs or alterations are in progress, or temporarily during emergencies. However, a utility company may remove, discontinue, or shut off such service when such may be done in accordance with established policy of the respective company relating to credit regulations.

f.) During the course of an inspection, if the observations of the housing inspector suggest that an elevator is not in safe and operating condition, the housing inspector shall report such observations to the state labor commissioner so an inspection may be conducted pursuant to I.C.A. ch. 89A.

g.) Nothing contained in this section shall be interpreted or deemed to be a repeal, amendment, modification or dispensation of any housing standard or inspection requirement established by state laws.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-11. Grant of letter of compliance.

a.) If after inspection the dwelling is found to conform to the requirements of this chapter, the housing inspector shall issue a letter of compliance.

b.) At the final inspection of a rental unit after construction or remodeling requiring a building permit, the building inspector shall include the provisions of this chapter in the inspection, and if the dwelling unit conforms, the inspector shall issue a letter of compliance. If dwelling units of a duplex or multiple dwelling are not all completed at the same time, the housing inspector may issue a letter of compliance for each dwelling unit conforming to the provisions of this chapter.

c.) A copy of the letter of compliance shall be available for inspection at the inspection office.

d.) The letter of compliance shall include at least the information contained in the application, the date of inspection, the name of the inspector and the date of issue.

e.) For multiple dwellings, the inspector may issue a letter of compliance for the entire dwelling that includes all the required information and that lists the address and maximum occupancy for each dwelling unit.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-12. Denial or revocation of letter of compliance.

a.) If after inspection a dwelling unit is found in nonconformance with the requirements of this chapter, the housing inspector shall promptly notify the operator in writing of the reasons for nonconformance and shall record the notice with the housing inspector's copy of the letter of compliance or application for the letter.

b.) Nonconformance shall be abated within 30 days or at the termination of any written agreement between the housing inspector and the owner.

c.) The operator may, within 30 days of the notice of nonconformance, enter into a written agreement with the housing inspector detailing a program to abate nonconformance requiring 30 or more days, during which time section 15.5-5 shall be stayed.

d.) If the operator does not enter into an agreement under subsection (c) of this section and if the dwelling unit is presently occupied, the housing inspector shall, within 30 days of the notification of nonconformance, notify the occupants of each affected dwelling unit by
mail, addressed to "occupant," of the reasons for nonconformance, that eviction may be imminent and of the right to a hearing. However, failure of such occupants to receive such notice shall not bar proceedings to enforce any denial or revocation of the letter of compliance against the owner/operator.

e.) The owner/operator shall be entitled to one free re-inspection by the housing inspector to determine whether the terms of the agreement have been fulfilled.

f.) The tenant may, within two weeks of being notified of the nonconformance by the housing inspector, appeal to the housing appeal board for permission to abate by repair and deduct. The appeal shall be granted if:

1) The nonconformance was not caused by an occupant or other person on the premises with the consent of the occupant.

2) The reasonable cost of abatement is less than $500.00 or one month's rent, whichever is greater. The appeal shall include two written estimates from appropriate firms of the cost to abate, and the appeal board shall decide which estimate shall be accepted.

3) The operator has been notified in writing of the tenant's intention to appeal for repair and deduct. The tenant shall submit an itemized paid statement, with lien waivers from suppliers of materials and labor for the abatement, to the owner and deduct from the next rental payment, or bill the owner for the actual cost of the repair work or the amount specified in subsection (f)(2) of this section, whichever is less.

g.) The letter of compliance shall be denied or revoked if:

1) The owner/operator does not enter into an agreement with the housing inspector to abate the nonconformance, and the nonconformance has not been promptly abated;

2) The dwelling unit is not in conformance at the end of the period specified by the inspector in the written agreement. However, the inspector may extend the time specified in the agreement if, through no fault of the owner and despite good faith efforts to comply, the work has been delayed; or

3) The housing inspector knows that the dwelling unit is in violation of the city zoning ordinance. This subsection shall not be construed to require the housing inspector to be knowledgeable of city zoning ordinances.

h.) Upon denial or revocation of the letter of compliance, the housing inspector shall notify the operator and the occupants in writing.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-13. Abatement of occupant noncompliance.

a.) If after inspection the occupant is found in noncompliance with the requirements of this chapter, the housing inspector shall promptly notify the occupant and the operator of the reasons for nonconformance.

b.) If the occupant does not abate the noncompliance within a time set by the housing inspector, the inspector may proceed against the occupant and, if the noncompliance is substantial, shall require abatement by the operator within a reasonable time, not to exceed 30 days, unless the owner enters into a written agreement for additional time for abatement. The operator may assess the reasonable cost thereof to the occupant plus the costs of additional inspection.

c.) The dwelling unit shall be provided one free inspection by the housing inspector to determine whether the noncompliance has been abated.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-14. Emergency abatement.

a.) If an emergency seems to exist under this chapter and the occupant cannot obtain prompt
relief from the operator, the occupant or other person may ask the housing inspector to find that an emergency does exist that constitutes a substantial hazard to the occupant's health and safety.

b.) If the housing inspector finds that such an emergency exists and that the owner or operator will not or cannot within a reasonable time abate the emergency and that the emergency can be readily abated, the housing inspector shall cause abatement and shall notify the owner by certified mail of the actions taken, the cost to be assessed, and the owner's right to appeal under section 15.5-17.

c.) If the housing inspector finds that an emergency exists that cannot be readily and reasonably abated, the letter of compliance shall be immediately revoked or the application immediately denied.

d.) If no emergency is found to exist, yet there is noncompliance, the housing inspector shall proceed under section 15.5-12.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-15. Housing advisory board.

a.) There is established a board, known as the housing advisory board, which shall consist of six members, at least four of whom are qualified by experience and training to pass upon matters pertaining to housing code enforcement. Members shall be appointed by the mayor and confirmed by the city council and shall serve without compensation.

b.) From and after the effective date of Ordinance No. 14437, only persons holding the particular qualifications of subsection (d) of this section shall be appointed to the housing advisory board, as membership vacancies appear, until the housing advisory board membership fully conforms to the requirements of such subsection.

c.) Any three members shall constitute a quorum.

d.) The housing advisory board shall consist of the following separate persons: one state-licensed realtor; one state-registered architect or engineer; one contractor experienced in remodeling; one lending institution representative; and two representatives of the general public, one of whom shall be a landlord. Each board member shall have had at least five years' experience in his or her respective field.

e.) If the death, removal for just cause, or resignation of any member occurs, that member's successor shall be appointed to serve for the unexpired period of the term of the member no longer serving.

(Ord. No. 14437, 8-23-1993)

Cross reference(s)-Boards and commissions, § 2-142 et seq.

Sec. 15.5-16. Duties.

The housing advisory board shall:

a.) Hold hearings when necessary and issue specific recommendations to the city council.

b.) From time to time render to the city council a written report of its activities and general recommendations.

c.) Adopt such rules and regulations as may be necessary to expedite and effectuate the provisions of this chapter.

d.) Annually elect a chair from among them to act as an administrative officer and to sit at meetings and hearings as presiding officer.

e.) Have authority to grant variances to this chapter pursuant to section 15.5-21.

(Ord. No. 14437, 8-23-1993)
Sec. 15.5-17. Complaints filed.
Any person claiming to be aggrieved by any notice served upon that person under this chapter may file with the housing officer a written complaint, requesting a hearing before the housing advisory board; such complaint shall be accompanied by a receipt from the city clerk for the nonrefundable filing fee in the amount set therefore by resolution of the city council. A complaint must be filed within ten days after a person receives a notice. All notices served under this chapter shall advise the persons served of their opportunity to be heard, the manner in which complaints under this section are to be filed, the amount of the filing fee set by the city council, that they have the right to produce witnesses in their own behalf, and that they have the right to be represented by counsel.
In addition to the nonrefundable filing fee, any person requesting a hearing shall pay a deposit of $100.00 with the city clerk. If the person requesting the hearing fails to appear at the time and date scheduled for the hearing, the deposit of $100.00 shall be forfeited to the city. If the requesting party appears at the hearing, the deposit of $100.00 shall be returned to the person who made the original payment. The deposit shall not be forfeited if the person requesting the hearing notifies the city clerk 24 hours in advance that the hearing is no longer requested. The deposit of $100.00 shall not be returned to an individual who has cancelled two or more hearings.
(Ord. No. 14437, 8-23-1993; Ord. No. 14538, § 1, 3-25-1996)

Sec. 15.5-18. Procedures for processing complaints.
After receiving a complaint filed under section 15.5-17, the housing officer shall forthwith notify the chair of the housing advisory board. The chair shall set a time, place, and date of hearing and notify the complainant and other board members of the time, place and date of hearing not less than three days before the date. The chair may change the time, place, and date for such good cause shown.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-19. Hearing.
At the hearing on the complaint filed under this article, the complainant shall be afforded a full opportunity to be heard and shall have the right to produce witnesses and to be represented by counsel. After hearing all relevant evidence, the housing advisory board shall summarize the proceedings in writing and transmit a copy with a recommendation to the housing officer within three days. The board may request assistance from the city attorney's office in formalizing its findings and determinations, which shall be issued in written form.
Hearings shall be open to the public during the presentation of testimony and other evidence and during any argument or discussion the board may permit.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-20. Effect of complaint: use of report.
After a complaint is filed under this chapter, the housing officer shall stay all proceedings under this chapter until he or she has received a report from the housing advisory board. All such reports shall be submitted to the city council as attachments to any related request to proceed with legal action under this chapter, or as separate reports if no further legal action is contemplated.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-21. Power to grant variances.
Upon application of an owner of an existing dwelling and after a hearing as provided in section
15.5-19, the housing advisory board shall have the power to grant a variance from the provisions of this chapter, if the owner can show that:

- The burden on the owner to meet the requirements of this chapter outweighs any resulting benefit to the public health and safety;
- Because of the design or construction of the dwelling it would be impractical to meet the requirements of this chapter or that it would cause undue hardship to meet such requirements;
- Strict adherence to this chapter would be arbitrary; and
- Such a variance would be in harmony with the intended spirit and general purpose of this chapter to secure the public health, safety and welfare.

Variances that, if granted, would significantly change the inspection criteria as prescribed by this chapter shall be submitted to the city council along with the board's recommendation for final approval. A significant change for the purposes of this section shall be:

- Modification of the acceptability criteria in section 15.5-26.
- Modification of the requirements specified in sections 15.5-40, 15.5-41, and 15.5-42.

(Ord. No. 14437, 8-23-1993)

Sec. 15.5-22. Jurisdiction of housing advisory board.

The jurisdiction of the housing advisory board is limited to this chapter. Nothing in this section is intended to repeal, amend, or modify the jurisdiction of any boards of appeal created by state law with jurisdiction to enforce state housing or building laws.

(Ord. No. 14437, 8-23-1993)

Secs. 15.5-23 – 15.5-25. Reserved.

ARTICLE II. MINIMUM PROPERTY STANDARDS

Sec. 15.5-26. Housing quality standards.

Sanitary facilities. Performance requirements. The dwelling unit shall include its own sanitary facilities that are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

Acceptability criteria. A flush toilet in a separate room, a fixed basin with hot and cold running water, and a shower or tub and hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

Food preparation and refuse disposal. Performance requirement. The dwelling unit shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

Acceptability criteria. The unit shall contain the following equipment in proper operating conditions: cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the owner or the family, and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services outdoors for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).
Space and security. 
Performance requirements. The dwelling unit shall afford the family adequate space and security. Acceptability criteria. A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping or living/sleeping room. Exterior doors and windows accessible from outside the unit shall be lockable.

Thermal environment. 
Performance requirement. The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body. Acceptability criteria. The dwelling unit shall contain safe heating facilities that are in proper operating condition and can provide adequate heat to each room in the dwelling unit appropriate for the climate to assure a health living environment. Unvented room heaters that burn gas, oil, kerosene or operate by electricity are unacceptable.

Illumination and electricity. 
Performance requirement. Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire. Acceptability criteria. Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two 115v duplex electrical convenience outlets shall be present and adequately located in the living area, kitchen area, and each bedroom area. All electrical wiring shall be maintained in a safe condition, shall be used in a safe manner, and properly operated for the use for which it is intended.

Structure and materials. 
Performance requirement. The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. Acceptability criteria. Ceiling, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose structural surface materials, severe buckling or movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weather tight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. A railing is required where three or more stair risers are present. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Habitable rooms in basements or cellars shall be free of excessive water leakage or moisture. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, a tie down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding shall securely anchor the home.

Interior air quality. 
Performance requirement. The dwelling unit shall be free of pollutants in the air at levels that threaten the health of the occupants. Acceptability criteria. The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, excessive dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one operable window or other adequate exhaust ventilation.

Water supply. 
Performance requirement. The water supply shall be free from contamination.
Acceptability criteria. The unit shall be served by an approved public or private sanitary water supply.

Lead based paint.
Performance requirement. The dwelling unit shall be in compliance with HUD lead based paint regulations, 24 CFR 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 24 USC 4801; and the owner shall provide a certification that the dwelling is in accordance with such HUD regulations. If the property was constructed prior to 1950, the family upon occupancy shall have been furnished the notice required by HUD lead based paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.
Acceptability criteria. Same as performance requirement.

Access; Performance requirement. The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties and the building shall provide an alternate means of egress in case of fire, such as fire stairs or egress through windows. Every sleeping room below the fourth story shall have at least one operable window with a finished sill height not more than 44 inches above the floor or an exterior door approved for emergency egress or rescue. Each window in a sleeping room shall have a minimum net clear opening of 5.7 square feet. The minimum net clear height shall be not less than 24 inches. The minimum net clear width shall not be less than 20 inches.

Site conditions performance requirement. The site shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank backups, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibration or vehicular traffic, excessive accumulation of trash, vermin or rodent infestations, or fire hazards.
Sanitary condition.
Performance requirement. The unit and its equipment shall be in sanitary condition.
Acceptability criteria. The unit and its equipment shall be free of vermin and rodent infestation.

Early warning fire protection system.
Performance requirement. The owner shall provide smoke detectors for each dwelling unit and rooming unit. If the smoke detector within an individual dwelling unit or rooming unit requires routine replacement of batteries for proper operation, the owner or operator may require the tenant of the dwelling unit or rooming unit to be responsible for such. In this event, the owner or operator shall adequately notify the tenant of this responsibility. Smoke detectors located in common area of multiple dwellings or rooming houses such as stairways, corridors and basements shall be maintained by the owner or operator of the dwelling. No persons shall alter or tamper with a smoke detector or otherwise interfere with its operating characteristics.
Acceptability criteria. All dwelling units and rooming houses shall be provided with smoke detectors as approved by the housing inspector on each level of the dwelling unit to include each story and unoccupied basement. The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or the area giving access to rooms used for sleeping purposes.
Smoke detectors hereafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. All detectors shall be located according to manufacturer's directions. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

Additional provisions for multiple dwellings and rooming houses containing more than four persons not related to the owner or operator by blood, marriage, or legal adoption.
Performance requirement. All multiple dwellings and rooming houses shall comply with the fire
Acceptability criteria.

Exits. Each living unit and rooming unit shall have access to at least two separate exits that are remote from each other and are reached by travel in different directions.

Exception no. 1: Any dwelling unit or rooming unit, which has an exit directly to the street or an enclosed stairway with fire resistance rating of one hour or more serving that unit only and not communicating with any floor below the level of exit discharge or other area not a part of the unit served, may have a single exit.

Exception no. 2: A building of any height with not more than four dwellings or rooming units per floor with smoke proof tower or outside stair as the exit, immediately accessible to all units served thereby, may have a single exit. The term "immediately accessible" means a travel distance of 20 feet maximum from the door of a unit to the door of an open-air vestibule or balcony leading to a smoke proof tower.

Exception no. 3: Any building three stories or less in height with no floor below the level of exit discharge or, in case there is such a floor, with the street floor construction of at least one-hour fire resistance may have a single exit, under the following conditions:

The stairway is completely enclosed with a partition having a fire resistance rating of at least one hour with self-closing 20-minute fire protection rated doors protecting all openings between the stairway enclosure and the building.

The stairway does not serve any floor below the level of exit discharge.

All corridors serving as access to exits have at least one-hour fire resistance rating.

There is not more than 20 feet of travel distance to reach an exit from the entrance door of any dwelling unit or room unit.

Enclosure protection of exits. All stairways, elevators shafts and other vertical openings shall be enclosed or protected with material equal to one-hour fire resistive construction. All required exit stairs, which are located so that it is necessary to pass through the lobby or other open space to reach the outside of the building, shall be continuously enclosed down to the lobby level.

Reserved.

Unprotected vertical openings may be permitted in fire-resistive buildings with a class A finish, or in sprinklered buildings, not to exceed two floors. This subsection is to permit open stairways from the lobby to the mezzanine level or open stairs from the lobby to basement areas used for hotel purposes.

Wire glass, not to exceed 900 square inches on any single frame, may be used in stairway doors.

All doors to stairway enclosures shall be protected by fire assembly having a one-hour fire protection rating and shall be self-closing.

Interior finish. The exit ways, lobbies, public assembly meeting rooms and corridors shall have class A interior finish. Class A finish shall mean the use of materials having a flame spread of less than 25 as rated by the National Board of Underwriters Laboratories.

Exit lighting and signs. All apartment buildings two or more stories high and having more than ten apartment units, shall have corridor and exit signs. The illumination of corridor and exit signs shall be such that people of normal vision can move freely, and the exit signs shall be legible at all times from any common corridor area.

Hazardous occupancies. Hazardous occupancies in apartment buildings such as boiler rooms, utility rooms and general storage areas shall be protected by walls and fire doors constructed of materials providing at least a minimum of one-hour fire rating.

Fire protection equipment and devices. Approved type fire extinguisher shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. Additional
extinguishers may be installed in areas that constitute a special hazard. The housing inspector shall determine type and number of portable fire extinguishers. As a guideline, each multiple-dwelling unit may be equipped with fire extinguishers having a 2A-ABC rating in common areas or a 1A-ABC rating within individual dwelling units. A qualified technician shall service each fire extinguisher annually or other person approved by the Marshalltown Fire Department. (Ord. No. 14437, 8-23-1993)

Secs. 15.5-27 – 15.5-38. Reserved.

Sec. 15.5-39. Minimum requirements, fire safety.
The minimum fire safety standards applicable to all dwelling units shall be those set forth in any code as may be duly adopted by the city or as may be promulgated by the state. (Ord. No. 14437, 8-23-1993)

Sec. 15.5-40. Maximum occupancy.
In all cases, each dwelling unit shall provide habitable floor space totaling at least 150 square feet for the first occupant and 100 square feet for each additional occupant. (Ord. No. 14437, 8-23-1993)

Sec. 15.5-41. Plumbing facilities.
Each apartment shall have:
Two permanent and functioning sinks with plumbing for hot and cold water, one sink located to afford privacy and another sink located in the kitchen area.
A room which affords privacy and which is equipped with a flush water closet.
A bathtub or shower with plumbing for hot and cold water, and located to afford privacy.
Functioning water heating facilities capable of heating two gallons of water per hour through 100 degrees Fahrenheit (37.8 degrees Celsius) for each occupant, and supplying water at not less than 120 degrees Fahrenheit (48.9 degrees Celsius) at every kitchen sink, lavatory, bathtub, and shower.
Safe heating facilities capable of heating all habitable rooms, bathrooms, and water closet to compartments to at least 68 degrees Fahrenheit (20 degrees Celsius) at a distance three feet above the floor and five feet away from any exterior wall at all times. (Ord. No. 14437, 8-23-1993)

Sec. 15.5-42. Rooming house, boardinghouse, dormitory rooms and other rooming units.
No person shall operate a rooming house or boardinghouse or let to another for occupancy any dormitory room or rooming unit or both in any rooming house or boardinghouse, which is not in compliance with the provisions of every section of this code except 15.5-40. No owner shall let to another person any rooming unit, boarding room or dormitory room unless it is safe, sanitary and suitable and complies with all applicable requirements of the city.
No person shall operate a rooming house or boardinghouse unless he/she holds a valid certificate of compliance issued by the appropriate authority as provided for in this code. The owner shall apply to the city upon compliance by the operator with the applicable provisions of this code and of any rules and regulations adopted pursuant thereto.
At least one flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water system under pressure and sewer system in good working condition, shall be supplied for each four persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities, provided that: In a rooming house where rooms are let only to males, flush urinals may be substituted for not
more than one-half the required number of water closets.
All such facilities shall be so located within the dwelling as to be reasonably accessible to all
persons sharing such facilities and from a common hall or passageway.
Every lavatory basin and bathtub or shower shall be adequately supplied with heated and
unheated water under pressure at all times.
The following provisions shall apply to all rooming houses and boardinghouses:
Cooking in dormitory rooms, boarding rooms and rooming units is prohibited.
Access doors to each unit shall have operating locks to ensure privacy.
Unless exempted by the city in writing, the owner of every rooming house or boardinghouse or
dormitory shall change supplied bed linen and towels therein at least once a week and prior to
the letting of any room to any occupant. The owner shall be responsible for the maintenance of
all supplied bedding in a clean and sanitary manner.
Every room occupied for sleeping purposes shall contain at least 70 square feet for each
occupant.
Every rooming or boarding unit shall have immediate access to an approved means of egress,
appropriately marked, leading to safe and open space at ground level, as required by the
appropriate statutes, ordinances and regulations of the city and the state.
Structurally sound handrails shall be provided on any steps containing three risers or more. If
steps are not enclosed, handrails and intermediate rails of an ornamental pattern shall be utilized
such that no object four inches in diameter can pass through. Handrails shall be not less than 30
inches above the nosing of the treads. Porches or balconies located more than 30 inches higher
than the adjacent areas shall have structurally sound guardrails 36 to 42 inches high and if
unenclosed, balusters, intermediate rails or an ornamental pattern used as previously discussed in
this subsection. Alternate systems providing at least the same degree of safety, if approved by the
appropriate authority, will be accepted.
Access to or egress from each unit shall be provided without passing through any other unit.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-43. Owner and occupant's responsibilities.
Owners or operators shall be responsible for:
Displaying the letter of compliance to each new tenant, unless there is an application for the
letter of compliance still on file, and maintaining the letter of compliance where accessible for
inspection by the occupants or the housing inspector and providing a copy to the tenant on
request.
Informing the occupants in writing of whom to notify in case of an emergency. This information
should be available in each dwelling unit.
Informing tenants of requirements relative to parking spaces.
Maintaining public areas of the premises in a decent, safe and sanitary condition; keeping floors,
floor coverings, walls and ceilings reasonably clean and free of rubbish and garbage; and
ensuring that stagnant water is not allowed to accumulate or stand anywhere on the premises.
Exterminating rodents, insects and other pests when more than one unit or a common area is
affected.
Providing required fire extinguishers and smoke detectors in good working condition at the
beginning of each tenancy.
Supplying properly sized fuses or equivalent, at the beginning of each tenant's occupancy.
Supplying each outside door and window intended for ventilation of a habitable room with a
screen adequate to prevent entry of insects and installing such screens each spring and removing
them each fall.
Installing supplied storm doors and storm windows, except to thermal pane windows, at the beginning of the cold weather season and removing them in the spring. 
Supplying heat to dwelling units from September 15 to June 15 of each year, when the owner is responsible for paying for heating in the rental agreement. 
Removing snow and ice from walks and drives. 
Mowing lawns, trimming shrubs and trees, and controlling weeds to maintain the premises in a neat condition, comparable to other premises in the neighborhood. 
Providing for garbage and rubbish removal and supplying such facilities or containers as are necessary for the sanitary disposal of all garbage and rubbish. Containers shall be watertight metal or plastic receptacles approved by the city sanitation officer, provided with handles or bales and a tight fitting cover, and with a capacity not exceeding 30 gallons, except commercial dumpsters and the like furnished by the collectors to commercial customers. The receptacle for the receiving and holding of garbage shall be kept covered and in a sanitary condition at all times. Garbage shall be wrapped when placed in the receptacle. Responsibility for providing receptacles for rental property shall be the landlord's. 
Additionally, it shall be the duty of any person, firm or corporation using or maintaining a garbage receptacle to cause the receptacle to be emptied of its contents before it is so full that the cover will no longer fit tightly. 
The owner/operator may enter into a written agreement with some other person who will maintain public areas, remove and install supplied screens and storm windows, remove snow and ice, mow lawns, trim shrubs, control weeds, or remove garbage and rubbish. Such written agreement does not diminish the responsibility of the owner/operator to see that these requirements are fulfilled. 
Unless the owner has specifically agreed in writing to render such service or to otherwise accept such responsibility, the occupant of a rental unit shall be responsible for: 
Notifying the operator, in writing, of maintenance needed on the dwelling or supplied equipment and of unsafe or unsanitary conditions. 
Keeping all equipment and fixtures in the occupant's dwelling unit clean and in a sanitary condition and exercising reasonable care in the use and operation thereof. 
Not storing or housing hazardous, flammable or combustible materials within any rental dwelling, including gasoline in mowers, vehicles or other containers. 
Exterminating rodents, insects, and other pests when only the occupant's dwelling unit is affected. 
Safe disposal of hazardous materials, such as hot coals from furnace or grill, paints and other combustibles, and pesticides and other hazardous chemicals. 
Maintaining supplied fire extinguishers and smoke detectors. 
Using light bulbs that do not exceed the size recommended by the fixture manufacturer. 
Supplying properly sized fuses, or their equivalent, as needed during occupancy for those circuits serving only the occupant's dwelling unit. 
Disposing of rubbish, garbage and other organic waste in a clean and sanitary manner, by placing it in disposal facilities or storage containers, and by closing or replacing container lids. 
Maintaining that part of the dwelling and premises that the occupant occupies in a decent, safe and sanitary condition. 
Supplying every window of each dwelling unit with shades, draw drapes, or other devices or materials which, when properly used, afford privacy to the occupant of each dwelling unit.

(Ord. No. 14437, 8-23-1993)
Sec. 15.5-44. Policy of city.
It is the declared public policy of this city that the preservation of habitable housing stock, and of deteriorated housing stock which, upon economically feasible rehabilitation, can again become habitable, is a matter of the most serious public interest, and that the expenditure of public funds toward the acquisition of abandoned and deteriorated housing stock, toward its preservation and ultimate residential use by residents of this city, shall be an expenditure for a valid public purpose.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-45. Acquisition of abandoned houses for rehabilitation.
Deemed public nuisance.
A residential dwelling structure which has been determined to be by court decree in violation of the city's housing maintenance and occupancy code and such violations have not been cured for a period of over six consecutive months, shall be deemed a public nuisance, unless:
The owner, or a person acting on behalf of or at the direction of the owner of the structure is actively engaged in the correction of such code violations and has made substantial progress and can be completed within 30 days after the expiration of the six-month period; or
The structure is the subject of legal proceedings other than code enforcement proceedings that make the structure legally unavailable for either rehabilitation or habitation during all or any part of such period.
The fact that a city building permit of any type has been issued, either before or during the 30-day notice period identified in section 15.5-45 of this code for repair or reconstruction of, or installation of equipment or materials in, such a structure shall not of itself be evidence of active engagement in the correction of code violations.
Notice of acquisition or demolition. Upon application or upon its own motion, the city council may cause notice to be given to the holder or holders of record title to any such structure by certified mail, return receipt requested, advising such owner, or owners, that:
If it is economically feasible to repair such structure, then under the conditions set forth in section 15.5-45, IV(a) of this code the city may acquire such structure for resale by open public bidding to a purchaser who shall agree, as a condition of its purchase, to rehabilitate such structure and correct such code violations as exist at the time of purchase, within a determined reasonable period of time, for rehabilitation as a residential dwelling structure; or
If it is not economically feasible to repair such structure, then the city shall take action to ensure the demolition of the structure and the leveling of the lot or parcel upon which it is situated.
Repair and rehabilitation not to exceed fair market value. For purposes of this article, a property shall be deemed not to be economically feasible to repair and rehabilitate if, in the opinion of the city council, as advised by persons expert in the construction, repair and appraisal of residential structures, the cost of reasonable repair and rehabilitation of the structure, when added to the value of the property at the time of the council's determination, together exceed the fair market value to which the property would attain upon completion of such reasonable repair and rehabilitation.
Manner of acquisition. If, upon having given notice to the holder or holders of record title to such structure as set forth in section 15.5-45, II of this code, such holder or holders do not commence active repair and rehabilitation of such structure within 30 days of such mailing, and continue without delay in such active repair and rehabilitation until code violations have been corrected, then the city council may direct the city manager to obtain an appraisal of the fair market value of such property and to commence negotiations for its acquisition from such holder or holders and, if the city fails in such direct negotiations to acquire record title to such property,
the city council may direct the commencement of eminent domain proceedings toward the
acquisition of such record title, for resale of such property within a reasonable period of time,
and upon conditions which require prompt rehabilitation and correction of code violations and its
use as a residential dwelling structure, in any case where early resale, repair, rehabilitation and
rehabilitation appear likely of accomplishment.
(Ord. No. 14437, 8-23-1993)

Sec. 15.5-46. Abatement of abandoned or unsafe buildings, code adopted.
The City of Marshalltown, Iowa, adopts by reference I.C.A. ch. 657A, Abandoned or Unsafe
Buildings-Abatement by Rehabilitation, and [such provisions] shall have the full force and effect
as though printed herein.
(Ord. No. 14437, 8-23-1993)
Chapter 16 HUMAN RIGHTS*

State law reference(s)-Iowa Civil Rights Act, I.C.A. ch. 216.

ARTICLE I. IN GENERAL

Sec. 16-1. Short title.
This chapter may be cited as the "Marshalltown Human Rights Ordinance."
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-2. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Affirmative action. Affirmative action means a plan whereby a set of specific, result-oriented procedures is established and to which a person commits itself to apply every good faith effort to achieve. The objective of those procedures is to ensure equal opportunity in public and private employment, housing, public accommodation, credit transactions and city contracts.
Bona fide occupational qualification. Bona fide occupational qualification (BFOQ) means discrimination on a prohibited basis is lawful only if it results from a bona fide occupational qualification essential to the normal operation of the employer's business or enterprise. The BFOQ exception will be interpreted narrowly, and the burden of proving that a prohibited basis is a BFOQ rests upon the party seeking to rely upon the exception. Customer or employer preference or historical usage, tradition, or custom or stereotyped characterizations will not merit the exception.
Complainant. Complainant means that person filing a complaint with the commission.
Contract. Contract means any agreement that is awarded, let, procured, or entered into with or on behalf of the city or any awarding authority thereof.
Contracting authority. Contracting authority means any city department, agency, commission, authority, board or person, or any authorized employee, officer or director of any of such, including any purchasing agent of the city who makes or enters into any contract agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the city.
Court. Court means the district court in and for the county, or any judge or magistrate of such court if the court is not in session at that time.
Disability. Disability means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.
Employee. Employee means any person employed by an employer.
Employer. Employer means the city or any board, commission, department, or agency thereof, and every other person employing employees whose employment or any part thereof is within this city.

Employment agency. Employment agency means any person undertaking to procure employees or opportunities to work for any other person or any person holding himself or itself to be equipped to do so.

Familial status. Familial status means one or more individuals under the age of 18 years domiciled with one of the following:
- A parent or another person having legal custody of the individual.
- The designee of the parent or the other person having custody of the individual, with the written permission of the parent or other person.
- A person who is pregnant or is in the process of securing legal custody of the individual.

Such term also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of 18 years.

Family. Family means any individual and his spouse, and the lineal ascendants and descendants of either whom live in the same household.

Labor. Labor organization means any organization that exists for the purpose in whole or in part of collective bargaining; of dealing with employers concerning grievances, terms, or conditions of employment; or of other mutual aid or protection in connection with employment.

Person. Person means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the city or any board, commission, department or agency thereof.

Person charged. Person charged means a person who is alleged to have committed an act prohibited by article III of this chapter, against whom a charge or complaint has been filed, as provided in article IV of this chapter.

Public accommodation. Public accommodation means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. The term "public accommodation" shall not mean any bona fide private club or other place, establishment, or facility that is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

Respondent. Respondent means that person against whom a complaint has been filed with the commission.

Retaliation. Retaliation means any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his or her formal or informal efforts to secure or aid in securing compliance with this chapter.

(Ord. No. 14175, § 1, 2-13-1984)

**ARTICLE II. HUMAN RIGHTS COMMISSION**

*Cross reference(s)-Boards and commissions, § 2-142 et seq.*
Sec. 16-3. Created; composition; appointment; terms; vacancies; removal.
There is created a commission, to be known as the city human rights commission, which shall consist of seven members, appointed by the mayor with the advice and consent of the city council. Appointees shall serve for a term of three years and thereafter until a successor has been appointed. Vacancies shall be filled for the remainder of the unexpired term. Appointments shall take into consideration the various racial, religious, cultural and social groups in the city. Any commissioner may be removed from office by the mayor for cause, which shall be stated in writing and filed with the secretary of the commission.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-4. Compensation.
The members of the human rights commission shall serve without compensation, except actual and necessary expenses incurred, within the limits established in the city budget.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-5. Election of officers.
The human rights commission shall elect from its own membership at its regular January meeting its chairman and vice-chairman, each to serve for a term of one year. It shall, at its regular January meeting, elect a secretary, who may be, but need not be, a member of the commission. The commission shall fill vacancies among its officers for the remainder of the unexpired term.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-6. Regular and special meetings; quorum; rules.
The Human Rights Commission shall meet monthly, except for December, at a time and place to be determined.
The chairman, the vice-chairman, or any three members of the commission may call a special meeting by giving at least one clear day's notice to every member of the commission. The call for a special meeting shall include an agenda, and only matters included in that agenda may be discussed at the meeting.
A quorum of the commission shall be four members. A majority of the members present and voting shall be necessary for the passage of any motion. The chairman shall vote as a member of the commission.
The commission may adopt, amend, or rescind such rules as may be necessary for the conduct of its business. Such rules shall be in writing and filed with the secretary of the commission. Any proposed changes in such rules shall be proposed at a regular or called meeting of the commission and action thereon deferred for at least 30 days.
(Ord. No. 14175, § 1, 2-13-1984)(Ord14689, 4-23-2002)

Sec. 16-7. Meetings and records public; exceptions.
All meetings of the human rights commission shall be public meetings, except:
The commission may hold a closed session by affirmative vote of two-thirds of its members present, the votes on such motion being recorded in the minutes by yeas and nays, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration, but any motion decided in such session shall be voted on by yeas and nays and shall be recorded in the minutes; and
The commission shall hold a closed session for consideration of any charge or complaint, as provided in article IV of this chapter, and for deliberations in connection with a public hearing held pursuant to complaint filed by the commission.
All records of the commission shall be public, except:
Charges, complaints, reports of investigations, statements and other documents or records obtained in investigation of any charges shall be closed records; and
The minutes of any session that is closed under the provisions of subsection (a)(2) of this section shall be closed records.
No member of the commission or of its staff shall disclose the filing of a charge; the information gathered during the investigation; or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, or persuasion, unless such disclosure is made in connection with the conduct of such investigation or after the commission has held a public hearing upon a complaint filed in connection with such charge. This subsection does not prevent any complainant, witness, or other person from publicizing the filing of a charge or complaint or the matter therein complained of.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-8 Authority of appoint; prescribe duties, fix compensation of director and staff.
If and when the City Council of the City of Marshalltown funds the position, the Human Rights Commission shall recommend the appointment of a director to the City Council. If the City Council concurs, the commission may appoint a director and prescribe the duties of its director and of other members of its staff as may be hired. The compensation for the director, staff and for investigating causes or complaints shall be within the budget appropriations as fixed by the City Council and be available for the commission’s use in the year the same is levied. Any unused appropriation shall be carried forward from year to year to the credit of the Marshalltown Human Rights Commission.
(Ord. No. 14175, § 1, 2-13-1984)(Ord14689, 4-23-2002)

Sec. 16-9. General powers and duties.
The human rights commission shall have the power and duty to:
Receive, investigate, and pass upon charges or complaints, alleging unfair or discriminatory practices, as provided in article III of this chapter.
Investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, and housing in this city and attempt the elimination of such discrimination by education and conciliation.
Issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote good will among the various racial, religious, and ethnic groups of the city and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, or housing because of race, creed, color, sex, national origin, religion, or ancestry.
Prepare and transmit to the mayor and council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.
To make recommendations to the mayor and council for such further legislation concerning discrimination because of race, creed, color, sex, national origin, religion, familial status, or ancestry as it may deem necessary and desirable.
Cooperate within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of this chapter, and in the planning and conducting of programs designed to eliminate racial, religious, cultural and intergroup tensions.
(Ord. No. 14175, § 1, 2-13-1984)(Ord14689, 4-23-2002)
Sec. 16-9.1. Cooperation with other human rights agencies.
The human rights commission shall cooperate with the state civil rights commission, the United States Civil Rights Commission, the Federal Equal Employment Opportunity Commission and other agencies with similar purposes.
(Ord. No. 14175, § 1, 2-13-1984)

Secs. 16-10 – 16-20. Reserved.

ARTICLE III. UNFAIR PRACTICES

Sec. 16-21. Unfair practices in accommodations and services; exceptions.
It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof to:
Refuse or deny to any person because of race, creed, color, sex, national origin, religion, marital status, or disability the accommodations, advantages, facilities, services or privileges thereof or otherwise discriminate against any person because of race, creed, color, sex, national origin, religion, marital status, or disability in the furnishing of such accommodations, advantages, facilities, services or privileges.
Advertise, directly or indirectly, or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion, marital status or disability is unwelcome, objectionable, not acceptable or not solicited.
The provisions of subsection (a) of this section shall not apply to the following:
Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to bona fide religious purpose.
The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of his family reside therein.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-22. Unfair employment practices; exceptions.
It shall be unfair or discriminatory practice for any:
Person to refuse to hire, accept, register, classify or refer for employment; to discharge any employee; or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, marital status or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.
Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership, or any member in the privileges, rights or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, marital status, or disability of such applicant or member.
Employer, employment agency, labor organization, or the employees, agents or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion, marital status, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership,
unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection. An employer, employment agency or their employees, servants or agents may offer employment or advertise for employment to only persons with disabilities when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex or national origin.

Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus is prohibited. The prohibitions of this subsection do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the Centers for Disease Control of the United States Department of Health and Human Services that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

Employment policies relating to pregnancy and childbirth shall be governed by the following: A written or unwritten employment policy or practice that excludes from employment an applicant or employee because of the employee's pregnancy is a prima facie violation of this chapter.

Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

An employer shall not terminate the employment of a person disabled by pregnancy because of
the employee's pregnancy. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested, and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of 18 years, unless that person is considered by law to be an adult. Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification that serves a bona fide public purpose shall be permissible. This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over 45 years of age. Subsection (a) of this section shall not apply to the following: Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees. The employment of individuals for work within the home of the employer if the employer or members of his family reside therein during such employment. The employment of individuals to render personal service to the person of the employer or members of his family. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification. After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement. (Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-23. Unfair housing practices; exceptions. It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will to: Refuse to sell, rent, lease, assign, sublease, refuse to negotiate or otherwise make unavailable, or deny any real property or housing accommodation or any part, portion or interest therein to any person because of the race, color, sex, creed, religion, national origin, marital status, disability, or familial status of such person. Discriminate against any person because of the person's race, color, sex, creed, religion, national origin, marital status, disability, or familial status in the terms, conditions or privileges of the
sale, rental, lease, assignment or sublease of any real property or housing accommodation or any part, portion or interest in the real property of housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation. For purposes of this subsection, the term "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 of the United States Code, receivers, and fiduciaries.

Advertise, directly or indirectly, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein, by persons of any particular race, color, sex, creed, religion, national origin, marital status, familial status or disability is unwelcome, objectionable, not acceptable or not solicited.

Discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, disability, age or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity.

A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, religion, national origin, disability, or familial status.

A person shall not represent to a person of a particular race, color, creed, sex, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.

A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

That buyer or renter.

A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

A person associated with that buyer or renter.

A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

That person.

A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

A person associated with that person.

For the purposes of subsections (d) and (e) of this section, discrimination includes any of the following circumstances:

A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.
In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.

All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.

All premises within the dwellings contain the following features of adaptive design:

An accessible route into and through the dwelling.

Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

Reinforcements in bathroom walls to allow later installation of grab bars.

Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for persons with disabilities, commonly cited as "ANSI A 117.1," satisfies the requirements of subsection (f)(3)c of this section.

Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, religion, national origin, disability, or familial status. For the purpose of this subsection, the term "residential real estate related transaction" means any of the following:

To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

To sell, broker, or appraise residential real estate.

A person shall not deny another person access to, or membership or participation in a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, religion, national origin, disability, or familial status.

Subsection (a) of this section shall not apply to the following:

Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.

The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations.

The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if he or members of his family reside therein.

Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporations.

The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building.

(Ord. No. 14175, § 1, 2-13-1984)

Cross reference(s)-Housing code, ch. 15.5.
Sec. 16-24. Aiding or abetting unfair practices.  
It shall be an unfair or discriminatory practice for any person to:
Intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.
Discriminate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter; obeyes the provisions of this chapter; or has filed a complaint, testified, or assisted in any proceeding under this chapter. An employer, employment agency, or their employees or servants may offer employment or advertise for employment to only a person with disability, when other applicants have available to them other employment compatible with their ability which would not be available to a person with a disability because of their disability. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, or national origin.  
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-25. Unfair credit practices.  
It shall be an unfair or discriminatory practice for any:
Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, or familial status.
Person authorized or licensed to do business in this state pursuant to I.C.A. chs. 524, 533, 534, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, or familial status.
Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, or familial status.
Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, subtitle 1. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.  
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-26. Sex or age provisions inapplicable to retirement plans.  
The provisions of this chapter relating to discrimination because of sex or age shall not be construed to apply to any retirement plan or benefit system of any employer unless such plan or system is a mere subterfuge adopted for the purpose of evading the provisions of this chapter. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of 70 because of that person's age. This subsection does not prohibit the involuntary retirement of a person who has attained the age of 65 and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing savings or deferred compensation plan of the employer which equals $27,000.00. This retirement benefit test may be adjusted according to the regulations prescribed by the United States Secretary of Labor pursuant to Public Law 95-256, section 3.  
A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
An employee welfare plan may provide life, disability or health insurance benefits that vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-27. Retaliation.
It shall be unfair or discriminatory practice for any person to discharge, harass, penalize or otherwise retaliate against an individual because of that individual’s attempts to secure compliance with this chapter of the remedies provided herein. It shall be an unfair or discriminatory practice for any person to discharge, harass, penalize or otherwise retaliate with respect to employment, housing, public accommodations or financial practices against any individual because of that individual’s association with persons of a particular race, religion, creed, national origin, marital status or sex.
(Ord. No. 14175, § 1, 2-13-1984)

ARTICLE IV. ENFORCEMENT

Sec. 16-28. Charge of discriminatory practice.
Any person claiming to be aggrieved by a discriminatory or unfair practice within this city may, by himself or his attorney, make, sign, and file a verified written charge of discriminatory practice. The human rights commission, a member of the commission, the city attorney, the state civil rights commission, any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of this chapter may in like manner make, sign, and file such charge.
A verified copy of a complaint filed with the state civil rights commission as provided by state law shall be a sufficient charge for the purpose of this article, if it alleges either in the text thereof or in accompanying statements that the alleged discriminatory practices occurred within the city.
Charges may be filed with the commission chairman, the director, or the secretary of the commission.
Any complaint filed under this chapter shall be filed within 180 days after the most recent act constituting the alleged discriminatory or unfair practice.
(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-29. Investigating committee to determine probable cause.
Within five days after the filing of a charge under this article, the chairman of the human rights commission or, in his absence or failure to act, the vice-chairman or other member designated by the commission shall designate an investigating committee of three, composed of one commissioner and two other qualified persons, who may be from the commission staff. The vote of the majority of the investigating committee shall determine all questions coming within its function.
The investigating committee shall first determine whether probable cause exists to believe that the person charged in the complaint has committed an unfair or discriminatory practice within the meaning of this chapter. It shall take the sworn testimony of the complainant and such other evidence as it deems relevant, and the chairman of the investigating committee shall have authority to administer the oath to witnesses.
Sec. 16-30. Procedure when committee finds no probable cause.
If the investigating committee shall find no probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall report the finding to the human rights commission and shall notify the complainant in writing by registered or certified mail.
If the complainant fails to object to such findings within ten days after delivery of such written notice, the commission shall close the case. The secretary of the commission shall report such fact to the state civil rights commission.
If the complainant objects in writing to such findings within ten days after delivery of such written notice, the commission shall hear his evidence in an executive session. If the commission finds no probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall declare the case closed. If the commission finds probable cause to exist, it shall take further proceedings as are provided.

Sec. 16-31. Procedure upon finding of probable cause.
If the investigating committee shall find probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall report the finding to the human rights commission.
If the commission shall find, on the report of the investigating committee or on its own investigation, probable cause to believe that the person charged has committed an unfair or discriminatory practice as defined by this chapter, it shall direct an appropriate person to attempt to conciliate the matter, and it shall issue and cause to be served upon such person charged a notice stating the charges against such person and requesting the cooperation of the person charged in conciliation. Service of the notice may be by registered or certified mail or by any means provided for the service of original notices in civil actions.
The commission shall notify the state civil rights commission whenever a finding of probable cause or no probable cause has been made with respect to any case within its jurisdiction or whenever such case is otherwise closed.
Whenever this chapter requires the commission or its secretary to notify the state civil rights commission of any matter, it shall be the duty of the secretary of the commission to transmit such notice or information in writing within five days after the event giving rise to the duty to give notice or information.
All filing on charges, complaints or hearings may be filed and held as provided by the Iowa Civil Rights Act of 1965 as amended, I.C.A. ch. 216.

Sec. 16-32. Conciliation proceedings.
If the person directed to conciliate under provisions of this chapter succeeds in conciliation, the person shall report to the human rights commission and shall submit a proposed written conciliation agreement. The conciliation agreement shall be effective only if approved by the person charged and by the commission. The complainant shall have an opportunity to be heard as to the terms of the conciliation agreement, but the commission may act without his approval. If the commission accepts the conciliation agreement, it shall close the case, subject to whatever continuing supervision of the charged party is provided in the agreement, and shall communicate the terms of the agreement to the state civil rights commission.
If the commission rejects the conciliation agreement, it may either direct that further attempts at conciliation be made or it may file its complaint of the discriminatory practice charged and
proceed as provided. It shall notify the state civil rights commission of the rejection of the proposed agreement and of the action taken.

(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-33. Proceedings upon failure to conciliate.
If, after attempts to conciliate as provided in this article, the person directed to conciliate shall find that the person is unable to conciliate the matter, the person shall report the finding in writing to the human rights commission. If the commission determines the charge to be well founded, it may then file its complaint of the discriminatory practice charged. If the commission determines the charge not to be well founded, it shall declare the case closed and shall so notify the parties. In either event, the commission or its director shall notify the state civil rights commission of the failure of conciliation efforts and of the action taken.

(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-34. Public hearing.
Upon filing the complaint as provided in this article, the human rights commission shall issue and cause to be served on the person charged a notice, containing a copy of the complaint and stating the time and place of hearing on the complaint. The hearing shall be held not less than ten days after the issuance of the notice, in a building open to the public in this city. The commission may adjourn the hearing from time to time.
The person charged shall have the right to file a written answer to the complaint, to appear in person or by attorney at the hearing, to testify, to call witnesses in his behalf, and to cross-examine any witnesses who appear.
The commission shall have the power to reasonably and fairly amend the complaint, and the party charged shall have the power to reasonably and fairly amend his answer at any time before a final order is entered in the case.
The city attorney or an attorney designated by him shall conduct the case on behalf of the commission. If the city attorney is unable to conduct the case because of conflict of interest or otherwise, the city council may appoint a special attorney to conduct the case on behalf of the commission. The complainant may introduce further evidence to support the claims alleged in his charge, either in person or by attorney. No member of the investigating committee shall participate in the deliberations of the commission on the case, except as a witness.
If the person charged shall fail to file an answer to the complaint or shall fail to appear in person or by attorney at the hearing, the commission shall proceed to consider the testimony offered and shall base its decision thereon.
The evidence shall be taken under oath and the commission chairman, or other member of the commission, acting as presiding officer in the conduct of such public hearing is authorized to administer the oath to witnesses. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity, but the rights of cross examination shall be preserved.

(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-35. Adjudication after hearing.
If, upon the preponderance of the testimony taken, the human rights commission shall be of the opinion that any person charged in the complaint filed under this article has engaged in or is engaging in the unfair or discriminatory practice complained of, the commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair or discriminatory practice and to take such affirmative action, including but not limited to hiring, reinstatement, or upgrading of employees,
with or without back pay; the referring of applicants for employment by any respondent employment agency; the admittance or restoration to membership by any respondent labor organization; the admission to or continuation in enrollment in an apprenticeship program, on-the-job training program; the posting of notices; the reinstatement of any offer to sell, rent, or lease property; the placing of the complainant on a waiting list as of the date of the unfair or discriminatory practice complained of; and to show property being offered for sale, rental or lease, as is required to remedy the unfair or discriminatory practice complained of.

If, on the preponderance of the testimony taken, the commission shall find that the person charged in the complaint has not engaged in the unfair or discriminatory practice complained of, the commission shall state its findings of fact and shall issue and cause to be served on the complainant and on the party charged an order dismissing the complaint.

(Ord. No. 14175, § 1, 2-13-1984)

Sec. 16-36. Judicial review.

Any complainant or respondent claiming to be aggrieved by a final order of the human rights commission made under this article, including a refusal to issue an order, may obtain judicial review thereof, and the commission may obtain an order of court for the enforcement of commission orders in a proceeding as provided in this section.

An enforcement proceeding brought by the commission shall be brought in the district court in the county in which the alleged discriminatory or unfair practice which is the subject of the commission's order was committed, or the county in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action resides, or transacts business.

Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon, the commission shall file with the court a transcript of the record of the hearing before it. The court shall have the power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

An objection that has not been urged before the commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

If no proceeding to obtain judicial review is instituted within 30 days from the service of an order of the commission under this section, the commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

An aggrieved party of record may obtain judicial review by filing a petition for judicial review in county district court, within 30 days after the commission has issued or refused to issue a final order.

The petition shall name the commission as a respondent and shall contain a concise statement of the following:

The nature of the commission action that is the subject of the petition.

The particular action appealed from.

The grounds on which relief is sought.

The relief sought.

Service of the petition shall be made as required in I.C.A. § 17A.19.
Where a party files a petition for judicial review, the commission shall file with the court a transcript of the record of the hearing before it. The court shall not itself hear further evidence with respect to issues of fact; however, the court may remand the case to the commission for the taking of further evidence upon application by any party, a showing of materiality, and that there was good cause for failing to present such evidence before the commission in the original proceeding. The commission may modify its findings and decision by reason of additional evidence and shall file that evidence and any modifications, new findings or decision with the court and mail copies to all parties. The court may affirm the commission's action or remand to the commission for further proceedings. The court shall reverse, modify, or grant any other appropriate relief if substantial rights of the petitioner have been prejudiced because the commission action is:
In violation of constitutional, or statutory law, or the provisions of this chapter;
In excess of the commission's authority;
In violation of any commission rule;
Unsupported by substantial evidence;
Unreasonable, arbitrary or capricious or an abuse of discretion; or
Affected by any other error of law.
Appeal from the district court may be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.
(Ord. No. 14175, § 1, 2-13-1984)

**Sec. 16-37. One hundred twenty day administrative relief.**
A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the human rights commission in accordance with this chapter. A complainant, after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
The complainant has timely filed the complaint with the commission as provided in this chapter; and
The complaint has been on file with the commission for at least 120 days and the commission has issued a release to the complainant pursuant to subsection (b) of this section. Upon a request by the complainant, and after the expiration of 120 days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint or a conciliation agreement has been executed or the commission has served notice of hearing upon the respondent pursuant to this chapter or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.
An action authorized under this section is barred unless commenced within 90 days after issuance by the commission of a release under subsection (b) of this section or within one year after the filing of the complaint, whichever occurs first. If a complainant obtains a release from the commission under subsection (b) of this section, the commission shall be barred from further action on that complaint.
(Ord. No. 14175, § 1, 2-13-1984)
Chapter 17 LICENSES AND BUSINESS REGULATIONS*

*Cross reference(s)-Advertising and signs, ch. 3; alcoholic beverages, ch. 5; permit for sale of beer, § 5-26 et seq.; cable franchise regulatory ordinance, ch. 8; garbage collector's license, § 13-10 et seq.; recyclables hauler's license, § 13-103 et seq.; gas installers, § 14-26 et seq.; gas appliance dealer's, gasfitter's license, § 14-26; plumbers, § 14-66 et seq.; parking in business and residential yards, § 20-241 et seq.; public transportation, ch. 25.

ARTICLE I. IN GENERAL

Sec. 17-1. Review and revocation procedure for all licenses and permits issued by city.

Application of section. This section is applicable to all licenses or permits issued by the city, regardless of their nature or subject matter, unless provision is established for any such license review or revocation.

Review or revocation. The city may, after following the established procedures in this section, review or revoke any license or permit previously issued by the city. A review may include imposing reasonable restrictions upon the holder of the permit or license.

Scheduling of hearing; notice to license or permit holder. Any license or permit issued by the city may be reviewed by the city council on its own motion. Whenever the council votes to so review any such license or permit, it shall, at that time, set a time, date and place of the review, and the holder of the license or permit shall be notified of this hearing by the city clerk mailing, by ordinary mail, a notice of the hearing to the license or permit holder at the last known address therefore. The notice shall state that the city council has voted to review the permit and that upon review the city council has the authority pursuant to this section to revoke the license or permit or review the license or permit and impose such additional restrictions thereon as are reasonable or allowed by law and that the license or permit holder must then appear and offer any comments or defenses he or she has to the action of the council. The council shall afford the license or permit holder adequate time to offer his or her relevant proofs. In addition, the notice may recite a brief summary of the alleged facts, and all appropriate matters may be considered at the hearing, even though not known when the notice is prepared and mailed. This notice shall be mailed by the city clerk to the last known address of the license or permit holder by ordinary mail, with sufficient postage attached thereto to guarantee delivery, all at least ten days prior to the hearing date.

Decision of council concerning review. Any decision of the city council to revoke or to review and further restrict any license or permit shall be made only after a majority vote of the council following the hearing. If additional restrictions are imposed, an amended permit shall be issued with these restrictions noted thereon and delivered to the permit or license holder either personally or by ordinary mail addressed to the last known address of the permit or license holder with sufficient postage attached thereto to guarantee delivery. These additional restrictions shall be effective upon receipt of the amended permit.

Application to existing permit and license holders. This section applies to all holders of city permits and licenses, regardless of when issued.

(Ord. No. 14159, §§ 1-5, 6-27-1983)
Sec. 17-1.1. License required to carry on business, etc; exceptions.
No person shall within the City engage in, transact, carry on, or do or cause to be done in public with a profit motivation, any vocation, trade, business, profession, exhibition, entertainment, game or act described in this chapter within the city without having paid the required license fee and without having first obtained a license.
This chapter shall not apply to local service clubs or persons selling by wholesale or by the distribution of samples, or by pre-appointment, or to lecturers on scientific, historical or literary subjects, or to sales made by any person authorized by law to sell real or personal property, such as realtors and auctioneers.
The City Council, taking into consideration the nature of the business or licensed activity and all other circumstances bearing on the business activity, shall fix the license fee by resolution so that all license fees shall be reasonable and uniform under like conditions.
(Ord. No. 14733 § 1, 1-12-2004; Ord 14884 §1, 3-14-2011; Ord 14886 §1, 6-27-2011)

Sec. 17-1.2. Appeal of license or permit denial.
This section is applicable to all city licenses or permits issued by a city officer or employee and not otherwise approved by the city council, unless a different appeal provision is established by ordinance or other law for any such license or permit denied.
Upon denial of a city license or permit issued by a city officer or employee, the applicant shall have seven calendar days to request a hearing on the denial before the city council. The request, if made, shall be submitted in writing to the city clerk. Upon timely receipt of the written request for a hearing, such hearing shall be scheduled for the next following city council meeting. At such hearing, the city council may reverse or affirm the denial of the license or permit.
(Rev. Ords. 1950; Ord. No. 29, § 1; Ord. No. 14609, § 5, 12-30-1998)

Sec. 17-2. Licenses not assignable.
No license provided for in this chapter shall be assignable or transferable except with the consent of the mayor.
(Rev. Ords. 1950; Ord. No. 29, § 4)

Sec. 17-3. Issuance of licenses.
Unless otherwise provided, any person desiring a license from the city for any of the purposes referred to in this chapter shall make application therefore to the city clerk on a blank furnished for that purpose, and upon payment of the license fee together with a fee of one dollar ($1.00) the city clerk shall issue to such person the proper license. The mayor shall countersign the license before the license shall be valid. The mayor may at any time refuse to countersign a license or, if it has been issued and signed by him, may revoke the license where, in his judgment, the proposed exhibition, amusement or entertainment will be obscene under state law.
(Rev. Ords. 1950; Ord. No. 29, §§ 2, 3)

Sec. 17-4. Location of work restricted by licenses.
All licenses issued in accordance with the provisions of this chapter shall specify the particular place in the city where the business, entertainment or affair thereby licensed is to be performed or carried on, to which location the licensee must confine himself under penalty of forfeiture of his license unless otherwise permitted in writing by the mayor. However, this section shall not apply to peddlers, plumbers, excavators, scavengers, billposters, auctioneers with a general license, or any other licensee whose duties require him to go from place to place within the city in pursuance of his work and duties under his license.
Sec. 17-5. Contents of licenses.
Each license issued in accordance with the provisions of this chapter shall be numbered consecutively, shall show the date of issuance thereof, and shall specify the person to whom issued, the purpose for which issued, and shall describe the place where the business is to be carried on, the time of its expiration, the amount paid for the license, and shall be signed by the mayor.

Sec. 17-6. Penalty.
Any person violating any of the sections of this chapter or proceeding in a manner different from or contrary to the mode and procedure stated in this chapter or failing or refusing to procure a license when required to do so by the provisions of this chapter or to do any of the acts for which a license is required in this chapter without such license shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with section 1-8. The violation of any of the provisions of this chapter on separate and distinct days shall each be considered a separate and distinct offense. The violation by the licensee or his employees of any of the provisions of this chapter may be sufficient cause upon conviction for revocation of the license by the mayor or council. The penalties provided in this section are in addition to any fees, charges, forfeitures or liabilities otherwise imposed.

Secs. 17-7 – 17-17. Reserved.

ARTICLE II. AMUSEMENT PLACES*

*Cross reference(s)-Payment of outstanding fees or fines prerequisite to issue of license or permit, § 1-12.

Sec. 17-18. Amusement parks generally; annual fee; scope of license.
Every person operating or maintaining any place, building or grounds, commonly called amusement parks, wherein or whereon skating rinks, swimming pools and other similar or like amusements are offered or extended to the public may, in lieu of a separate license therefore, pay an annual license fee determined by council resolution, payable in advance. The license provided in this section shall not extend to or include within the same place, buildings or grounds the license for any circus, show, exhibition, theatrical exhibitions, combination of shows or exhibitions, commonly called carnivals, which are made subject to a license by this article.
(Rev. Ords. 1950; Ord. No. 35, § 1)

Sec. 17-19. Circuses or menageries.
Council shall determine the license fee by resolution for circuses or menageries. Any sideshows operated independently of the main circus or menagerie by separate management shall also have a daily license fee.
(Rev. Ords. 1950; Ord. No. 35, § 2)

Sec. 17-20. Shows or exhibitions.
The license for shows or exhibitions of any kind under canvas, other than circuses, menageries or theatrical exhibitions shall be determined by council resolution.
(Rev. Ords. 1950; Ord. No. 35, § 3)
Sec. 17-21. Theatrical exhibitions.
The license for theatrical exhibitions of any kind in any tent, building or other place, not a regularly licensed theater or public auditorium shall be determined by council resolution. (Rev. Ords. 1950; Ord. No. 35, § 4)

Sec. 17-22. Theaters.
No person shall operate or maintain a theater in the city without first paying for and securing a license to do so. (Rev. Ords. 1950; Ord. No. 35, § 5)

Sec. 17-23. Carnivals.
Any combination of shows or exhibitions under one management commonly known as a carnival, may, in lieu of separate licenses for each show or exhibition, pay a daily fee as determined by council. (Rev. Ords. 1950; Ord. No. 35, § 6)


ARTICLE III. RESERVED*

Secs. 17-36 – 17-78. Reserved.

ARTICLE IV. SPECIFIC BUSINESSES AND OCCUPATIONS

DIVISION 1. GENERALLY

Secs. 17-79 – 17-85. Reserved.

DIVISION 2. BANKRUPT STORES*
*Cross reference(s)-Payment of fees, fines or unsatisfied judgments prerequisite to issuance of city license or permit, § 1-12.

Sec. 17-86. License required.
Every person, firm or corporation engaged in the business of a peddler, transient merchant, or in making sales from bankrupt stores shall, before engaging therein, procure a license therefore from the city clerk. (Rev. Ords. 1950; Ord. No. 31, § 1)

Sec. 17-87. Items to be submitted with application for license.
Before such license is issued under provisions of this division, the applicant for license shall submit to the mayor a sales permit from the state. (Ord. No. 8516, § 4, 7-13-1953)
Secs. 17-88 – 17-89. Reserved.

Sec. 17-90. License fees.
Fees for a license issued under this division shall be determined by council and set by Resolution.

Sec. 17-91. Transfer of license and limited use.
No license provided for in this division shall be transferred without the consent of the mayor endorsed thereon in writing. No license issued under this division shall include more than one separate place and independent place of business of a transient merchant or bankrupt store or extend to or include more than one peddler under a single license.
(Rev. Ords. 1950; Ord. No. 31, § 8)

Secs. 17-92 – 17-100. Reserved.

DIVISION 3. BOXING, WRESTLING, MARTIAL ARTS OR COMBINATION THEREOF*

*Cross reference(s)-Payment of fees, fines or unsatisfied judgments prerequisite to issuance of city license or permit, § 1-12.

Sec. 17-101. Permit required.
It shall be unlawful for any person, corporation or legal entity, directly or indirectly, to stage, manage, promote or put on any professional wrestling, boxing, martial arts, or combination thereof exhibition, contest or show, without first making application therefore and obtaining a permit, as provided in this division.
(Ord. No. 14580, § 2, 2-9-1998)

Sec. 17-102. Prohibited unless promoter has permit.
It shall be unlawful for any person to participate in any professional wrestling, boxing, martial arts, or combination thereof contest, exhibition or show unless the promoter, manager or operator of the contest, exhibition or show shall have first received the permit provided for in this division, and unless the person is at least 18 years of age.
(Ord. No. 14580, § 2, 2-9-1998)

Sec. 17-103. Application; issuance of permit; conditions of permit; police protection.
Any person, corporation or legal entity desiring to promote, manage or stage any professional boxing, wrestling, martial arts, or combination thereof match, contest or show shall first make application therefore to the mayor or city administrator for a permit and shall submit to the mayor or city administrator a written program of the proposed exhibition, contest or show, including the dates of birth of all match participants. If the mayor or city administrator is satisfied that the application is in good faith and the mayor or city administrator reasonably believes the proposed contest, show or exhibition lawful, the mayor or city administrator shall issue a written permit therefore, upon the payment of a permit fee and any police officer fees, as provided in this section, and subject to any conditions, terms, and rules that the mayor or city administrator reasonably believes are necessary to protect the health, safety and welfare of all those involved and the city which the mayor or city administrator makes applicable thereto in writing.
No permit under this division shall be issued to any applicant whose proposed professional exhibition, contest, or show contains any match participant who will be less than 18 years of age.
at the time of any such match participant's match or bout.
It shall be unlawful for any permit holder to cause or permit any violation of any condition, term,
or rule, which the permit was made subject to by the mayor or city administrator, and any such
violation shall render the permit immediately null and void.
The permit fee for any professional wrestling, boxing, martial arts, or combination thereof
contest, exhibition, or show shall be determined by council.
The chief of police may require the presence of any number of city police officers at any of these
events, and, if so, the fee for each officer shall be at the current rate established by the city for the
services of off-duty police officers and shall be paid by the permit applicant prior to the issuance
of the permit. All such professional exhibitions, contests, or shows shall be under the supervision
of a police officer assigned to such duty or by some other qualified person appointed for such
purpose by the mayor or city administrator.
No permit holder shall assign, sell, or allow others to use such permit or to conduct business
there under.
(Ord. No. 14580, § 2, 2-9-1998)

Secs. 17-104 – 17-110. Reserved.

DIVISION 4. GAS STATIONS

Sec. 17-111. Unlawful to keep or store gasoline or inflammable liquids without permit.
It shall be unlawful to keep or store gasoline or other inflammable liquids in quantities of twenty-
five (25) gallons, or more, in any gasoline station, store or other place, whether above or below
ground, for the purpose of sale or distribution therefrom, without first obtaining a permit
therefore from the council.
(Rev. Ords. 1950, Ord. No. 40 § 1)
Cross reference – Storage of flammable or combustible liquids, § 12-3

Sec. 17-112. Investigation by council; granting of permit.
The council shall investigate such application, the plats submitted therewith, the location, kind
and construction of the magazines or tanks to be installed, and if in compliance with the
provisions of law and this Code and other ordinances, may grant the permit therefore.
(Rev. Ords. 1950, Ord. No. 40 § 3)

Sec. 17-113. Application for permit; plans and specifications of premises.
Any person, firm or corporation, desiring a permit for the construction, maintenance or operation
of any magazine, tank, building or other place for the keeping or storing for sale or distribution
of gasoline or other inflammable liquids, shall make application therefore to the council, and
shall file with such application a plat drawn to scale showing thereon the location of the
premises, the buildings or structures to be erected or used thereon, the plans and specifications of
buildings, the location, description and kind of the magazines or tanks to be installed, and the
location and present use of all buildings within one hundred (100) feet of such premises.
(Rev. Ords. 1950, Ord. No. 40, § 2)
DIVISION 5. JUNK DEALERS*

Sec. 17-121. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Junk dealer. Junk dealer means any person, firm or corporation who shall keep, maintain, operate, or use any building, lot, parcel of ground or other place for assembling, collecting, dumping, wrecking, storing or keeping of old iron, junked automobiles, machinery and other refuse material for the purpose of salvage or sale of such.
(Rev. Ords. 1950; Ord. No. 33, § 1)

Sec. 17-122. License required; fees.
It shall be unlawful for any person to keep, maintain, operate or use any building, lot, parcel of ground, or other place or premises, for the purpose of collecting, storing, selling, or otherwise dealing in junk, either at wholesale or at retail, without first securing a license therefore, which license shall be, an annual license fee determined by council.
(Rev. Ords. 1950; Ord. No. 33, § 2; Ord. No. 14666.)

Sec. 17-123. Bond.
Before any person shall receive a license for doing business as a junk dealer having an established place of business, the person shall file with the city clerk a bond, with surety to be approved by the city clerk in the sum of $1,000.00. Such bond shall be conditioned that the principal named therein will observe the city ordinances relating to junk dealers and conduct his or her business in conformity thereto, and that the person will account for and deliver to any person legally entitled thereto any goods, wares or merchandise, article, or thing which may have come into his or her hands through the business, or, in lieu thereof, will pay in money to such person the reasonable value thereof.
(Rev. Ords. 1950; Ord. No. 32, § 7; Ord. No. 14609, § 6, 12-30-1998)

Sec. 17-124. Proximity to residential property; compliance with zoning ordinance required.
A junk dealer shall not keep, maintain, operate or use any building, lot, parcel of ground or other place for the conducting of the junk business in any location where 50 percent of the property within 300 feet is used for residence purposes, and then only in such district in which the junk business may be permitted under the city zoning ordinance in effect or adopted.
(Rev. Ords. 1950; Ord. No. 33, § 3)

Sec. 17-125. Disposal of acid from junked batteries.
It shall be unlawful for any junk dealer, or employee, to junk any electric battery or other receptacle containing acid, except by emptying said acid in a pit in the ground in said lot, said pit to be of sufficient depth and width to prevent escape of said acid.
(Rev. Ords. 1950, Ord. No. 33, § 3-a)

Sec. 17-126. Trafficking with minors.
It shall be unlawful for any junk dealer to buy or receive any property from a minor without the written consent of the parents or guardian.
(Rev. Ords. 1950; Ord. No. 33, § 5)
DIVISION 5.1 MOTOR VEHICLE JUNKYARD

Sec. 17-127. Motor vehicle junkyard-Defined.
Motor vehicle junkyard. The term motor vehicle junkyard means any place, parcel or tract of
ground, wherein or whereon there is assembled or brought together six or more used, damaged,
obsolete, worn out or discarded motor vehicles for the purpose of stripping, wrecking,
disassembling or otherwise reducing the vehicles into their several component parts for the
purpose of salvaging the materials or parts thereof.
(Ord. No. 14066, § 1, 8-24-1981)
Cross reference(s)-Motor vehicles and traffic, ch. 20.

Sec. 17-128. Same-Operation.
It shall be unlawful for any person, firm or corporation to maintain any motor vehicle junkyard,
as defined by section 17-127, unless the place where the junkyard is located complies with the
following:
It shall be enclosed with a solid fence not less than seven feet in height so as not to be open to
public view. The enclosure shall be maintained in a neat and substantial condition, and if of
wood it shall be painted.
Exception. A junkyard owner may make application to the city board of adjustment for an
exception to the fence requirement. The board of adjustment shall consider the following factors
in granting such an exception:
The health, safety and welfare of the public.
The visual impact on the public and adjacent landowners.
If one or more sides of the junkyard have no visual impact on the public, an exception to the
required fence may be granted on those particular sides only. This means that any side that is
allowed to be unfenced must not face any occupied business or occupied structure, except
another junkyard.
The board of adjustment shall have no jurisdiction to grant an exception unless all three of the
criteria in this subsection are met. At any time after granting such an exception the board of
adjustment, after notice and hearing, may revoke the exception and require the junkyard owner to
construct a fence in accordance with the requirements set forth in this subsection.
The assembly in such enclosed place of motor vehicles of the type and character as defined in
section 17-127 shall be so arranged as to permit reasonable access thereto by fire trucks and so as
to permit access and inspection thereof by police or sanitation officers.
If the enclosure is of wood construction, all motor vehicles therein and all accumulations of
salvage materials therefrom shall not be deposited or piled within four feet thereof and in no
event piled higher than seven feet, regardless of the materials used in the enclosure.
No burning out of discarded or junked motor vehicles or materials therefrom shall be permitted
within such enclosure or within the city.
All gasoline, oil or other inflammable liquids shall be drained from such discarded or junked
motor vehicles into leak proof containers and shall not be permitted to drain on the ground or
into open pits.
(Ord. No. 14066, § 1, 8-24-1981; Ord. No. 14500, § 1, 3-13-1995)

Sec. 17-129. Same-License fee.
The annual license fee for a motor vehicle junkyard shall be set by city council resolution.
(Ord. No. 14066, § 1, 8-24-1981)
Sec. 17-130. Same-Period for compliance.
Any place operated which, under the definition as set forth in section 17-127, as a motor vehicle junkyard shall, within 90 days from and after the effective date of the ordinance (8-24-1981) from which sections derive, conform to the terms and conditions of such sections or shall be abandoned and all junked automobiles or other materials therefrom shall be removed from such place within the time fixed in this section.
(Ord. No. 14066, § 1, 8-24-1981)


DIVISION 6. PAWN BROKERS*

Sec. 17-136. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Pawnbroker. Pawnbroker means any person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling the property back again at a stipulated price or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-137. License required.
No person shall engage in the pawn business without first obtaining a pawnbroker license. All applicants for such licenses shall apply in writing to the city clerk. All license applications shall contain the following information:
The full name, residential address, business address, date of birth and social security number of the applicant and, where the applicant is a corporation or partnership, of the officers or partners; The name and address of the owner of the business premises; The business, occupation or employment of the applicant, including location thereof, for the two years immediately preceding the date of application; and The arrest record of the applicant and whether the applicant has ever been convicted of any crime, except simple misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-138. Criteria considered for issuance of license.
Upon receipt of a pawnbroker license application, the city clerk shall forward a copy of the application to the chief of police who shall review the application. The applicant shall furnish such evidence as may reasonably be required in support of the statements set forth in the application. The chief of police shall report to the city clerk within 30 days of receipt of the application considering but not limited to the following criteria:
Whether the applicant or his or her agents or employees charged with receiving or distributing property has been convicted of a felony. However, if the conviction of a felony occurred more than five years before the application for a pawnbroker license and if the governor has restored such person’s rights of citizenship, such conviction shall not be a bar to obtaining a pawnbroker
license;
Whether the applicant has truthfully reported all relevant facts within the pawnbroker application; and
The applicant has such financial standing and good reputation to indicate that he or she will comply with all the laws of the state and the city.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-139. Issuance of license.
Upon receipt of a positive police report and the appropriate fees, as set by council resolution, the city clerk shall approve the pawnbroker license application if the applicant has fully complied with all of the requirements of this division, and the city clerk shall thereupon issue a pawnbroker license to the applicant and forward a copy of such to the chief of police. The license shall expire on December 31 next after the date of issuance. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, and the date of issuance and expiration of the license.
If the city clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this division or that the police department returns a negative report or that the applicant has falsified his or her application, the city clerk shall, after consultation with the legal department, advise the city council of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing as set forth in section 17-145 of this division shall apply.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-140. License fee.
An applicant for a pawnbroker license shall submit a fee determined by council resolution, and shall retain 50% of the total fee to cover administration costs should the application be denied.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-141. Separate license for each place of business.
Any person conducting several or separate pawn broking businesses shall pay the license fee and procure a license for each place, and any violations in one licensed premises shall be deemed violations in all premises licensed by that pawnbroker.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-142. Display of license.
Every licensed pawnbroker shall display his or her license conspicuously in the business so that all persons entering the premises may readily observe it.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-143. Sale or transfer of license.
No pawnbroker license shall be sold or transferred. The purchaser of any pawnbroker business or of the majority of the stock of any corporation operating a pawnbroker business shall makes application for and obtain a new license before operating such business at the location for which the license has been issued.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-144. License renewals.
Every licensed pawnbroker shall apply for a license annually by application as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid not
Sec. 17-145. Denial, suspension or revocation of license.
Grounds. A pawnbroker license may be denied, suspended or revoked for any violation of this division, including but not limited to the failure to comply with new or renewal application procedures, a negative police report, falsification of a new or renewal application, or for the failure to maintain records in conformity with the requirements enumerated under section 17-146 of this division.
Proceedings. The city clerk shall, upon receipt of information alleging that grounds exist to deny, suspend or revoke the pawnbroker license of any applicant or licensee under this division and after consultation with the legal department, report the circumstances to the city council, which in such case shall cause a notice to be sent by ordinary mail to the applicant or licensee. The notice shall state that a denial, suspension, or revocation hearing has been set before the city council; the grounds for the proposed denial, suspension or revocation; the date and time of the hearing; and the place where the hearing will be conducted. Upon such hearing, if the city council shall determine that one or more of such grounds do exist, it may deny any application or suspend or revoke an existing license. A suspension shall constitute a minimum period of 14 calendar days to a maximum period of 30 calendar days during which period the licensee may not conduct any business except for redemptions and shall conspicuously post a sign stating the terms of the suspension at the entrance of the licensed premises. Such a sign shall be supplied by and posted by the chief of police. If such license is revoked, no pawnbroker license shall be issued to that licensee for a period of one year.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-146. Records.
The police department shall furnish pawn tickets to every pawnbroker licensee who shall accurately and legibly enter in ink in the English language the following information at the time of purchase or receipt of any property:
The date and hour of the transaction;
The amount paid, advanced or loaned for the article;
a detailed and accurate description of each article, separately listed;
When applicable, the model number and/or serial number; and
The name and address of the person from whom the property is purchased or received, his or her date of birth, driver's license number, state identification number or social security number, sex, age, height, race and type of photo identification presented.
When the pawn tickets are complete, the licensee shall surrender the original tickets to the chief of police the next business day, the originals to remain the property of the city. The licensee shall also maintain a record of the name and residential address of any person redeeming an article of property, the date of such transaction and a description of the article redeemed. If the property is disposed of other than by redemption and the value of the item is greater than $20.00, as determined by the amount paid, advanced or loaned by the amount received when disposed of, or if the item has a serial number attached or any engraved or stamped identification number, the licensee shall record a description of the property, how disposed, and the name and address to whom the article was transferred. Such redemption or sales records shall be maintained by the licensee for one year from the date of the transaction and shall be at all times open to examination and recordation by the chief of police.
(Ord. No. 14366, § 1, 11-25-1991)
Sec. 17-147. Failure to maintain records.
No licensee, his or her agents, or employees shall fail to maintain or surrender or falsify, delete, alter, destroy or otherwise destroy any records required by this division.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-148. Prohibited acts.
Under this division, no licensee, his or her agents, or employees purchasing or receiving any article of property shall:
Receive any property without first viewing a form of identification containing a photograph of the person identified.
Melt, alter, destroy, sell, remove from the licensed premises or otherwise dispose of such article, within 20 days after the receipt and report of any property is made as required by section 17-146 of this division, except upon written permission from the chief of police.
Purchase or receive any property from any person under the age of 18 without his or her parent or guardian being present at the time of the transaction and without receiving their written consent, a copy of which must be submitted along with the records required by section 17-146 of this division.
Purchase or receive any property or surrender any property from 7:00 p.m. to 7:00 a.m. Monday through Saturday, and 7:00 p.m. Saturday through 7:00 a.m. Monday.
Conceal, secrete, or destroy for the purpose of concealing any article purchased or received for the purpose of preventing identification.
Deface, alter or remove any serial number or identifying marks from an article in his or her possession.
Take possession of defaced or altered property as described in subsection (a)(6) of this section.
No article shall be redeemed from a pawnbroker until after 48 hours after the delivery to the chief of police of a copy of pawn tickets.
(Ord. No. 14366, § 1, 11-25-1991)

Sec. 17-149. Search for stolen property.
Whenever the chief of police or his or her designee has reason to believe that any licensee, his or her agents, or employees has possession of any stolen property on the licensed premises, he or she shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property. The chief of police, his or her agent or designee shall have the unlimited right to enter the licensed premises to examine same for the purposes of discovering stolen property or any violation of this division and no licensee, his or her agents or employees shall refuse, resist or attempt to prevent such entry.
(Ord. No. 14366, § 1, 11-25-1991)

Secs. 17-150. – 17-153. Reserved.

DIVISION 7. PEDDLERS

Sec. 17-154. Definitions.
For use in this Division, the following terms are defined:
Special community-wide event means any event or community celebration for which a public use permit under Section 21-2 of this code for assemblies, parades and demonstrations has been issued.
Peddler means any person who sells or offers for sale for immediate delivery goods or
merchandise from house-to-house, business-to-business, or upon public property. Solicitor means any person who solicits or attempts to solicit from house-to-house, business-to-business or upon public property an order for goods, subscriptions or merchandise to be delivered at a future date.
Transient merchant means any person, firm or corporation who engages in a merchandising business from a mobile facility or vehicle at any parcel for a period of seven days or less during any calendar month.
(Rev. Ords. 1950; Ord. No. 31, § 5; Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Cross reference(s)-Definitions generally, § 1-2.

Sec. 17-155. License required.
Unless otherwise excepted by other provisions of this Chapter, any peddler, solicitor or transient merchant operating within this city without first obtaining a license for such activity as herein provided, or operating in violation of the terms of the license, commits a simple misdemeanor subject to a fine for each such occurrence not to exceed the maximum amount permissible under state law, which is currently $625 plus applicable surcharges and court costs
(Rev. Ords. 1950; Ord. No. 31, § 1; Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-155.1. Certain Exemptions.
The following persons shall be excepted from the license requirement:
Newspaper carriers;
Farmers and gardeners selling agricultural products they have grown; and
Persons operating during special community-wide events, as defined herein.
While excepted from the license fee requirement, authorized representatives of religious, non-profit and charitable organizations, or sponsors of a charitable event, desiring to solicit money or to distribute pertinent literature, must first submit in writing to the city clerk for approval the name of such organization or sponsor and charitable purpose for which such activity is sought, the names and addresses of the officers and directors of the organization, satisfactory verification of its 501(c)(3) tax exempt status, specification of the dates and times during which such activities are to be conducted and of the amounts of any commissions, fees or wages which are to be charged in connection with the activity. Upon proper application by a bona fide charitable or religious organization, the city clerk shall issue the applicable license containing the above information to the applicant free of charge, subject to the time limitations as set forth in this Division.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011; Ord 14886 §2, 6-27-2011)

Sec. 17.156. Application for License.
A written application shall be filed with the city clerk for a license under this ordinance unless exempted under Section 17-155.2. Such application shall set forth the applicant's name;
permanent and local address; business address, if any; local and permanent telephone number;
physical description of the applicant; and recent photograph. The application also shall set forth the applicant's employer, if any, and the employer's address, telephone number, the nature of the applicant's business, the last three (3) places of such business. An applicant for a license shall also provide a copy of a current Department of Criminal Investigations (DCI) background check. The application shall also set forth the locations of activities and the length of time requested to be covered by the license and be accompanied by current written permission from any property owner upon whose property a transient merchant will be operating, or whose property (including parking) will be affected by the transient merchant's operation. Transient Merchants shall also provide recent photographs of all sides of the mobile facility or vehicle which accurately depicts
the current condition of the facility or vehicle, and upon request shall make the facility or vehicle available for visual inspection by the City Clerk or Clerk’s designee at a reasonably convenient location.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-156.1. Sales tax permit required.
Before a license is issued under provisions of this Division, the applicant for license shall submit to the city clerk for inspection and copying a state sales tax permit when taxable items are intended to be sold.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-156.2. State Food License required.
Before such license is issued under provisions of this division, the applicant for license shall submit to the city clerk a state food sales permit when applicable food items are intended to be sold.
(Ord 14886 §2, 6-27-2011)

Sec. 17-157. Issuance of License.
If the city clerk finds the application in conformity with the requirements of this Division, that all federal and state law requirements have been met, that the facts stated within the application are accurate, that the applicant has not committed a crime of violence, theft, fraud or dishonesty, other than simple misdemeanors, has committed no prior violations of this Division and is not a person required to register as a sex offender, the city clerk shall issue a license upon payment of the applicable fee. The Clerk may rely upon the results of any routine background check without responsibility for verifying the accuracy of any information contained therein.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-157.1. Permitted Locations.
Peddler or Solicitor Licenses are issued for use in locations across the city without restrictions. Transient Merchants are permitted to operate only on paved portions of private commercial property locations as identified on the application and or permit, for periods of seven days or less during any calendar month, unless otherwise restricted as specified in the License, or unless prior permission to operate in a City Park has been obtained from the Parks and Recreation Department of the City of Marshalltown.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-157.2. Time Restrictions.
Peddler or Solicitor Licenses allow peddling activities in residential area only between the hours of 9:00 a.m. and 9:00 p.m., with door knocking or door bell ringing prohibited all day on Sunday and after 6:00 p.m., Monday through Saturday. Transient Merchant Licenses issued for private commercial properties shall be allowed at all times, Sunday through Saturday, upon proper showing that the owner of the location where sales occur consents to use of its business premises for that purpose and that neither traffic or nearby residents will be adversely affected. The conduct of sales activity for any portion of any calendar day shall constitute a day of operation for determining the seven day period specified in Section 17-157.1. (Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011, Ord 14932 §1, 9-8-2014)

Sec. 17-157.3. Permitted Mobile Facilities or Vehicles.
Mobile vendors shall operate only from facilities or vehicles which are structurally sound, in
good repair and appearance, with no visible rust or damage. Adequate waste disposal receptacles shall be conveniently provided for customer use. No waste or garbage shall be allowed to accumulate on the exterior of the facility or vehicle. All grease shall be disposed of lawfully. Electrical connections shall be outdoor rated with functioning ground fault interrupters (GFIs) and no extension cords shall cross any sidewalk or public access. Electrical connections across any sidewalk or public access shall be made by proper underground wiring method in compliance with the National Electric Code (NEC).
(Ord 14886 §2, 6-27-2011)

Sec. 17-158. Fees.
Except as provided in Section 17-155.2, every applicant for a license under this Division shall pay the fee, set by Council Resolution, before a license shall be issued.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-159. Display of License.
Each solicitor or peddler shall at all times while doing business in this city keep in their possession and display upon request of any city official, peace officer or prospective customer, the license issued pursuant to this Division, and shall, upon the request of prospective customers, exhibit the license as evidence that they have complied with all requirements of this ordinance. Each transient merchant shall publicly and visibly display the license at its temporary place of business. Licenses issued to any entity under the provisions of this Division are not transferable in any situation and grants authority only to the entity filing the application.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-160. Revocation of License.
Not withstanding Section 17.1.1, if the licensee, in the application for the license or in the course of conducting their business, has made incorrect or fraudulent statements, or has conducted their business or activity in an unlawful manner, or violated an ordinance or statute, including placement of illegal signage, or if the licensee has conducted their business in such manner as to endanger the public welfare or safety, the city clerk may revoke any license issued under this ordinance.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-160.1. Right to Appeal Revocation.
The licensee may appeal the revocation of the license to the city council at its next regularly scheduled meeting by filing with the clerk a written request for an appeal to the city council. The city council may affirm, modify or reverse its decision or the decision of the clerk to revoke such license.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Sec. 17-161. Penalty.
Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalties as provided in Section 1-8 and 1-9 of this Code.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)

Secs. 17-162 – 17-165. Reserved.
(Ord 14884 §1, 3-14-2011; Ord 14886 §2, 6-27-2011)
DIVISION 8. TREE TRIMMERS*

Refer to § 27-28.
*Cross reference(s)-Payment of fees, fines or unsatisfied judgments prerequisite to issuance of city license or permit, § 1-12.

Secs. 17-166 – 17-173. Reserved.

DIVISION 9. RESERVED


ARTICLE V. PUBLIC SALES*

Cross reference(s)-Payment of fees, fines or unsatisfied judgments prerequisite to issuance of city license or permit, § 1-12.

Sec. 17-193. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Advertising. Advertising, advertisement includes the terms "publish," and "publishing," and means and includes any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by circular, by pamphlet, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement, by radio program, by recordings, and/or any and all means including oral, written or printed.
Going out of business sale. Going out of business sale means the sale or an offer to sell at retail to the public goods, wares and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising, on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, moving, conclusion or abandonment of the business in connection with such sale. It shall also include any sale advertised, either specifically or in substance, to be an adjustment sale, creditor's sale, trustee's sale, bankrupt sale, insolvent sale, insurance salvage sale, mortgage sale, assignee sale, adjustor's sale, etc., receiver's sale, loss of lease sale, forced out of business sale, going out of business sale, removal sale, and any and all sales advertised in such manner as to reasonably convey to the public that, upon the disposal of the stock of goods on hand, the business will cease and be discontinued at its existing location.
License. License means a license issued pursuant to this article.
Licensee. Licensee means any person to whom a license has been issued pursuant to this article.
Publish, publishing. See Advertising.
Resident merchant. Resident merchant means a merchant who has maintained an established place of retail business within the city for the sale at retail of goods similar to those to be sold at the sale described in this article, for a continuous period of one year or more directly preceding the opening date of such sale.
Transient merchant. Transient merchant means any merchant doing or contemplating doing business in the city and who does not come within the definition of a resident merchant in this section.

(Ord. No. 10586, § 1, 5-11-1964)
Sec. 17-194. License required.
No person shall publish or conduct any sale of the type defined in this article without a license therefore, duly issued in accordance with this article, and remaining in effect and unrevoked.
(Ord. No. 10586, § 2, 5-11-1964)

Sec. 17-195. Powers and duties of clerk.
The city clerk is authorized and empowered to supervise or regulate sales or special sales defined in section 17-193, to issue appropriate licenses therefore upon the proper application therefore as provided in this article, and to provide for the investigation of applications therefore and for the issuance of licenses thereon by the necessary officer.
(Ord. No. 10586, § 3, 5-11-1964; Ord. No. 14609, § 9, 12-30-1998)

Sec. 17-196. Application for license; contents; investigation.
Application for a license under this article shall be made in writing to the city clerk in a form to be approved by the city council and shall be verified by the applicant. Such application shall contain the following information:
A description of the place where such sale is to be held.
The nature of the occupancy, whether by ownership, lease or sublease.
The effective date of termination of such occupancy.
The means to be employed in publishing such sale.
The proposed language to be used in the advertisements to indicate the nature of the sale.
A statement of the intention of the applicant in holding such sale.
A statement in what manner such descriptive name is truthfully descriptive of such sale.
A statement as to whether or not any merchandise of any kind, quantity or description has been purchased by or delivered to the applicant for the purpose of being included in such sale.
A statement that the applicant agrees not to purchase or accept delivery of any merchandise, goods or wares of any kind, nature or description to be sold at such sale after the date of the application.
Upon receipt of such application and payment of the fee prescribed in this article, the city clerk shall cause the application to be examined and investigated.
(Ord. No. 10586, § 4, 5-11-1964; Ord. No. 14609, § 10, 12-30-1998)

Sec. 17-197. Bond.
Before the City Clerk shall issue a license under this article, the applicant shall execute and deliver to the city a bond in the penal sum of $1,000.00 signed by such applicant and also signed by a surety company duly authorized to transact business in the state. This bond shall be conditioned upon the faithful observance of the provisions of this article and also conditioned to reimburse and indemnify any purchaser at any such sale, as provided for in this article, duly held by such licensee for any loss incurred or damage sustained by such purchaser by reason of misrepresentation or fraud in the sale of any such goods, wares or merchandise.

Sec. 17-198. License fees.
Upon filing an original application or a renewal application for a license to advertise and conduct a sale as defined in this article, if the applicant is a resident merchant as defined, the applicant shall pay a license fee determined by council resolution. If any application or renewal application is disapproved, one-half of the payment shall be forfeited to the city, as and for the cost of investigating the statements made in such application or renewal application. The license fee for
each 30-day renewal period shall be one-half of the respective license fees described in this section.
(Ord. No. 10586, § 12, 5-11-1964)

**Sec. 17-199. Issuance of license.**
If, upon investigation, the facts as represented by the application for the license required under this article are found to conform to the representations thereof, if the reason given for the sale is satisfactory, if there appears to have been no stockpiling of merchandise for the sale and there has been no fraud or deception in the application, and the advertisements proposed to be used truly represent such facts and are not fraudulent or misleading to the public, the city clerk may issue a license permitting the publication and conduct of such sale.
(Ord. No. 10586, § 5, 5-11-1964; Ord. No. 14609, § 12, 12-30-1998)

**Sec. 17-200. License period; renewal.**
A license issued under this article shall be for a period not exceeding 60 days. Upon satisfactory proof by the licensee that the stock on hand at the time of the original application has not been disposed of and upon proper application, the city clerk shall cause the application to be examined and investigated. If satisfied as to the truth of the statements therein contained, the city clerk may issue a renewal license for two consecutive periods of 30 days duration each upon payment of the prescribed renewal fees therefore. Upon the termination of such sale, no such license shall be issued to the applicant for the period of one year from such termination sale.
(Ord. No. 10586, § 8, 5-11-1964; Ord. No. 14609, § 13, 12-30-1998)

**Sec. 17-201. Fraudulent or misleading advertising.**
Under this article, it shall be unlawful for a licensee to advertise or cause to be advertised goods, wares, or merchandise for a sale, as defined in this article, which do not conform to the representations of the advertisement. It shall be unlawful for a licensee to publish or cause to be published advertising falsely representing the reason for such a sale.
(Ord. No. 10586, § 6, 5-11-1964)

**Sec. 17-202. Adding to stock of goods during sale or license period.**
It shall be unlawful for any person publishing or conducting a sale under this article to purchase or add to the stock of goods offered for sale any goods during a sale or during the effective period of a license issued under this article or to sell any goods at such sale except those on hand at the time of applying for the license.
(Ord. No. 10586, § 7, 5-11-1964)

**Sec. 17-203. Application for renewal license.**
Any licensee, as defined in section 17-193, who desires a renewal license shall make application for such renewal license in writing to the city clerk in a form to be approved by the city council, which shall be verified by the licensee. Such application shall contain the following information as set forth in section 17-196 including:
A statement as to whether or not any merchandise has been purchased by or delivered to the applicant for the purpose of being included in the sale, and an approximant percentage of unsold merchandise.
A statement as to the proportion of the original inventory on hand at the time of commencing the sale that still remains on hand and unsold.
(Ord. No. 10586, § 9, 5-11-1964)
Sec. 17-204. Revocation of license.
If, at any time during a sale under provisions of this article, the city clerk shall determine that any of the sections of this article or any of the statements in such license application were untrue or have been or are being violated by the applicant, the city clerk may immediately revoke the license, and it shall thenceforth be unlawful for the applicant or licensee to continue such sale until a new license is issued in accordance with the terms of this article.
(Ord. No. 10586, § 10, 5-11-1964; Ord. No. 14609, § 14, 12-30-1998)

Sec. 17-205. Display of license; inspection; advertising; books and records.
Upon recommencement of any sale, as defined in this article, the license issued by the city clerk shall be permanently displayed near the entrance to the premises. A duplicate original of the application and stock list pursuant to which such license was issued shall at all times be available to the city clerk or to the inspector, and the licensee shall permit such inspector to examine all merchandise in the premises for comparison with such stock list at any and all times during the period of such sale. All advertisements or advertising and the language contained therein shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued, and the wording of such advertisement shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words: "Sale held pursuant to Permit No. _________ of the City of Marshalltown, Iowa, granted the _________ day of _________, _________," and in such blank spaces shall be indicated the permit number and the requisite dates. Books and records of the sale shall be kept by the licensee and shall at all times be available to the inspector.
Sec. 17-206. Exemptions from article.
The provisions of this article shall not apply to or affect the following persons or sales:
Persons acting pursuant to an order or process of a court of competent jurisdiction.
Persons acting in accordance with their powers and duties as public officers, such as sheriffs, bailiffs, or marshals.
Duly licensed auctioneers, selling at auctions.
Executors, guardians, assignees of insolvent debtors, bankrupts and/or other persons required by law to sell such property.
(Ord. No. 10586, § 14, 5-11-1964)

Sec. 17-207. Penalties for violations.
Any applicant or licensee described in this article who shall violate, neglect or refuse to comply with any of the sections of this article or who shall make a false statement in any application for a license as required in this article shall, upon conviction thereof, be punished as provided in section 17-204, and any license issued under this article shall be revoked.
(Ord. No. 10586, § 15, 5-11-1964)


ARTICLE VI. ALARM SYSTEMS*

Cross reference(s)-Automatic alarm devices, § 12-96 et seq.

Sec. 17-219. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm business. Alarm business means the business of selling, leasing, maintaining, inspecting, 
serving, repairing, replacing, altering, moving or installing any alarm system.

Alarm system. Alarm system means either a burglar or holdup alarm system.

Audible alarm. Audible alarm means an alarm system which, when actuated, generates an 
audible sound on the premises. This audible alarm may or may not be combined with a method 
of transmitting a signal to a remote point.

Burglar alarm system. Burglar alarm system means a method of detecting and signaling the 
presence, entry or attempted entry of an intruder into protected premises.

Central station. Central station means premises, usually maintained by an alarm company, 
equipped to receive and display signals from intruder alarm systems.

City. City means this city or such officers or employees as may be designated by this article to 
have specific duties in relation to this article.

False alarm. False alarm means an alarm signal necessitating response by police or other public 
safety agency where an emergency situation does not exist.

Protected premises. Protected premises means that part of a building to which protection is 
afforded by an alarm system.

Responsible party. Responsible party means an individual, corporation or organization having an 
ownership interest in or control over an alarm system.

Silent alarm. Silent alarm means an alarm signal transmitted in such a manner that any intruder 
into the premises is not aware of the signal.

(Old. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

Cross reference(s)-Definitions generally, § 1-2.

Sec. 17-220. Alarm system standards.
Under this article, residential and business alarms may be connected to the police department 
through commercial alarm companies or through self-dialing systems. Such connections shall be 
at the owner's expense.

(Old. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

Sec. 17-221. False alarms.
Each alarm having its alarm terminate at the police station, either silent, telephonic or having an 
outside audible (local) alarm on the premises within the meaning of this article will be allowed 
no more than two false alarms in any calendar year. For every false alarm over two during the 
calendar year, the responsible party shall be billed a service fee at a rate established by the city 
council by resolution. Such billing shall be made monthly by the city. An authorized test of the 
alarm system shall not be considered a false alarm, providing notice of such test has been relayed 
to the police department and approved by the police department prior to such testing. The service 
fee shall be assessed against the occupant of the address protected by the alarm. The police chief 
shall have discretion to waive the service fee for good cause.

It shall be unlawful to intentionally cause a false alarm. If any alarm business, alarm agent or 
owner, operator, proprietor or employee of a premises where an alarm system is installed causes 
a false alarm intentionally, the police chief may revoke or suspend the privilege of the alarm 
connection to the police department.

The police chief shall have authority to determine if an excessive number of false alarms are 
resulting from the operation of any alarm system. When such a determination is made, the police 
chief shall inform the subscriber or the proprietor, owner or operator of the alarm system that an 
excessive number of false alarms have occurred. If, in the opinion of the police chief, excessive 
numbers of false alarms continue to occur, the chief shall have the authority to suspend or revoke
the service provided. It shall be unlawful to intentionally cause a false alarm punishable as provided in section 17-245 and if a false alarm is caused intentionally by any alarm business, alarm agent or the owner, operator, proprietor or employee of a premises where an alarm system is installed, the police chief may revoke or suspend the service at once. Nothing in this section shall be construed to prohibit testing of a system with notice given to the police chief. (Ord. No. 14626, § 1, 6-28-1999)

**Sec. 17-222. Service availability for system malfunction.**
Under this article, each alarm is the property and responsibility of the owner, not the city. If a system malfunction occurs, it shall be the owner's responsibility to either disable or repair the alarm system within a reasonable time period. Failure to comply may result in assessment of a service fee determined by council plus the cost the city may incur to disable the alarm. (Ord. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

**Sec. 17-223. Responsibility for alarm response.**
Under this article, every responsible party having control or ownership of an alarm system, audible or silent, shall, upon notification that the alarm system is giving or has given a signal, proceed immediately to that premises and render all necessary service; provided, however, that the owner or person in control of the premises may enter into an agreement with an alarm business, licensed private detective agency, or watch service to assume the duty to respond instead. The responsible party or agent shall, upon installation or activation of the alarm system, notify the police department in writing as to the alarm type, address, and planned response. Failure to respond to an alarm or to notify the police department of the installation activation or change in an alarm may cause the police chief to assess a service fee of $25.00 for each failure or for any changes in the alarm system to which the police department is not notified. (Ord. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

**Sec. 17-224. Alarm devices terminating at city facilities.**
A burglar or holdup alarm may terminate and give a signal at the police station. Any alarm company having such alarm panel terminating at the police station shall be billed $1,000.00 per year for the service. The police chief may set standards and rules and regulations governing such equipment and may limit the number of alarm systems so terminating. (Ord. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

**Sec. 17-225. Business license tax unaffected.**
Nothing contained in this article shall be construed as a waiver or exemption from any business license tax otherwise applicable. (Ord. No. 14459, § 1, 5-9-1994; Ord. No. 14508, § 1, 9-11-1995)

**Secs. 17-226 – 17-244. Reserved.**

**Sec. 17-245. Municipal infraction.**
Any violation of this alarm systems article shall constitute a municipal infraction punishable as a civil penalty as provided in this Code.

**Secs. 17-246 – 17-256. Reserved.**
Chapter 18 RESERVED
Chapter 19 RECREATIONAL VEHICLES

Sec. 19-1. Definitions.
The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Camping and Recreation equipment. Camping and Recreation equipment means any non-permanent recreational structure or vehicles including, but not limited to tent, trailer, or camper. (Ord. 14702, 6-10-2003)
Cross reference(s)-Definitions generally, § 1-2.

Sec. 19-2. Recreational Equipment Usage.
At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes for a period of time to exceed five consecutive days or by prior approval by the chief of police. Any person violating the provision of this section shall, upon conviction be punished by a Penalty as provided in Sec. 1-8 of the Code. (Ord. 14702, 6-10-2003; Ord. No. 14970 § 14, 11-27-2017)

Sec. 19-3. Penalty.
Penalty shall be a municipal infraction, as defined in Section 1-8.
Chapter 20 MOTOR VEHICLES AND TRAFFIC*

*Cross reference(s)-Recyclables haulers, § 13-101 et seq.; offenses and miscellaneous provisions, ch. 21; tampering with, damaging or trespassing upon a motor vehicle, § 21-14; loud noises on vehicles, § 21-37; junked vehicles, § 21-53; motor vehicle junkyard, § 17-127; police, ch. 24; public transportation, ch. 25; streets and sidewalks, ch. 26.

ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, any term not defined in this section or elsewhere in this Code shall have the meaning assigned to it by I.C.A. § 321.1. except where the context clearly indicates a different meaning:
Alley. Alley means a thoroughfare laid out, established and platted as such, by constituted authority.
Authorized emergency. Authorized emergency vehicle means vehicles of the fire department; police vehicles, ambulances and emergency vehicles owned by the United States, the state or any subdivision of the state or any municipality therein; and privately owned ambulances, and fire, rescue or disaster vehicles as are designated or authorized by the state director of transportation under I.C.A. § 321.451.
Business district. Business district means the territory contiguous to and including a highway when buildings in use for business occupy 50 percent or more of the frontage thereon for a distance of 300 feet or more.
Car or automobile. Car or automobile means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.
Chauffeur. Chauffeur means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire, or a person who operates a truck tractor, road tractor, or a motor truck that has a gross vehicle weight rating exceeding 16,000 pounds. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner's or operator's principal business. A person is not a chauffeur when the operation is by a volunteer firefighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer firefighter or ambulance or rescue squad operator receives nominal compensation not based upon the value of the services performed, the firefighter or operator shall be considered to be receiving no compensation and classified as a volunteer. If authorized to transport inmates, probationers, parolees, or work releasees by the director of the state department of corrections or the director's designee, an employee of the state department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees. A farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property. If authorized to transport patients or clients by the director of the department of human services or the director's designee, an employee of the department of human services is
not a chauffeur when transporting the patients or clients in an automobile. A person is not a chauffeur when the operation is by a home care aide in the course of the home care aide's duties. If authorized to transport students or clients by the superintendent of the state Braille and sight saving school or of the state school for the deaf, or the superintendent's respective designee, an employee of the state Braille and sight saving school or the state school for the deaf is not a chauffeur when transporting the students or clients.

Combination or combination of vehicles. Combination or combination of vehicles means a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semi trailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.

Crosswalk. Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer. Dealer means every person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered under this chapter and who has an established place of business for such purpose in this state.

Driver. Driver means every person who drives or is in actual physical control of a vehicle.

Essential parts. Essential parts means all integral and body parts of a vehicle of a type required to be registered under this chapter, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

Established place of business. Established place of business means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of the dealer's or manufacturer's business is transacted.

Explosive. Explosive means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that on ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Farm tractor. Farm tractor means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Flammable liquid. Flammable liquid means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed cup test device.

Foreign vehicle. Foreign vehicle means every vehicle of a type required to be registered by law brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

Frontage. Frontage is further defined as follows:

Frontage occupied by the building means the linear measure of the plot of ground upon which the building is located abutting upon the highway.

Frontage on such highway for a distance of 300 feet or more means the total frontage on both sides of the highway for such distance.

Garage. Garage means every place of business where motor vehicles are received for housing, storage, or repair for compensation.

Gross weight. Gross weight means the empty weight of a vehicle plus the maximum load to be carried thereon. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying 150 pounds by the number of passenger seats carried by such vehicle.
Intersection. Intersection means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Laned highway. Laned highway means a highway, the roadway of which is divided into three or more clearly marked lanes for vehicular traffic. Manufacturer. Manufacturer means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. It does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person. It includes a person who uses a completed motor vehicle manufactured by another person to construct a class B motor home as defined in I.C.A. § 321.124. Metal tire. Metal tire means every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material. Motorcycle. Motorcycle means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor. Motorized bicycle. Motorized bicycle or motor bicycle means a motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than 50 cubic centimeters and not capable of operating at a speed in excess of 25 miles per hour on level ground unassisted by human power. Motor truck. Motor truck means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers. Motor vehicle. Motor vehicle means every vehicle which is self-propelled but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, but not operated upon rails. Nonresident. Nonresident means every person who is not a resident of this state. Official traffic control devices. Official traffic control devices means all signs, signals, markings, and devices not inconsistent with ordinance or law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. Official traffic control signal. Official traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. Operator. Operator means every person who is in actual physical control of a motor vehicle upon a highway. Owner. Owner means a person who holds the legal title of a vehicle, or if a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, such debtor shall be deemed the owner for the purpose of this chapter. Peace officer. Peace officer means every officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations in addition to it’s meaning in I.C.A. § 801.4. Pedestrian. Pedestrian means any person afoot. Pneumatic tire. Pneumatic tire means every tire in which compressed air is designed to support the load. Private road or driveway. Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. Railroad. Railroad means a carrier of persons or property upon cars, operated upon stationary rails.
Railroad sign or signal. Railroad sign or signal means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad train. Railroad train means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

Reconstructed vehicle. Reconstructed vehicle means every vehicle of a type required to be registered by law materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

Residence district. Residence district means the territory within the city contiguous to and including a highway, not comprising a business, suburban or school district, where 40 percent or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

Right of way. Right-of-way means the privilege of the immediate use of the highway.

Road tractor. Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway. Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

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

School bus. School bus means every vehicle operated for the transportation of children to or from school, except vehicles that are:
Privately owned and not operated for compensation;
Used exclusively in the transportation of the children in the immediate family of the driver;
Operated by a municipally or privately owned urban transit company for the transportation of children as part of or in addition to their regularly scheduled service; or
Designed to carry not more than nine persons as passengers, either school owned or privately owned, which is used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this subsection shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

School district. School district means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.

Sidewalk. Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Solid tire. Solid tire means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.

Special mobile equipment. Special mobile equipment means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery and ditch-digging apparatus. This description does not exclude other vehicles that are within the general terms of this definition.

Specially constructed vehicle. Specially constructed vehicle means every vehicle of a type required to be registered under state law not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
Street or highway. Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
Suburban district. Suburban district means that portion of the city not within a business, school or residence district.
Through highway or thru highway. Through highway or thru highway means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the highway and when stop signs are erected as provided by ordinance or such entrances are controlled by a police officer or traffic control signal. The term "arterial" shall be synonymous with the term "through" or "thru" when applied to highways of this state.
Traffic. Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.
Trailer. Trailer means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle. Whenever the term "trailer" is used in this chapter, it shall be construed to include the term "semi trailer."
Transporter. Transporter means a person engaged in the business of delivering vehicles of a type required to be registered or titled in this state who has received authority to make delivery as specified by rules adopted by the state department of transportation.
Truck tractor. Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
Vehicle. Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Where a vehicle is kept refers to the county of residence of the owner or to the county where the vehicle is mainly kept if such owner is a nonresident of the state. The term "vehicle" does not include the following:
Any device moved by human power.
Any device used exclusively upon stationary rails or tracks.
Any steering axle, dolly, or other integral part of another vehicle, which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.
Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.
(Rev. Ords. 1950; Ord. No. 68, § 2; Ord. No. 10904, § 1, 5-11-1996)
Cross reference(s)-Definitions generally, § 1-2.
State law reference(s)-Similar provisions, I.C.A. § 321.1.

Sec. 20-2. Operation of vehicles on public streets, alleys and highways generally.
The sections of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon public streets, alleys and highways, except:
Where a different place is specifically referred to in a given section.
The provisions of sections 20-26-20-30, inclusive, and sections 20-76 and 20-77 of this chapter shall apply upon highways and elsewhere within the city.
(Rev. Ords. 1950; Ord. No. 68, § 3)
State law reference(s)-Similar provisions, I.C.A. § 321.228.
Sec. 20-3. Obedience to police officers.
No person shall willfully fail or refuse to comply with any lawful order or directions of any peace officer invested by law with authority to direct, control, or regulate traffic.
(Rev. Ords. 1950; Ord. No. 68, § 4)
State law reference(s)-Similar provisions, I.C.A. § 321.229.

Sec. 20-4. Applicability to public officers.
The sections of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
(Rev. Ords. 1950; Ord. No. 68, § 5)
State law reference(s)-Similar provisions, I.C.A. § 321.230.

Sec. 20-5. Application of chapter to road workers.
The sections of this chapter, except section 20-76, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic, but shall apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of I.C.A. § 321.285(6), and the provisions of sections 20-47, 20-48 and 20-115 of this chapter do not apply to road workers operating maintenance equipment on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.
(Rev. Ords. 1950; Ord. No. 68, § 8)
State law reference(s)-Similar provisions, I.C.A. § 321.233.

Sec. 20-6. Bicycles, animals or animal-drawn vehicles.
A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the sections of this chapter applicable to the driver of a vehicle, except those sections of this chapter that by their nature can have no application. A person, including a peace officer, riding a bicycle on the highway is subject to the sections of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those sections of this chapter which by their nature can have no application or those sections for which specific exceptions have been set forth regarding police bicycles. A person propelling a bicycle on the highway shall not ride other than upon or astride a permanent and regular seat attached to the bicycle. A person shall not use a bicycle on the highway to carry more persons at one time than the number of persons for which the bicycle is designed and equipped. This section does not apply to the use of a bicycle in a parade authorized by proper permit from local authorities.
(Rev. Ords. 1950; Ord. No. 68, § 9)
Cross reference(s)-Bicycles in violation of parking regulations, § 20-288
State law reference(s)-Similar provisions, I.C.A. § 321.234.

Sec. 20-6.1. Operation of golf carts on city streets.
The use and operation of golf carts on the city streets is authorized except as may be restricted as provided in subsection (b) of this section. The following restrictions shall apply to the use and operation of golf carts on the city streets: The operator of any golf cart on a city street shall possess a valid operator's license.
Golf carts shall not be operated upon a city street that is a primary road extension through the city, but shall be allowed to cross a city street that is a primary road extension through the city. The golf cart shall be equipped with a slow moving vehicle sign and a bicycle safety flag. The golf cart shall be operated on city streets only from sunrise to sunset. Golf carts shall be equipped with adequate brakes.

c) Any person violating any provision of this section shall, upon conviction, be fined pursuant to Sec. 1-8 of this Code.


**Sec. 20-7. Rights of owners of private property.**

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use or from requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as may seem best to such owner.

State law reference(s)-Similar provisions, I.C.A. § 321.251(1).

**Sec. 20-8. Enforcement agency.**

The police department shall be the enforcement agency of all parking or traffic violations.

(Ord. No. 11658, § 4, 4-29-1970; Ord. No. 12521, § 1, 8-14-1974)

**Sec. 20-9. Vehicle condition, equipment and load.**

It shall be unlawful for any person to operate a vehicle that is not equipped and in the operating condition required by state law. Vehicle equipment shall be operated as required or permitted by state law. Except as otherwise posted, it shall be unlawful for any person to operate a vehicle that exceeds the load limitations established by state law.

A person shall not drive a vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right of left of the driver, or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing. A motor vehicle may have add-on (aftermarket) window tint on any window except the windshield, provided that the tinting material allows a minimum of 70% light transmittance through the glass.

Cross reference(s) – Fine schedule § 20-13.

(Rev. Ords. 1950; Ord. No. 68, § 82-141; Ord. 14875, § 1, 7-12-2010 )

State law reference(s)-Vehicle equipment, size, weight and load, I.C.A. § 321.384 et seq.

**Sec. 20-10. Privileges of authorized emergency vehicles.**

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

The driver of any authorized emergency vehicle may:

Park or stand an authorized emergency vehicle, irrespective of the provisions of this Code. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

The driver of a fire department vehicle, police vehicle or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:
Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
Exceed the maximum speed limits so long as the driver does not endanger life or property.
The exceptions granted to an authorized emergency vehicle under subsection (b) of this section and for a fire department vehicle, police vehicle or ambulance as provided in subsection (c) of this section shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of I.C.A. § 321.433, or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection (c)(2) of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.
Subsections (a)-(d) of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.
(Rev. Ords. 1950; Ord. No. 68, § 6)
State law reference(s)-Similar provisions, I.C.A. § 321.231.

Sec. 20-11. Reserved.

Sec. 20-12. Offenses by owners.
It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.
(Rev. Ords. 1950; Ord. No. 68, § 144)
State law reference(s)-Similar provisions, I.C.A. § 321.484.

Sec. 20-13. Scheduled fines for violation of certain provisions.
Scheduled violations. Violations of sections of this chapter specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as found in state law as it relates to city ordinances. The city has adopted the following ordinances, the violation of which may be considered a scheduled violation:
For excessive speed violations under chapter 20, section 20-78.
For violations by pedestrians and bicyclists under chapter 20, sections 20-151, 20-152, 20-154 and 20-156.
Scheduled fine. The scheduled fine for each of the scheduled violations in subsection (a) of this section shall be that as provided by state law for the violation of a city ordinance.
Collection. The method and procedure of payment and collection of such scheduled fines shall be the same as that provided for the payment collection of scheduled fines for violation of city ordinances under state law.
Sec. 20-14. Special school parking.
It shall be unlawful to stop or park a motor vehicle in a school zone for the purpose of passenger
loading or unloading; provided, however, that the driver must remain in the vehicle at all times.
(Ord. No. 14198, § 1, 9-24-1984; Ord. No. 14218A, § 1, 6-24-1985)


ARTICLE II. ACCIDENTS

Sec. 20-26. Reports of death or personal injuries.
The driver of any vehicle involved in an accident resulting in injury to or death of any person
shall immediately stop such vehicle at the scene of such accident or as close thereto as possible
but shall then forthwith return to and in every event shall remain at the scene of the accident until
he has fulfilled the requirements of section 20-28. Every such stop shall be made without
obstructing traffic more than is necessary.
(Rev. Ords. 1950; Ord. No. 68, § 15)
State law reference(s)-Similar provisions, I.C.A. § 321.261.

Sec. 20-27. Report of damage to vehicle.
The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is
driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall
remain at the scene of such accident until he has fulfilled the requirements of section 20-28. Every stop shall be made without obstructing traffic more than is necessary.
(Rev. Ords. 1950; Ord. No. 68, § 16)
State law reference(s)-Similar provisions, I.C.A. § 321.262.

Sec. 20-28. Duty of driver to give information and aid.
The driver of a vehicle involved in an accident resulting in injury to or death of any person or
damage to a vehicle which is driven or attended by any person shall give the driver's name,
address, and the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's license to the person struck or the driver or occupant of or
person attending any vehicle collided with and shall render to a person injured in such accident reasonable assistance, including the transporting or arranging for the transporting of such person for medical treatment if it is apparent that such treatment is necessary or if transportation for
medical treatment is requested by the injured person. If the accident causes the death of a person, all surviving drivers shall remain at the scene of the accident except to seek necessary aid or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, each surviving driver shall leave the surviving driver's license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, a surviving driver shall promptly report the accident to law enforcement authorities and shall immediately return to the scene of the accident or inform the law enforcement authorities where the surviving driver can be located. (Rev. Ords. 1950; Ord. No. 68, § 17) State law reference(s)-Similar provisions, I.C.A. § 321.263.

Sec. 20-29. Report upon striking unattended vehicle. The driver of any vehicle which collides with any vehicle that is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver of the owner of the vehicle doing the striking and a statement of the circumstances thereof. (Rev. Ords. 1950; Ord. No. 68, § 18) State law reference(s)-Similar provisions, I.C.A. § 321.264.

Sec. 20-30. Report of striking fixtures upon highway. The driver of any vehicle involved in an accident resulting in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer or person in charge of such property of the damage and of the driver's name and address and of the registration number of the vehicle causing the damage and shall upon request and if available exhibit the driver's license and shall make report of such accident as required in I.C.A. § 321.265. (Rev. Ords. 1950; Ord. No. 66, § 19) State law reference(s)-Similar provisions, I.C.A. § 321.265.


ARTICLE III. TRAFFIC SIGNS, SIGNALS, ETC.


Sec. 20-37. Obedience. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized emergency vehicle. (Rev. Ords. 1950; Ord. No. 68, § 10) State law reference(s)-Similar provisions, I.C.A. § 321.256.
### Sec. 20-38. Stop sign locations.
Moving vehicular or automotive traffic on the following designated streets, avenues, roads or 
drives shall stop before entrance into an intersection from the directions herein designated at the 
following named intersections:

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<th>Direction</th>
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<td>37</td>
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274  NORTHBOUND  On  9TH ST  At  LINCOLN WAY
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539 EASTBOUND On FRIENDLY DR At EDGE BROOK DR
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544 SOUTHBOUND On GOVERNOR RD At IOWA AVE EAST
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572 NORTHBOUND On HILLCREST RD At OLIVE ST
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574 WESTBOUND On HUGHES ST At 5TH ST
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576 SOUTHBOUND On HUISMAN CIR (WEST) At COLUMBUS DR
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578 EASTBOUND On INGLEDEUE ST At 2ND AVE
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798 SOUTHBOUND On TIMBERLINE DR At WESTWOOD DR
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807 SOUTHBOUND On VILLAGE CIR At IOWA AVE WEST
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808 SOUTHBOUND On WAKEFIELD DR At SOUTH RIDGE RD
    NORTHBOUND On WAKEFIELD DR At WAUKONDA DR
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811 NORTHBOUND On WARDVIEW RD At SANTA BARBARA DR
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<td>854</td>
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<td>BETWEEN LINN TO</td>
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<td>Eastbound</td>
<td>Alley from 3rd St</td>
<td>3rd St</td>
</tr>
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<td>Westbound</td>
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<td>4th Ave</td>
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<td>Eastbound</td>
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<td>Church to Linn</td>
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<td>Grant to State</td>
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<td>Southbound</td>
<td>Alley from</td>
<td>Grant to State</td>
</tr>
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<td>Southbound</td>
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<td>8th St</td>
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<td>Alley from Linn</td>
<td>2nd Ave to 3rd Ave</td>
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<td>873</td>
<td>Southbound</td>
<td>Alley from Linn</td>
<td>2nd Ave to 3rd Ave</td>
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<tr>
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<td>Northbound</td>
<td>Alley from Main</td>
<td>2nd Ave to 3rd Ave</td>
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<td>875</td>
<td>Southbound</td>
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<td>1st St</td>
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<td>2nd St and 3rd St</td>
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<td>877</td>
<td>Southbound</td>
<td>Alley from State</td>
<td>Center and 1st St</td>
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<tr>
<td>878</td>
<td>Westbound</td>
<td>Alley from State</td>
<td>Center and 1st St</td>
</tr>
</tbody>
</table>

**Sec. 20-39. Stop sign placement.**
Stop signs at the intersections referred to herein requiring stops to be made by moving traffic shall be placed and maintained by the Street Division at the right hand curb or curb line facing traffic.

**Sec. 20-40. Yield sign locations.**
Moving vehicular traffic or automotive traffic on the following designated streets, avenues, roads or drives shall yield before entrance into an intersection from the directions herein designated at the following named intersections:
**Sec. 20-41. Yield Sign placement.**
Yield signs at the intersections referred to herein requiring moving traffic to yield shall be placed and maintained by the Street Division at the right hand curb or curb line facing traffic.

**Sec. 20-42. Traffic Signal Locations**
Moving vehicular traffic or automotive traffic at the following designated intersections of streets, avenues, roads or drives shall obey the visual signal indication before entrance into the intersections herein designated at the following named intersections:

<table>
<thead>
<tr>
<th></th>
<th>Street Name</th>
<th>At Street Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3RD AVE</td>
<td>RIVERSIDE ST</td>
</tr>
<tr>
<td>2</td>
<td>3RD AVE</td>
<td>STATE ST</td>
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<tr>
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<td>4</td>
<td>3RD AVE</td>
<td>CHURCH ST</td>
</tr>
<tr>
<td>5</td>
<td>3RD AVE</td>
<td>LNN ST</td>
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<tr>
<td>6</td>
<td>3RD AVE</td>
<td>ANSON ST</td>
</tr>
<tr>
<td>7</td>
<td>ANSON ST</td>
<td>1ST AVE</td>
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<tr>
<td>8</td>
<td>CENTER ST</td>
<td>ANSON ST</td>
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<tr>
<td>9</td>
<td>CENTER ST</td>
<td>SOUTH ST</td>
</tr>
<tr>
<td>10</td>
<td>CENTER ST</td>
<td>OLIVE ST</td>
</tr>
<tr>
<td>11</td>
<td>CENTER ST</td>
<td>MEADOW LN</td>
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<tr>
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<td>CENTER ST</td>
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<td>13</td>
<td>CENTER ST</td>
<td>SOUTHRIDGE RD</td>
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<tr>
<td>14</td>
<td>CENTER ST</td>
<td>NICHOLAS DR</td>
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<td>15</td>
<td>CENTER ST</td>
<td>HIBBS BLVD</td>
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<tr>
<td>16</td>
<td>CENTER ST</td>
<td>BERLE RD</td>
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<tr>
<td>17</td>
<td>CENTER ST</td>
<td>IOWA AVE</td>
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<td>18</td>
<td>GOVERNOR RD</td>
<td>OLIVE ST</td>
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<td>19</td>
<td>CENTER ST</td>
<td>BOONE ST</td>
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<tr>
<td>20</td>
<td>CENTER ST</td>
<td>LNN ST</td>
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<tr>
<td>21</td>
<td>CENTER ST</td>
<td>CHURCH ST</td>
</tr>
<tr>
<td>22</td>
<td>CENTER ST</td>
<td>MAIN ST</td>
</tr>
<tr>
<td>23</td>
<td>6TH ST</td>
<td>OLIVE ST</td>
</tr>
<tr>
<td>24</td>
<td>NEVADA ST</td>
<td>18TH AVENUE</td>
</tr>
</tbody>
</table>

(Ord No. 14937 §1, 1-26-2015)
Sec. 20-43. Traffic Signal Installation.
Traffic control signals at the intersections referred to herein requiring moving traffic to stop shall be placed and maintained by the Public Works Department according to the requirements of the Federal Highway Administration Manual of Uniform Traffic Control Devices for Streets and Highways.

Sec. 20-44. Unauthorized signs, signals or markings.
No person shall place, maintain, or display upon or in view of any highway any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official parking sign, curb or other marking, traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the state department of transportation or the council with reference to streets and highways under its jurisdiction. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information of a type that cannot be mistaken for official signs. All, except that all erected signs shall conform to the sign ordinance. Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the sign, signal, or marking or cause it to be removed without notice.
(Rev. Ords. 1950; Ord. No. 68, § 13)
State law reference(s)-Similar provisions, I.C.A. § 321.259.

Sec. 20-45. Interference with devices; unlawful possession.
Any person who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes an official traffic control device; an authorized warning sign or signal or barricade, whether temporary or permanent; a railroad sign or signal; an inscription, shield or insignia on any of such devices, signs, signals, or barricades or any other part thereof shall, upon conviction, be guilty of a misdemeanor.
It shall be unlawful for any person to have in his possession any official traffic control device except because of his employment.
(Rev. Ords. 1950; Ord. No. 68, § 14)
State law reference(s)-Similar provisions, I.C.A. § 321.260.

Sec. 20-46. Penalty.
Anyone violating the provisions of this section shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code.
(Ord. No. 14970 § 16, 11-27-2017)

ARTICLE III.V. SCHOOL ZONES – TEMPORARY STOP SIGNS AND SPEED LIMITS

Section 20-46.1 Zones Established.
The following school zones are established to include the parts of streets herein set forth:
Anson Elementary. On South Third Avenue from Ferner Street to May Street; on East South Street from South Fifth Avenue to South Second Avenue; on East Anson Street from South Fifth Avenue to South Second Avenue.
Fisher Elementary School. On South Sixth Street from Sunset Lane to Edgeland Drive; on Pleasantview Drive from South Sixth Street to Bryngelson Drive; on South Fourth Street from Sunset Lane to Edgeland Drive; on Meadow Lane from South Sixth Street to South Third Street.

Franklin Elementary School. On West Main Street from four hundred feet west of South Fourteenth Street to South Twelfth Street; on Fourteenth Street from Church Street to State Street; on Thirteenth Street from Church Street to State Street.

Hoglan Elementary School. On East Southridge Road from Sugar Creek Lane to Fifth Avenue; on South Third Avenue from Newcastle Road to Melody Lane.

Lenihan Intermediate School and St. Henry’s Elementary School. On South Fourth Street from Edgeland drive to four hundred feet north of Ingledue Street; on West Ingledue Street from Fifth Street to First Street; on South Second Street from Ferner Street to Olive Street; on Crestview Drive from Columbus Drive to Olive Street; on Columbus Drive from Fourth Street to Second Street; on West Olive Street from Second Street to Fifth Street.

Miller Middle School. On South Ninth Street from Boone Street to Church Street; on South Eleventh Street from Boone Street to Church Street; on West Church Street from Ninth Street to Twelfth Street; on West Linn Street from Eleventh Street to Twelfth Street; on West Boone Street from Ninth Street to Twelfth Street.

Rogers Elementary School. On Summit Street from Sixth Street to Third Street, on Fourth Street from Jerome Street to State Street; on Fremont Street from Third Street to Sixth Street; on Fifth Street from Jerome Street to State Street.

Marshalltown High School. On South Second Avenue from Ingeldue Street to Koeper Drive; on East Olive Street from Center Street to Edgebrook Drive; on South Third Avenue from Ingeldue Street to Koeper Drive.

Woodbury Elementary School. On East State Street from Fifth Avenue to Eighth Avenue; on Seventh Avenue from Church Street to Bromley Street; on East Main Street from Fifth Avenue to Eighth Avenue.

St. Mary’s Elementary School. On West Linn Street from Center Street to Second Street; on South First Street from Nevada Street to Church Street; on West Boone Street from Center Street to Second Street; on South Center Street from Boone Street to Church Street.

Section 20-46.2. Sign Material and Placement Standards.

Movable stop signs shall meet minimum material design standards as outlined in the most current Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD) and FHWA Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians. Movable stop signs may be placed within the designated school zone at such locations as approved by written agreement between the respective school system and the City. Movable stop signs shall be placed in the street in accordance with the traffic safety regulations of the Iowa Department of Transportation, if any, and if none, they shall be placed in the center of the intersection, crosswalk or as otherwise specifically approved by the City Engineer.

Section 20-46.3. Time of Placement.

Movable stop signs can be placed in the street near the respective schools at the approved locations no sooner than one hour before and must be removed within one hour after applicable regularly scheduled school session start times. Movable stop signs can also be placed in the street near the respective schools at the approved locations no sooner than one hour before and must be removed within one hour after applicable regularly scheduled school session dismissal times. The City must specifically approve any variations to the movable stop sign time of placement standards.
Section 20-46.4. Vehicles to Stop.
All motor vehicles approaching said movable stop sign locations shall stop before entering said locations when such movable stop signs have been placed in the street at approved locations within the school zones.

Section 20-46.5. School Zone Speed Limit.
The maximum speed limit within the School Zones is established at 25 miles per hour unless otherwise approved and posted.

Section 20-46.6. Obedience.
All motor vehicles moving through the above described School Zones shall be governed by, and all drivers thereof shall observe, all traffic control devices or signs as shall be installed for the control or movement of motor vehicle traffic.

Section 20-46.7. Speed Signs.
Appropriate signs indicating the maximum rate of speed of moving vehicles entering the School Zone as herein established, shall be erected and maintained by the City to advise the operators of motor vehicles using said streets or highways of the maximum rate of speed as is herein defined or established in the School Zones in which entrance is being made.

Section 20-46.8. Exemptions.
All emergency vehicles including police, fire and ambulance services, when responding to emergency service calls, are exempt from the provisions of this ordinance, on the condition that notice of the approach of such vehicles into the school zones is given by the sounding of a loud siren, bell, or other loud signaling device.

Section 20-46.9. Penalties.
Any driver in violation of observing the traffic control sign provisions of this ordinance shall be subject to fines and/or other penalties as outlined in City of Marshalltown Motor Vehicle and Traffic Code and the State of Iowa Motor Vehicle and Traffic Code.

ARTICLE IV. GENERAL RULES OF VEHICLE OPERATION

DIVISION 1. GENERALLY

Sec. 20-47. Driving on right side of road.
A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:
When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.
Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.
Upon a roadway restricted to one-way traffic.
Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon
all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except
when overtaking and passing another vehicle proceeding in the same direction or when preparing
for a left turn at an intersection, an alley, a private road or a driveway.
A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and
providing for two-way movement of traffic, to the left of the centerline of the roadway, except
when authorized by official traffic control devices designating certain lanes to the left side of the
center of the roadway for use by traffic not otherwise permitted to use such lanes or except as
permitted under subsection (a)(2) of this section. This subsection shall not be construed as
prohibiting the crossing of the centerline in making a left turn into or from an alley, a private
road, or a driveway.
(Rev. Ords. 1950; Ord. No. 68, § 33)
State law reference(s)-Similar provisions, I.C.A. § 321.297.

Sec. 20-48. Meeting and turning to right.
Except as otherwise provided in section 20-47, vehicles or persons on horseback, meeting each
other on the public highway, shall yield one-half of the roadway by turning to the right.
(Rev. Ords. 1950; Ord. No. 68, § 34)
State law reference(s)-Similar provisions, I.C.A. § 321.298.

Sec. 20-49. Passing vehicles.
The following rules shall govern the overtaking and passing of vehicles proceeding in the same
direction, subject to those limitations, exceptions, and special rules stated:
The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to
the left thereof at a safe distance and shall not again drive to the right side of the roadway until
safely clear of the overtaken vehicle.
Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle
shall give way to the right in favor of the overtaking vehicle on audible signal and shall not
increase the speed of his vehicle until completely passed by the overtaking vehicle.
(Rev. Ords. 1950; Ord. No. 68, § 35)
Cross reference(s)-Fine schedule for violation, § 20-13.
State law reference(s)-Similar provisions, I.C.A. § 321.299.

Sec. 20-50. Reserved.

Sec. 20-51. Overtaking on right.
The driver of a vehicle may overtake and pass upon the right of another vehicle that is making or
about to make a left turn.
The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle
proceeding in the same direction either upon the left or upon the right on a roadway with
unobstructed pavement of sufficient width for four or more lines of moving traffic when such
movement can be made in safety. No person shall drive off the pavement or upon the shoulder of
the roadway in overtaking or passing on the right.
(Rev. Ords. 1950; Ord. No. 68, § 38)
State law reference(s)-Similar provisions, I.C.A. § 321.302.

Sec. 20-52. Limitations on overtaking on the left.
A vehicle shall not be driven to the left side of the center of the roadway in overtaking and
passing another vehicle proceeding in the same direction unless such left side is clearly visible
and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and
passing to be completely made without interfering with the safe operation of any vehicle
approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle shall
return to the right-hand side of the roadway before coming within 300 feet of a vehicle
approaching from the opposite direction when traveling on a roadway having a legal speed limit
in excess of 30 miles per hour, and the overtaking vehicle shall return to the right-hand side of
the roadway before coming within 100 feet of a vehicle approaching from the opposite direction
when traveling on a roadway having a legal speed limit of 30 miles per hour or less.
(Rev. Ords. 1950; Ord. No. 68, § 39)
State law reference(s)-Similar provisions, I.C.A. § 321.303.

Sec. 20-53. When passing is prohibited.
No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the
left side of the roadway under the following conditions:
When approaching the crest of a grade or upon a curve in the highway where the driver's view
along the highway is obstructed for a distance of approximately 700 feet.
When approaching within 100 feet of any narrow bridge, viaduct, or tunnel, when so signposted,
or when approaching within 100 feet of or traversing any intersection or railroad grade crossing.
Where official signs are in place directing that traffic keep to the right or a distinctive centerline
is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by
the state department of transportation.
(Rev. Ords. 1950; Ord. No. 68, § 40)
State law reference(s)-Similar provisions, I.C.A. § 321.304.

Sec. 20-54. Driving on one-way roadways and rotary traffic islands.
Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in
the direction designated.
A vehicle passing around a rotary traffic island shall be driven only to the right of such island.
(Rev. Ords. 1950; Ord. No. 68, § 41)
State law reference(s)-Similar provisions, I.C.A. § 321.305.

Sec. 20-55. Roadways laned for traffic.
Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the
following rules in addition to all others consistent with this section shall apply:
A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be
moved from such lane until the driver has first ascertained that such movement can be made with
safety.
Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane
except when overtaking and passing another vehicle where the roadway is clearly visible and
such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where
such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle
is proceeding and is signposted to give notice of such allocation.
Official signs may be erected directing slow-moving traffic to use a designated lane or allocating
specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the
directions of every such sign.
Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to
vehicles moving in the same direction in a lane not so designated when such lanes merge to form
a single lane.
A portion of a highway provided with a lane for slow-moving vehicles does not become a
roadway marked for three lanes of traffic.
(Rev. Ords. 1950; Ord. No. 68, § 42)
State law reference(s)-Similar provisions, I.C.A. § 321.306.

Sec. 20-56. Following too closely.
The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable
and prudent, having due regard for the speed of such vehicles and the traffic upon and the
condition of the highway.
(Rev. Ords. 1950; Ord. No. 68, § 43)

Sec. 20-57. Limitation on elevated structures.
No person shall drive a vehicle on any public bridge or elevated structure at a speed which is
greater than the maximum speed permitted under this chapter on the street or highway at a point
where the street or highway joins the bridge or elevated structure, provided that if the maximum
speed permitted on the street or highway differs from the maximum speed on any other street or
highway joining the bridge or elevated structure, the lowest of the speeds shall be the maximum
speed limit on the bridge or elevated structure. However, no person shall drive a vehicle over any
bridge or other elevated structure constituting a part of a highway at a speed that is greater than
the maximum speed that can be maintained with safety to such bridge or structure, when such
structure is signposted as provided by law.
(Rev. Ords. 1950; Ord. No. 68, § 31)
State law reference(s)-Similar provisions, I.C.A. § 321.295.

Sec. 20-58. Operation through safety zone.
No vehicle shall at any time be driven through or within a safety zone.
Sec. 20-59. Use of safety belts, harnesses and child restraint devices required.
The driver and front seat occupants of a type of motor vehicle which is subject to registration in
this state, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and
fastened safety belt or safety harness any time the vehicle is in forward motion on a street or
highway in this state, as required by state law.
Child restraint devices shall be utilized as required by state law.
Cross reference(s) – Fine schedule § 20-13.
(Ord. No. 14364, §§ 1-3, 11-12-1991, Ord. No. 14741, §1, 7-12-2004, Ord. 14875 § 2, 7-12-
2010)

Sec. 20-60. Vehicles over eight tons, operation prohibited on certain streets; exceptions.
Subject to the exceptions set out in subsection (b), no person shall drive or operate a motor
vehicle in excess of a registered weight of over eight (8) tons on the streets of the city where so
designated by the city council.
This section shall not apply to the following: Garbage trucks; Utility Trucks; Buses, including
municipal and public buses; Municipal fire apparatus or road maintenance equipment owned or
leased by the city, county or state; Delivery or moving trucks; Trucks journeying to and from a
truck terminal without other access; Implements of husbandry as defined in Iowa Code 321.1(16)
and implements of husbandry loaded on hauling units for transporting the implements to
locations for purposes of repair.
This section shall not be construed so as to allow parking of trucks in residential areas if doing so
would be contrary to any ordinance of the city.
“Through traffic” is defined as operation of a motor vehicle in excess of a registered weight of
eight (8) tons on the streets designated pursuant to subsection (a) for purposes other than those
designated in subsection (b).
Suitable signs shall be erected to advise the public of the provisions of this section. For example:
NO THROUGH TRUCKS OVER 8 TONS.
Any person violating the provisions of this section shall, upon conviction be fined not more than
one hundred dollars ($100.00).
(Ord. No. 14414, §§ 1-6, 2-8-1993)

Sec. 20-61. Semi tractors; prohibited noises.
It shall be unlawful for any person within the city to make, or cause to be made, loud or
disturbing noises with any mechanical devices operated by compressed air and used for purposes
of assisting braking on any semi tractor.
(Ord. 14638 1-24-2000)

Secs. 20-62 – 20-75. Reserved.

DIVISION 2. SPEED AND RELATED OFFENSES

Sec. 20-76. Reckless driving.
It shall be unlawful for any person to drive any vehicle in the city in such manner as to indicate
either a willful or a wanton disregard for the safety of persons or property.
(Rev. Ords. 1950; Ord. No. 68, § 24)
State law reference(s)-Similar provisions, I.C.A. § 321.277.

Sec. 20-77. Drag racing.
No person shall engage in any motor vehicle speed contest or exhibition of speed on any street or
highway of this state, and no person shall aid or abet any motor vehicle speed contest or speed
exhibition on any street or highway of this state, except that a passenger shall not be considered
as aiding and abetting. The term "motor vehicle speed contest or exhibition of speed" is defined
as one or more persons competing in speed in excess of the applicable speed limit in vehicles on
the public streets or highways.
State law reference(s)-Similar provisions, I.C.A. § 321.278.

Sec. 20-78. Speed restrictions.
Any person driving a motor vehicle on a highway shall drive the vehicle at a careful and prudent
speed not greater than or less than is reasonable and proper, having due regard to the traffic,
surface and width of the highway and of any other conditions then existing, and no person shall
drive any vehicle upon a highway at a speed greater than will permit him to bring the vehicle to a
stop within the assured clear distance ahead, such driver having the right to assume, however,
that all persons using the highway will observe the law.
The following shall be the lawful speed, and except as modified, any speed in excess thereof
shall be unlawful:
In any business district, 20 miles per hour.
In any residence or school district, 25 miles per hour.
For any motor vehicle drawing another vehicle, except as otherwise specified, 40 miles per hour.
In any suburban district, 45 miles per hour.
That the maximum speed limits on the following designated streets, avenues, roads or drives is hereby established at the rates designated as follows:

<table>
<thead>
<tr>
<th>On Street</th>
<th>From Street</th>
<th>To Street</th>
<th>MP H</th>
</tr>
</thead>
<tbody>
<tr>
<td>12TH AVE / GOVERNOR RD</td>
<td>ANSON ST</td>
<td>MERLE HIBBS BLVD</td>
<td>35</td>
</tr>
<tr>
<td>12th AVE / GOVERNOR RD</td>
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<td>SOUTHERLY CITY LIMITS</td>
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<td>12TH AVE</td>
<td>MAIN ST</td>
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<td>PRAIRIE LN</td>
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<td>LINCOLN WAY</td>
<td>OLIVE ST</td>
<td>35</td>
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<tr>
<td>12TH ST</td>
<td>WESTWOOD DR</td>
<td>1500 FEET SOUTH</td>
<td>35</td>
</tr>
<tr>
<td>18TH AVE</td>
<td>500’ S OF E ANSON ST</td>
<td>HWY 30</td>
<td>55</td>
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<td>HWY 30</td>
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<td>500’ S OF E ANSON ST</td>
<td>35</td>
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<tr>
<td>2ND ST</td>
<td>STATE ST</td>
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<td>WESTERLY CITY LIMITS</td>
<td>CAMPBELL DRIVE</td>
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<td>200' N. OF BOONE ST</td>
<td>ANSON ST</td>
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<td>3RD AVE</td>
<td>NORTH CITY LIMITS</td>
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<td>100' N. OF BROMLEY ST</td>
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<td>3RD ST</td>
<td>IOWA AVE WEST</td>
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<td>6TH ST-WHEN SCHOOL FLASH IS ON</td>
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<td>Street 1</td>
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<td>Street 3</td>
<td>Speed Limit</td>
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<td>GOVERNOR ROAD</td>
<td>MERLE HIBBS BLVD</td>
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<td>MAIN ST</td>
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<tr>
<td>HWY 30</td>
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<td>IOWA AVE W</td>
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<td>EAST CITY LIMITS</td>
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<td>LINCOLN WAY</td>
<td>ORCHARD DR</td>
<td>12TH ST</td>
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<td>WEST CITY LIMITS</td>
<td>ORCHARD DR</td>
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<td>LINCOLNWAY/MADISON</td>
<td>4TH AVE</td>
<td>8TH AVE</td>
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<td>MADISON ST</td>
<td>6TH ST</td>
<td>4TH AVE</td>
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<td>MAIN ST</td>
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<td>400' EAST OF 18TH AVE</td>
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<tr>
<td>MAIN ST</td>
<td>13TH ST</td>
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<td>400' EAST OF 18TH AVE</td>
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<td>MARION ST</td>
<td>N. CENTER ST</td>
<td>N 1ST AVE</td>
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<td>3RD AVE</td>
<td>18TH AVE</td>
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<td>NEVADA ST</td>
<td>18TH AVE</td>
<td>QUARRY RD</td>
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<td>NICHOLAS DR</td>
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<td>CENTER ST</td>
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<tr>
<td>OLIVE ST</td>
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<td>6TH ST</td>
<td>CAMPBELL DR</td>
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<td>OLIVE ST</td>
<td>RAINBOW DR</td>
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<td>QUARRY RD</td>
<td>NEVADA ST</td>
<td>EAST TO CITY LIMITS</td>
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<td>RIVERVIEW PARK RD</td>
<td>EDGE-BROOK DR</td>
<td>GOVERNOR ROAD</td>
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<td>SOUTHBRIDGE RD</td>
<td>3RD ST</td>
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<td>SUMMIT ST</td>
<td>22ND ST</td>
<td>9TH ST</td>
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<td>22ND ST</td>
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<td>SOUTH 6TH STREET</td>
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<td>WESTWOOD DR</td>
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<td>WEST-WOOD DR</td>
<td>6TH ST</td>
<td>FREIBURG COURT</td>
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<td>WOOD-LAND ST</td>
<td>3RD AVE</td>
<td>EAST TO END</td>
<td>15</td>
</tr>
</tbody>
</table>

(Ord 14881 §1, 2-14-2011; Ord 14892 §1, 11-28-2011; Ord 14915 §1, 2-25-2013)
Sec. 20-79. Speed Limit Signs.
Appropriate signs indicating the maximum rate of speed of moving vehicles within the speed zones above created shall be erected and maintained by the Public Works Department to advise the operators of motor vehicles using said streets or highways of the maximum rate of speed as is herein defined or established in the districts in which entrance is being made.
(Rev. Ords. 1950; Ord. No. 68, § 26)
Cross reference(s)-Scheduled fines for violation, § 20-13.

Sec. 20-80. Control of vehicle.
The person operating a motor vehicle or motorcycle shall have the vehicle or motorcycle under control and shall reduce the speed to a reasonable and proper rate when:
Approaching and passing a person walking in the traveled portion of the public highway.
Approaching and passing an animal which is being led, ridden, or driven upon a public highway.
Approaching and traversing a crossing or intersection of public highways or a bridge, a sharp turn, a curve, or a steep descent, in a public highway.
Approaching and passing an emergency warning device displayed in accordance with rules adopted under I.C.A. § 321.449, or an emergency vehicle displaying a revolving or flashing light.
Approaching and passing a slow-moving vehicle displaying a reflective device as provided by I.C.A. § 321.383.
Approaching and passing through a signposted road work zone upon the public highway.
(Rev. Ords. 1950; Ord. No. 68, § 27)
State law reference(s)-Similar provisions, I.C.A. § 321.288.

Sec. 20-81. Information and notice as to speeding violation to specify speed.
In every charge of violation of section 20-78 of this division, the information, as well as a notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.
(Rev. Ords. 1950; Ord. No. 68, § 29)
State law reference(s)-Similar provisions, I.C.A. § 321.291.

Sec. 20-82. Minimum speed.
No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are authorized to enforce this section by directions to drivers, and for apparent willful disobedience to this section and refusal to comply with the direction of an officer in accordance with this section, the continued slow operation by a driver shall be a misdemeanor.
(Rev. Ords. 1950; Ord. No. 68, § 30)
State law reference(s)-Similar provisions, I.C.A. § 321.294.

Secs. 20-83 – 20-90. Reserved.

DIVISION 3. TURNING AND STARTING*
*State law reference(s)-Power of city to regulate or prohibit turning at intersections, I.C.A. § 321.236(9).
Sec. 20-91. Turning at intersections.
Except as otherwise indicated by markings, buttons or signs, the driver of a vehicle intending to
turn at an intersection shall do so as follows:
Both the approach for a right turn and right turn shall be made as close as practical to the right-
hand curb or edge of the roadway.
Approach for a left turn shall be made in that portion of the right half of the roadway nearest the
centerline thereof, and after entering the intersection the left turn shall be made so as to depart
from the intersection to the right of the centerline of the roadway being entered.
Approach for a left turn from a two-way street into a one-way street shall be made in that portion
of the right half of the roadway nearest the centerline thereof and by passing to the right of such
centerline where it enters the intersection. A left turn from a one-way street into a two-way street
shall be made by passing to the right of the centerline of the street being entered upon leaving the
intersection.
State law reference(s)-Similar provisions, I.C.A. § 321.311.

Sec. 20-92. Turning on curve or crest of grade.
No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the
approach to or near the crest of a grade or hill, where such vehicle cannot be seen by the driver
of any other vehicle approaching from either direction within 500 feet.
(Rev. Ords. 1950; Ord. No. 68, § 45)
State law reference(s)-Similar provisions, I.C.A. § 321.312.

Sec. 20-93. Starting parked vehicle.
No person shall start a vehicle that is stopped, standing, or parked unless and until such
movement can be made with reasonable safety.
(Rev. Ords. 1950; Ord. No. 68, § 46)
State law reference(s)-Similar provisions, I.C.A. § 321.313.

Sec. 20-94. When signal required.
No person shall turn a vehicle from a direct course upon a highway unless and until such
movement can be made with reasonable safety and then only after giving a clearly audible signal
by sounding the horn if any pedestrian may be affected by such movement or after giving an
appropriate signal in the manner provided in this division if any other vehicle may be affected by
such movement.
(Rev. Ords. 1950; Ord. No. 68, § 47)
State law reference(s)-Similar provisions, I.C.A. § 321.314.

Sec. 20-95. Signal to be continuous.
A signal of intention to turn right or left shall be given continuously during not less than the last
100 feet traveled by the vehicle before turning when the speed limit is 45 miles per hour or less
and a continuous signal during not less than the last 300 feet when the speed limit is in excess of
45 miles per hour.
(Rev. Ords. 1950; Ord. No. 68, § 48)
State law reference(s)-Similar provisions, I.C.A. § 321.315.
Sec. 20-96. Stop signals.
No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this division to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
(Rev. Ords. 1950; Ord. No. 68, § 49)
State law reference(s)-Similar provisions, I.C.A. § 321.316.

Sec. 20-97. Types of signals permissible.
The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in section 20-98 or by a mechanical or electrical directional signal device or light conforming to the provisions of this chapter.
(Rev. Ords. 1950; Ord. No. 68, § 50)
State law reference(s)-Similar provisions, I.C.A. § 321.317(1).

Sec. 20-98. Manner of giving hand and arm signals.
All signals required in this division which may be given by hand and arm shall when so given be given from the left side of the vehicle, and the following manner and interpretation thereof is suggested:
Left turn: hand and arm extended horizontally.
Right turn: hand and arm extended upward.
Stop or decrease of speed: hand and arm extended downward.
(Rev. Ords. 1950; Ord. No. 68, § 51)
State law reference(s)-Similar provisions, I.C.A. § 321.318.


DIVISION 4. RIGHT-OF-WAY

Sec. 20-111. Entering intersections from different highways.
When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
The rule in subsection (a) of this section is modified at through highways and otherwise as stated in this chapter.
(Rev. Ords. 1950; Ord. No. 68, § 52)
State law reference(s)-Similar provisions, I.C.A. § 321.319.

Sec. 20-112. Yield when turning left.
The driver of a vehicle intending to turn left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, then the driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn.
(Rev. Ords. 1950; Ord. No. 68, § 53)
State law reference(s)-Similar provisions, I.C.A. § 321.320.
Sec. 20-113. Entering through highways.
The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute a hazard, but the driver having so yielded may proceed cautiously and with due care enter the through highway.
(Rev. Ords. 1950; Ord. No. 68, § 54)
State law reference(s)-Similar provisions, I.C.A. § 321.321.

Sec. 20-114. Entering stop or yield intersection.
The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway that has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.
The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.
(Rev. Ords. 1950; Ord. No. 64, § 55)
State law reference(s)-Similar provisions, I.C.A. § 321.322.

Sec. 20-115. Backing vehicles.
No person shall operate a vehicle on a highway in reverse gear unless and until such operation can be made with reasonable safety, and shall yield the right-of-way to any approaching vehicle on the highway or intersecting highway thereto which is so close thereto as to constitute an immediate hazard.
State law reference(s)-Similar provisions, I.C.A. § 321.323.

Sec. 20-116. Operation on approach of emergency vehicles.
Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or an authorized emergency vehicle of a fire department displaying a blue light or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. For the purposes of this section, the term "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.
This section shall not operate to relieve the driver of an authorized emergency vehicle from the
duty to drive with due regard for the safety of all persons using the highway.
(Rev. Ords. 1950; Ord. No. 68, § 57)
State law reference(s)-Similar provisions, I.C.A. § 321.324.


ARTICLE V. PEDESTRIANS

Sec. 20-151. Obedience to signals.
Pedestrians shall be subject to traffic control signals at intersections as declared in this chapter,
but at all other places pedestrians shall be accorded the privileges and shall be subject to the
restrictions stated in this article.
(Rev. Ords. 1950; Ord. No. 68, § 58)
State law reference(s)-Similar provisions, I.C.A. § 321.325.

Sec. 20-152. Walking on left side of road.
Pedestrians shall at all times when walking on or along a highway walk on the left side of such
highway.
(Rev. Ords. 1950; Ord. No. 68, § 59)
State law reference(s)-Similar provisions, I.C.A. § 321.326.

Sec. 20-153. Right-of-way.
Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield
the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the
roadway within any marked crosswalk or within any unmarked crosswalk at an intersection,
except as otherwise provided in this chapter.
(Rev. Ords. 1950; Ord. No. 68, § 60)
State law reference(s)-Similar provisions, I.C.A. § 321.327.

Sec. 20-154. Crossing at other than crosswalk.
Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within
an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the
roadway.
Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian
crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
Where traffic control signals are in operation at any place not an intersection, pedestrians shall
not cross at any place except in a marked crosswalk.
(Rev. Ords. 1950; Ord. No. 68, § 61)
State law reference(s)-Similar provisions, I.C.A. § 321.328.

Sec. 20-155. Use of crosswalks.
Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(Rev. Ords. 1950; Ord. No. 68, § 63)
Sec. 20-156. Hitchhiking.
No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.
Nothing in this section or this chapter shall be construed so as to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle.
(Rev. Ords. 1950; Ord. No. 68, § 64)
State law reference(s)-Similar provisions, I.C.A. § 321.331.

Sec. 20-157. Blind pedestrians.
Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog wearing a harness and walking on either side of or slightly in front of the blind person shall immediately come to a complete stop and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog.
For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways, and public places of the state any white canes or walking sticks which are white in color or white tipped with red.
(Rev. Ords. 1950; Ord. No. 58, §§ 1-3)

Sec. 20-158. Drivers to exercise due care and yield right-of-way.
Notwithstanding the provisions of section 20-154 of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.
Every driver shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a highway whenever a flag person or warning sign notifies the driver of the presence of such workers.
(Rev. Ords. 1950; Ord. No. 68, § 62)
State law reference(s)-Similar provisions, I.C.A. § 321.329.

ARTICLE VI. STOPPING, STANDING OR PARKING

*State law reference(s)-Power of city to regulate the standing or parking of vehicles, I.C.A. § 321.236(1).

DIVISION 1. GENERALLY

Sec. 20-159. General prohibition.
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:
On a sidewalk.
In front of a public or private driveway.
Within an intersection.
Within five feet of a fire hydrant.
On a crosswalk.
Within ten feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.
Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
At any place where official signs prohibit stopping or parking.
Upon any street within the corporate limits of the city when the stopping, standing or parking is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets.
In front of a curb cut or ramp that is located on public or private property in a manner that blocks access to the curb cut or ramp.
On the terrace or easement area if visual hazard is created.
(Rev. Ords. 1950; Ord. No. 68, § 68; Ord. 14702 06-10-2003)
State law reference(s)-Similar provisions, I.C.A. § 321.358.

Sec. 20-160. Overtime parking.
No person shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time at any location designated.

Sec. 20-160.1 Application of parallel parking.
In reference to overtime parking the method of parking shall be as follows: Every vehicle stopped or parked upon a roadway shall be stopped or parked with the wheels of such vehicle parallel with and within eighteen (18) inches of the curb, and not closer than four (4) feet end to end from another vehicle.

Sec. 20-160.2. Definition of vehicle.
The word “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 20-160.3 General application.
Overtime alternate parking shall apply to all streets within the incorporate limits of Marshalltown, Iowa, except as to streets or portions of streets hereinafter expressly excluded or not signed as such. Overtime alternate parking shall apply to the entire length or course of said street within the incorporate limits of the City of Marshalltown, Iowa, except as to such portion hereinafter expressly excluded or not signed as such.
Sec. 20-160.4 East and west streets.
Streets and avenues running in an easterly and westerly direction, parking on the south side of said street or avenue prior to 9 a.m. is prohibited on Monday, Wednesday, Friday, and Sunday, and on the north side of said street or avenue prior to 9 a.m. on Tuesday, Thursday, and Saturday.

Sec. 20-160.5 North and south streets.
Streets and avenues running in a northerly and southerly direction, parking shall be prohibited on the west side of said streets and avenues prior to 9 a.m. Tuesday, Thursday, and Saturday, and on the east side of street or avenue prior to 9 a.m. Monday, Wednesday, Friday and Sunday.

Sec. 20-160.6 Special exclusion.
This Overtime Alternate Parking Ordinance shall have no application and is expressly declared to be inapplicable to the existing parking ordinances for regulations in regard to parking on the following portions of streets and avenues:

<table>
<thead>
<tr>
<th>No.</th>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BOTH</td>
<td>N 13TH ST</td>
<td>SUMMIT ST</td>
<td>MAIN ST</td>
</tr>
<tr>
<td>2</td>
<td>BOTH</td>
<td>S 2ND AVE</td>
<td>SOUTH LINE OF GLENGA DR</td>
<td>SOUTH 70 FEET</td>
</tr>
<tr>
<td>3</td>
<td>BOTH</td>
<td>S 3RD AVE</td>
<td>LINN ST</td>
<td>ANSON ST</td>
</tr>
<tr>
<td>4</td>
<td>BOTH</td>
<td>N 4TH AVE</td>
<td>EAST MAIN ST</td>
<td>EAST STATE ST</td>
</tr>
<tr>
<td>5</td>
<td>BOTH</td>
<td>BITTERSWEET RD</td>
<td></td>
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<tr>
<td>6</td>
<td>BOTH</td>
<td>FIELDCREST CT</td>
<td></td>
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<tr>
<td>7</td>
<td>BOTH</td>
<td>FREIBERG COURT</td>
<td></td>
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<tr>
<td>8</td>
<td>BOTH</td>
<td>GREENFIELD DR</td>
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<tr>
<td>9</td>
<td>BOTH</td>
<td>LARKFIELD CT</td>
<td></td>
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<tr>
<td>10</td>
<td>BOTH</td>
<td>E LINN ST</td>
<td>3RD AVE</td>
<td>4TH AVE</td>
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<tr>
<td>11</td>
<td>BOTH</td>
<td>ROLLING MEADOWS RD</td>
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</tr>
</tbody>
</table>

Other streets designated with painted parking spaces.
Other streets otherwise designated or not posted with alternate parking signs.

Sec. 20-160.7 Portion of streets and avenues bordering on school grounds excluded.
This section shall have no application and is expressly declared to be inapplicable to the existing parking ordinances or regulations in regard to the portions of streets and avenues bordering on and immediately adjacent to all public school grounds and also the portions of streets and avenues bordering on and immediately adjacent to all parochial school grounds.

Sec. 20-160.8 Diagonal and curved streets.
A street or avenue beginning in a straight course from Main Street in a southerly and northerly direction, and then taking a diagonal course, shall for the purpose of this ordinance be classified throughout its length as a north and south street or avenue. A street or avenue beginning in a straight course from Center Street in an easterly and westerly direction and then taking a diagonal course, shall for the purpose of this ordinance be classified throughout its length as an East and West street or avenue. All other diagonal streets or avenues shall be deemed north and south streets if they angle less than 45 degrees from true north. All other diagonal streets or avenues shall be deemed east and west streets or avenues if they angle more than 45 degrees from true north.

Curved streets. Streets curved in part shall be classified as north and south streets if the major
portion thereof runs in a northerly and southerly direction. Streets curved in part shall be
classified as east and west streets if the major portion thereof runs in an easterly and westerly
direction.
Specific designations. Brentwood Road and Brentwood Place shall be deemed and is so declared
north and south streets or avenues for the purpose of this ordinance. Brentwood Terrace shall be
deemed and so declared an east and west street or avenue for the purpose of this ordinance.

**Sec. 20-160.9 Hour of change.**
The principal of the use of alternate sides for the control of the parking or leave standing of
vehicles is hereby established. The hour of change shall be at nine o’clock A.M. on each day of
the week on the streets and avenues herein covered.

**Sec. 20-160.10 Appropriate signs for overtime alternate parking.**
Appropriate signs stating thereon “NO PARKING” followed by the days of the week on which a
vehicle shall not be parked or left standing shall be placed and maintained by the street
department adjacent to the curb along the portions of the street included in the provisions of this
ordinance.

**Sec. 20-161. No parking anytime.**
The parking of vehicles is hereby prohibited at all times on certain streets and locations hereafter
set forth as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WEST</td>
<td>N 10TH AVE</td>
<td>MARION ST</td>
<td>BROMLEY ST</td>
</tr>
<tr>
<td>2</td>
<td>EAST</td>
<td>N 10TH AVE</td>
<td>MARION ST.</td>
<td>LEE ST</td>
</tr>
<tr>
<td></td>
<td>EAST</td>
<td>N 10TH AVE</td>
<td>LEE ST</td>
<td>WOODBURY ST</td>
</tr>
<tr>
<td>3</td>
<td>EAST</td>
<td>S 11TH ST</td>
<td>W. CHURCH ST</td>
<td>W. BOONE ST.</td>
</tr>
<tr>
<td>4</td>
<td>BOTH</td>
<td>N 12TH AVE</td>
<td>NORTH LINE OF E</td>
<td>80 FEET NORTH</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MAIN ST</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>BOTH</td>
<td>S 12TH AVE</td>
<td>MAIN ST</td>
<td>SOUTH CITY LIMITS</td>
</tr>
<tr>
<td>6</td>
<td>EAST</td>
<td>S 13TH ST</td>
<td>W. CHURCH ST</td>
<td>W. LINN ST.</td>
</tr>
<tr>
<td>7</td>
<td>EAST</td>
<td>S 14TH AVE</td>
<td>SOUTH LINE OF E</td>
<td>A POINT 60' SOUTH</td>
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<td></td>
<td></td>
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<td>LINN ST</td>
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</tr>
<tr>
<td>8</td>
<td>EAST</td>
<td>N 14TH ST</td>
<td>W. MAIN ST</td>
<td>W. STATE ST</td>
</tr>
<tr>
<td>9</td>
<td>BOTH</td>
<td>S 15TH AVE</td>
<td>SOUTH LINE OF E</td>
<td>60 FEET SOUTH</td>
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<td></td>
<td></td>
<td></td>
<td>NEVADA ST</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>BOTH</td>
<td>S 15TH AVE</td>
<td>JACKSON ST</td>
<td>ANSON ST</td>
</tr>
<tr>
<td>11</td>
<td>BOTH</td>
<td>S 16TH AVE</td>
<td>NORTH LINE OF E</td>
<td>40 FEET NORTH</td>
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<td></td>
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<td>NEVADA ST</td>
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<td>EAST</td>
<td>N 16TH ST</td>
<td>KALSEM BLVD</td>
<td>RIVER BLVD</td>
</tr>
<tr>
<td>13</td>
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<td>W. MAIN ST.</td>
<td>W. STATE ST</td>
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<tr>
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<td>SOUTH LINE OF</td>
<td>THENCE 35 FEET</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>EAST-WEST ALLEY</td>
<td>SOUTH</td>
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<td>AND STATE ST.</td>
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<td>West</td>
<td>East</td>
<td>South</td>
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<td>15a</td>
<td>S 1ST AVE</td>
<td>S 1ST AVE</td>
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<tr>
<td>16</td>
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<td>S 1ST AVE</td>
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<td>S 2ND ST</td>
<td>WASHINGTON/PLAYER STREETS</td>
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<td>S 2ND AVE</td>
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</tr>
<tr>
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<td>THENCE 80 FEET SOUTH</td>
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<td>S 3RD AVE</td>
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<td>28</td>
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<td>No.</td>
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<td>W NEVADA ST</td>
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<td></td>
<td>WEST</td>
<td>S 3RD ST</td>
<td>W MADISON ST</td>
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</tr>
<tr>
<td>34</td>
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<td>S. 6TH ST</td>
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<td>W. MADISON ST</td>
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<tr>
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<td>37</td>
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<td>LINN ST</td>
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<td>S 4TH AVE</td>
<td>NEVADA ST</td>
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<td>LINN ST</td>
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<tr>
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<td>20 FEET SOUTH OF THE SOUTH LINE OF THE ALLEY SOUTH OF SUMMIT ST</td>
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<tr>
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<td>20 FEET NORTH OF THE NORTH LINE OF THE ALLEY SOUTH OF SUMMIT ST</td>
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<td>W. INGLEDUE ST.</td>
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<td>W. OLIVE ST</td>
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<td>42</td>
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<td>60 FEET SOUTH</td>
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<tr>
<td>43</td>
<td>EAST</td>
<td>S 6TH AVE</td>
<td>E. ANSON ST</td>
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<td>E. MAY ST</td>
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<td>IOWA AVE.</td>
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<td>THE INTERSECTION OF S. 6TH ST. AND S. 3RD ST. (S. 6TH ST. CONNECTION.)</td>
<td></td>
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<tr>
<td>45</td>
<td>BOTH</td>
<td>S 6TH ST</td>
<td>S. 3RD ST - S 6TH ST CONNECTION</td>
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<td>CHICAGO NW RAILROAD TRACKS</td>
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<td>46</td>
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<td>S 6TH ST</td>
<td>W. MAIN</td>
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<td>W. MADISON ST.</td>
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</tr>
<tr>
<td>47</td>
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<td>N 7TH AVE</td>
<td>E. MAIN ST</td>
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<td>E. STATE ST.</td>
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<td>BROMLEY ST.</td>
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</tr>
<tr>
<td>49</td>
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<td>E. MAIN ST</td>
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</tr>
<tr>
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<td></td>
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<td>E. STATE ST.</td>
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<tr>
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<td>N 9TH AVE</td>
<td>WOODBURY ST</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>STATE ST</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>WEST</td>
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<td>BROMLEY ST</td>
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<td></td>
<td></td>
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<td>STATE ST</td>
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<td>E. MAIN ST.</td>
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<td>NORTH TO FIRST ALLEY INTERSECTION</td>
<td></td>
</tr>
<tr>
<td>Line</td>
<td>Direction</td>
<td>Street(s)</td>
<td>Description</td>
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<td>-----------</td>
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<td></td>
</tr>
<tr>
<td>53</td>
<td>West</td>
<td>N 9th St</td>
<td>Beg. at a point 100 feet south of the south line of Summit St, then 25 feet south</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Both</td>
<td>N 9th St</td>
<td>South line of Summit St, south 100 feet</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Both</td>
<td>S 9th St</td>
<td>North line of Lincoln Way, a point 100 feet north of the north line of W State St</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Both</td>
<td>Anson St</td>
<td>480 feet west of the centerline of S. Center St, S. 4th Ave.</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Both</td>
<td>E Anson St</td>
<td>S. 12th Ave., Stegman Blvd</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Both</td>
<td>E Anson St</td>
<td>S. Center St, S. 4th Ave.</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Both</td>
<td>W Anson St</td>
<td>300 feet from intersection with S. Center St.</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Any</td>
<td></td>
<td>Any terrace between curb and sidewalk</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Both</td>
<td>Bohen St</td>
<td>S. Center St, S. 1st Ave</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Both</td>
<td>W Boone St</td>
<td>S 9th St, S 12th St</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>North</td>
<td>W Boone St</td>
<td>S. 6th St, 1/2 block east</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>South</td>
<td>W Boone St</td>
<td>S. 6th St, 160 feet west</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>South</td>
<td>E Boone St</td>
<td>S. 1st Ave, S. 2nd Ave</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>North</td>
<td>E Boone St</td>
<td>East line of S. Center St, 110 feet east</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>East</td>
<td>N Center St</td>
<td>South line of alley adjacent to Lot 6, Block 10 of Original Plat of Marshalltown (19 N Center St), 35 feet south</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Both</td>
<td>S Center St</td>
<td>Church St, South city limits</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>Both</td>
<td>S Center St</td>
<td>Frontage Rd, Berle Road, Westwood Dr.</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Both</td>
<td>S Center St</td>
<td>Street Ramps, Washington St, South end of Center St Viaduct</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>North</td>
<td>W Church St</td>
<td>East line of S. 3rd St, 60 feet east</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Both</td>
<td>W Church St</td>
<td>West line of S. 9th St, 100 feet west</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>North</td>
<td>E Church St</td>
<td>S. 3rd Ave, S. 5th Ave</td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>South</td>
<td>E Church St</td>
<td>East line of S. 3rd Ave, a point 60 feet east of east line of S 4th Ave</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>North/South</td>
<td>East/West</td>
<td>Notes</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
<td>-----------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>75</td>
<td>BOTH W CHURCH ST EAST PROPERTY LINE OF S. 9TH ST.</td>
<td>West</td>
<td>East</td>
<td>A POINT 50 FEET EAST</td>
</tr>
<tr>
<td>76</td>
<td>BOTH W CHURCH ST WEST PROPERTY LINE OF S. 9TH ST.</td>
<td>East</td>
<td>West</td>
<td>A POINT 50 FEET WEST</td>
</tr>
<tr>
<td>77</td>
<td>SOUTH W CHURCH ST S. 2ND ST.</td>
<td>South</td>
<td>East</td>
<td>S. 3RD ST</td>
</tr>
<tr>
<td>78</td>
<td>BOTH EAST AND WEST 3RD AVE RAMPS</td>
<td>North</td>
<td>West</td>
<td>NEVADA-MADISON ST CONNECTION</td>
</tr>
<tr>
<td>79</td>
<td>BOTH EDGEBROOK DRIVET SOUTHERLY LINE OF E. OLIVE ST.</td>
<td>South</td>
<td>East</td>
<td>A POINT 85 FEET SOUTH</td>
</tr>
<tr>
<td>80</td>
<td>BOTH FREMONT ST EAST LINE OF N. 27TH ST.</td>
<td>South</td>
<td>East</td>
<td>A POINT 50 FEET EAST</td>
</tr>
<tr>
<td>81</td>
<td>NORTH W FREMONT ST N. 16TH ST.</td>
<td>North</td>
<td>East</td>
<td>N. 18TH ST</td>
</tr>
<tr>
<td>82</td>
<td>BOTH W HIBBS BLVD S. CENTER ST S 2ND ST</td>
<td>South</td>
<td>West</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>NORTH W HIGH ST WEST LINE OF S. 2ND ST WEST 500 FEET ST</td>
<td>North</td>
<td>West</td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>SOUTH W HIGH ST 6TH ST WEST LINE OF 2ND ST</td>
<td>South</td>
<td>West</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>BOTH IOWA AVE. EAST CITY LIMITS WEST CITY LIMITS</td>
<td>South</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>BOTH JACKSON ST S. 12TH AVE S. 15TH AVE</td>
<td>South</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>BOTH W LINCOLN WAY 9TH ST WEST CITY LIMITS</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>NORTH W LINN ST EAST LINE OF S. 3RD ST EAST 160 FEET TO THE ALLEY</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NORTH E LINN ST S CENTER ST S 3RD AVENUE</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>89</td>
<td>NORTH E LINN ST A POINT 20 FEET WEST OF THE WEST LINE OF THE NORTH-SOUTH ALLEY BETWEEN 4TH AVE &amp; 5TH AVE</td>
<td>North</td>
<td>East</td>
<td>WEST LINE OF SAID ALLEY</td>
</tr>
<tr>
<td>90</td>
<td>BOTH E LINN ST S. 14TH AVE. S. 18TH AVE.</td>
<td>South</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>BOTH E LINN ST CENTER ST S. 3RD AVE.</td>
<td>South</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>NORTH W LINN ST EAST LINE OF S. 13TH ST EXTENDING EAST 180 FEET</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>93</td>
<td>BOTH E LINN ST EAST LINE OF S. 3RD AVE EAST ONE-HALF BLOCK WEST LINE OF FIRST NORTH &amp; SOUTH ALLEY INTERSECTING E. LINN ST</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>94</td>
<td>BOTH N LINWOOD ST. N. 4TH AVE N. 3RD AVE</td>
<td>North</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>BOTH MADISON ST S. 4TH AVE S. 9TH ST.</td>
<td>South</td>
<td>East</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>NORTH E MAIN ST A POINT 68 FEET EAST OF THE EAST RIGHT OF WAY LINE OF S. 3RD AVE.</td>
<td>North</td>
<td>East</td>
<td>A POINT 100 FEET EAST</td>
</tr>
<tr>
<td>Number</td>
<td>Direction</td>
<td>Street Name</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
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<td>------------------------------</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>NORTH</td>
<td>E MAIN ST</td>
<td>EAST LINE OF 3RD AVE</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>28 FEET EAST</td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>SOUTH</td>
<td>E MAIN ST</td>
<td>40 FEET WEST OF THE WEST LINE</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OF N. 4TH AVE.</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>NORTH</td>
<td>W MAIN ST</td>
<td>WEST LINE OF NORTH-SOUTH</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ALLEY BETWEEN 2ND &amp; 3RD</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>STREETS</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>BOTH</td>
<td>E MAIN ST</td>
<td>12TH AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EAST CITY LIMITS</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>BOTH</td>
<td>W MAIN ST</td>
<td>19TH ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WEST CITY LIMITS</td>
<td></td>
</tr>
<tr>
<td>101a</td>
<td>BOTH</td>
<td>E MEADOW</td>
<td>S. CENTER ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LANE</td>
<td>S. 2ND AVE.</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>BOTH</td>
<td>MARION ST</td>
<td>N. 3RD AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N. 18TH AVE</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>NORTH</td>
<td>MARION ST</td>
<td>N. 2ND AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N. 3RD AVE</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>BOTH</td>
<td>E NEVADA ST</td>
<td>EAST LINE OF S. 1ST AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TO A POINT 196.5 FEET EAST.</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>BOTH</td>
<td>E NEVADA ST</td>
<td>S. 4TH AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>S. 18TH AVE.</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>SOUTH</td>
<td>E NEVADA ST</td>
<td>S. CENTER ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>S. 1ST AVE</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>SOUTH</td>
<td>NICHOLAS DR</td>
<td>EAST LINE OF S. 2ND AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EAST 105 FEET</td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>BOTH</td>
<td>E NORTH ST</td>
<td>N. CENTER ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N. 2ND AVE</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>BOTH</td>
<td>W OLIVE ST</td>
<td>S. 6TH ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>S. 12TH ST.</td>
<td></td>
</tr>
<tr>
<td>110</td>
<td>BOTH</td>
<td>E OLIVE ST</td>
<td>S. CENTER ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EAST CITY LIMITS</td>
<td></td>
</tr>
<tr>
<td>111</td>
<td>BOTH</td>
<td>RIVERSIDE ST</td>
<td>2ND AVE</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N. 3RD AVE</td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>SOUTH</td>
<td>W SOUTH ST</td>
<td>WEST LINE OF S. CENTER ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WEST 156 FEET</td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>NORTH</td>
<td>W SOUTH ST</td>
<td>WEST LINE OF CENTER ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A POINT 360 FEET WEST</td>
<td></td>
</tr>
<tr>
<td>114</td>
<td>BOTH</td>
<td>E SOUTH ST</td>
<td>S. CENTER ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>S. 3RD AVE.</td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>NORTH</td>
<td>E SOUTH ST</td>
<td>EAST LINE OF S. 3RD AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>THE ENTRANCE TO THE ANSON</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SCHOOL PARKING LOT</td>
<td></td>
</tr>
<tr>
<td>116</td>
<td>SOUTH</td>
<td>E SOUTHRIDGE</td>
<td>BEG. AT A POINT 208 FEET</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RD</td>
<td>EAST OF THE EAST LINE OF</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PLAZA DR</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>THENCE EAST 180 FEET</td>
<td></td>
</tr>
<tr>
<td>117</td>
<td>SOUTH</td>
<td>E SOUTHRIDGE</td>
<td>EAST LINE OF S. CENTER ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RD</td>
<td>190 FEET EAST.</td>
<td></td>
</tr>
<tr>
<td>118</td>
<td>BOTH</td>
<td>W SOUTHRIDGE</td>
<td>WEST LINE OF CENTER ST</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RD</td>
<td>A POINT 350 FEET WEST</td>
<td></td>
</tr>
<tr>
<td>119</td>
<td>NORTH</td>
<td>E SOUTHRIDGE</td>
<td>EAST LINE OF S. CENTER ST.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RD</td>
<td>750 FEET EAST</td>
<td></td>
</tr>
<tr>
<td>120</td>
<td>BOTH</td>
<td>W STATE ST</td>
<td>EAST LINE OF N. 7TH AVE.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EAST 100 FEET</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Side</td>
<td>On Street</td>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>-----------</td>
<td>------</td>
<td>----</td>
</tr>
<tr>
<td>121</td>
<td>BOTH</td>
<td>E STATE ST</td>
<td>WEST PROPERTY LINE OF N. 7TH AVE</td>
<td>A POINT 65 FEET WEST</td>
</tr>
<tr>
<td>122</td>
<td>BOTH</td>
<td>W STATE ST</td>
<td>EAST PROPERTY LINE OF N. 9TH ST.</td>
<td>A POINT 50 FEET EAST</td>
</tr>
<tr>
<td>123</td>
<td>BOTH</td>
<td>W STATE ST</td>
<td>WEST PROPERTY LINE OF N. 9TH ST</td>
<td>A POINT 50 FEET WEST</td>
</tr>
<tr>
<td>124</td>
<td>NORTH</td>
<td>E STATE ST</td>
<td>N. 3RD AVE.</td>
<td>N. 4TH AVE.</td>
</tr>
<tr>
<td>125</td>
<td>BOTH</td>
<td>E STATE ST</td>
<td>EAST LINE OF NO 5TH AVE</td>
<td>WEST LINE OF N. 9TH AVE</td>
</tr>
<tr>
<td>126</td>
<td>BOTH</td>
<td>SUMMIT ST</td>
<td>EAST LINE OF N. 21ST ST.</td>
<td>270 FEET EAST</td>
</tr>
<tr>
<td>127</td>
<td>NORTH</td>
<td>SUMMIT ST</td>
<td>WEST LINE OF N. 4TH 60 FEET WEST ST</td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>SOUTH</td>
<td>SWAYZE ST</td>
<td>10TH AVE</td>
<td>11TH AVE</td>
</tr>
<tr>
<td>129</td>
<td>SOUTH</td>
<td>SWAYZE ST</td>
<td>N. 3RD AVE</td>
<td>N. 4TH AVE</td>
</tr>
<tr>
<td>130</td>
<td>NORTH</td>
<td>TURNER ST</td>
<td>S. 9TH AVE</td>
<td>S. 12TH AVE.</td>
</tr>
<tr>
<td>131</td>
<td>BOTH</td>
<td>VILLAGE CIRCLE</td>
<td>NORTH EDGE OF THE 50 FEET NORTH PAVEMENT OF HIGHWAY 30</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td>SOUTH</td>
<td>WESTWOOD DR</td>
<td>WESTLINE OF S. 6TH ST</td>
<td>250 FEET WEST</td>
</tr>
<tr>
<td>133</td>
<td>BOTH</td>
<td>WESTWOOD DR</td>
<td>WEST PROPERTY LINE OF CENTER</td>
<td>A POINT 570 FEET WEST</td>
</tr>
<tr>
<td>134</td>
<td>BOTH</td>
<td>WILSON CIR</td>
<td>SOUTH LINE OF MADISON ST</td>
<td>100 FEET SOUTH</td>
</tr>
<tr>
<td>135</td>
<td>SOUTH</td>
<td>WOODBURY ST N. 9TH AVE.</td>
<td>N. 10TH AVE.</td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>BOTH</td>
<td>WOODBURY ST</td>
<td>WEST LINE OF N. 9TH 170 feet AVE.</td>
<td></td>
</tr>
</tbody>
</table>

(Ord 14879 §1, 3-28-2011, Ord 14944 §1, 1-11-2016)

**Sec. 20-161.1. Appropriate signs for prohibited parking.**
Appropriate signs stating thereon “NO PARKING AT ANY TIME” shall be placed and maintained by the Street Division adjacent to the curb along the portions of the streets and avenues included in the provisions of this ordinance where parking at all times is prohibited.

**Sec. 20-161.2. Removal of vehicles on controlled streets and avenues.**
Any vehicle left standing or parked in the controlled area as herein prescribed, contrary to the provisions hereof, may be towed away or removed by direction of the Chief of Police and the cost of any towing or storage of such motor vehicle shall be paid by the owner or other persons responsible therefore as a condition in again obtaining possession thereof, and such charges shall not be considered as a fine or penalty. A fine or penalty may be further assessed upon charges filed and conviction thereof.

**Sec. 20-162. Parking around schools.**
The stopping, parking or leave standing of motor vehicles on the following streets and avenues in the CITY OF MARSHALLTOWN, IOWA, is hereby prohibited at all times, except as provided in Section 20-162.1:

<table>
<thead>
<tr>
<th>No.</th>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
</table>

(Ord 14879 §1, 3-28-2011, Ord 14944 §1, 1-11-2016)
<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>EAST</th>
<th>S 3RD AVE</th>
<th>E. SOUTH ST</th>
<th>E. ANSON ST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSON SCHOOL</td>
<td>EAST</td>
<td>S 3RD AVE</td>
<td>E. SOUTH ST</td>
<td>E. ANSON ST</td>
</tr>
<tr>
<td></td>
<td>WEST</td>
<td>S 3RD AVE</td>
<td>E.SOUTH ST.</td>
<td>YOUNG ST</td>
</tr>
<tr>
<td></td>
<td>NORTH</td>
<td>SOUTH ST</td>
<td>S. 3RD AVE.</td>
<td>S. 5TH AVE.</td>
</tr>
<tr>
<td>ROGERS SCHOOL</td>
<td>WEST</td>
<td>N 4TH ST</td>
<td>SUMMIT ST.</td>
<td>FREMONT ST.</td>
</tr>
<tr>
<td></td>
<td>EAST</td>
<td>N 5TH ST</td>
<td>SUMMIT ST.</td>
<td>FREMONT ST.</td>
</tr>
<tr>
<td></td>
<td>SOUTH</td>
<td>SUMMIT ST</td>
<td>N. 5TH ST.</td>
<td>N. 4TH ST.</td>
</tr>
<tr>
<td>HOGLAN SCHOOL</td>
<td>EAST</td>
<td>S 3RD AVE</td>
<td>E. SOUTHRIDGE RD.</td>
<td>NEWCASTLE RD.</td>
</tr>
<tr>
<td></td>
<td>NORTH</td>
<td>SOUTHRIDGE RD.</td>
<td>S. 3RD AVE.</td>
<td>525 FEET EAST</td>
</tr>
<tr>
<td>FISHER SCHOOL</td>
<td>NORTH</td>
<td>PLEASANTVIEW RD</td>
<td>S. 6TH ST.</td>
<td>S. 4TH ST.</td>
</tr>
<tr>
<td></td>
<td>WEST</td>
<td>4TH ST.</td>
<td>PLEASANTVIEW RD</td>
<td>W. MEADOW LANE</td>
</tr>
<tr>
<td>ST. HENRY SCHOOL</td>
<td>EAST</td>
<td>S 4TH ST.</td>
<td>W. OLIVE ST.</td>
<td>W. INGLEDEUE ST.</td>
</tr>
<tr>
<td></td>
<td>SOUTH</td>
<td>COLUMBUS DR.</td>
<td>S. 4TH ST.</td>
<td>CRESTVIEW DR.</td>
</tr>
<tr>
<td></td>
<td>WEST</td>
<td>CRESTVIEW DR.</td>
<td>COLUMBUS DR.</td>
<td>W. OLIVE ST.</td>
</tr>
<tr>
<td></td>
<td>NORTH</td>
<td>W OLIVE ST</td>
<td>CRESTVIEW DR.</td>
<td>S. 4TH ST.</td>
</tr>
<tr>
<td>LENIHAN SCHOOL</td>
<td>NORTH</td>
<td>COLUMBUS DR.</td>
<td>S. 4TH ST.</td>
<td>120 FEET EAST</td>
</tr>
<tr>
<td></td>
<td>NORTH</td>
<td>INGLEDEUE ST.</td>
<td>2ND ST</td>
<td>4TH STREET</td>
</tr>
<tr>
<td>**</td>
<td>NORTH</td>
<td>INGLEDEUE ST.</td>
<td>2ND ST</td>
<td>4TH STREET</td>
</tr>
<tr>
<td>**</td>
<td>SOUTH</td>
<td>W INGLEDEUE ST.</td>
<td>S. 4TH ST.</td>
<td>S. 2ND ST.</td>
</tr>
<tr>
<td>**</td>
<td>WEST</td>
<td>S 4TH ST.</td>
<td>INGLEDEUE ST</td>
<td>COLUMBUS DRIVE</td>
</tr>
<tr>
<td>**</td>
<td>SOUTH</td>
<td>W INGLEDEUE ST.</td>
<td>S. 4TH ST.</td>
<td>S. 2ND ST.</td>
</tr>
<tr>
<td>**</td>
<td>WEST</td>
<td>S 4TH ST.</td>
<td>INGLEDEUE ST</td>
<td>COLUMBUS DRIVE</td>
</tr>
<tr>
<td>ST. MARY'S SCHOOL</td>
<td>EAST</td>
<td>S. 1ST ST.</td>
<td>W. LINN ST.</td>
<td>W. BOONE ST.</td>
</tr>
<tr>
<td></td>
<td>SOUTH</td>
<td>W LINN ST.</td>
<td>S. 1ST ST.</td>
<td>S. CENTER ST.</td>
</tr>
<tr>
<td>WOODBURY SCHOOL</td>
<td>SOUTH</td>
<td>E STATE ST.</td>
<td>N. 7TH AVE.</td>
<td>N. 5TH AVE.</td>
</tr>
<tr>
<td></td>
<td>WEST</td>
<td>7TH AVE.</td>
<td>E. STATE ST.</td>
<td>E. MAIN ST.</td>
</tr>
<tr>
<td></td>
<td>NORTH</td>
<td>E MAIN ST.</td>
<td>N. 7TH AVE.</td>
<td>N. 4TH AVE.</td>
</tr>
<tr>
<td>MILLER MIDDLE SCHOOL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sec. 20-162.1. Temporary stops.
Temporary stops for the sole purposes of immediate discharge or immediate loading of students shall be permitted, but only in the event that off-street areas for such discharge or loading do not exist within 300 feet of any exit door of said school. Any such temporary stop shall be for a duration of the shortest possible time necessary to discharge or load students, shall be done in a manner that will not impede or hamper general traffic, and the driver shall remain in the vehicle.

Sec. 20-162.2. Parking on opposite side.
In any of the aforesaid school areas where parking is presently allowed on the opposite side of the portions of the streets designated as prohibited parking by this ordinance, parking shall be allowed at all times, not withstanding the provisions within this chapter.

Sec. 20-162.3. Sign placement
There shall be erected suitable lawful signs in appropriate and conspicuous places on said various streets and avenues stating that parking is prohibited or allowed in clear and concise language. Signs shall include the wording “Passenger loading and unloading only. Driver must remain in vehicle”.

(Ordinance 14198 and 14425)

Sec. 20-163. Providing for residential/owner and Marshalltown Community School District staff and employee parking
From 7:00 A.M. to 5:00 P.M., Monday through Friday of each week except legal holidays, no motor vehicle shall be parked in the designated municipal areas set forth below unless said motor vehicle has visibly affixed to the left corner of the rear windshield a non-expired resident/owner permit or a Marshalltown School District Staff and Employee Parking Permit issued by the City of Marshalltown. No motor vehicle shall be parked in any such designated municipal areas without such a resident/owner permit or a Marshalltown School District staff and employee parking permit. Any motor vehicle parked without such permit shall be considered in violation of this Section.

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEST</td>
<td>S. 2ND AVE.</td>
<td>E. INGLEDEUE ST.</td>
<td>KOEPER DR.</td>
</tr>
<tr>
<td>BOTH</td>
<td>S. 3RD AVE.</td>
<td>E. OLIVE ST.</td>
<td>RAINBOW DR.</td>
</tr>
<tr>
<td>BOTH</td>
<td>KOEPER DR.</td>
<td>S. 3RD AVE.</td>
<td>S. 2ND AVE.</td>
</tr>
<tr>
<td>BOTH</td>
<td>OLSON WAY</td>
<td>E. OLIVE ST.</td>
<td>S. 2ND AVE.</td>
</tr>
</tbody>
</table>
BOTH CHERRY ST. S. 2ND AVE. S. CENTER ST.

After 5 p.m. to 7 a.m. parking in the designated areas is permitted and a permit is not required.
(Ord. 14917, §1, 3-25-2013)

Sec. 20-163.1. Installation of signs.
The Marshalltown City Engineer shall post suitable signs to designate these areas as resident/owner and Marshalltown School District staff and employee parking only, in accordance with this ordinance. These signs shall comply with state regulations as adopted by the Iowa Department of Transportation.

Sec. 20-163.2. Issuance of permits.
The Marshalltown City Clerk shall issue resident/owner and Marshalltown Community School District staff and employee parking permits to those residents or owners of the residential real estate described with the boundaries above and those individuals showing proof as to employment status with the Marshalltown Community School District. Each owner/resident or Marshalltown Community School District staff or employee shall receive one such permit for each motor vehicle registered in the owner’s name. No more than 40 permits shall be granted to the Marshalltown Community School District Staff and employees under this Section.

Sec. 20-164. Providing for resident/owner parking permits.
There is created a system of permit parking in the following designated municipal areas:

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOTH</td>
<td>S. 14TH AVE</td>
<td>E. LINN ST.</td>
<td>E NEVADA ST</td>
</tr>
<tr>
<td>BOTH</td>
<td>S. 15TH AVE</td>
<td>SOUTH LINE OF E.</td>
<td>LINE OF SOUTH</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LINN ST</td>
<td>LINE OF LOT 37 OF</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NORRIS ADD. (308 S 15TH</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AVE)</td>
</tr>
<tr>
<td>BOTH</td>
<td>S. 16TH AVE</td>
<td>E LINN ST.</td>
<td>NORRIS PL.</td>
</tr>
<tr>
<td>BOTH</td>
<td>ANSON CIRCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOTH</td>
<td>E. BOONE ST</td>
<td>S 12TH AVE PLACE</td>
<td>S 17TH AVE</td>
</tr>
</tbody>
</table>

No motor vehicle shall be parked in the designated municipal areas set out above unless said motor vehicle has visibly affixed to the left corner of the rear windshield a non-expired resident/owner street permit issued by the City of Marshalltown. Visitors and those conducting business in the permit area shall visibly display such permits in the left corner of the front windshield. No motor vehicle shall be parked in such designated municipal areas without a resident/owner street permit. Any vehicle parked without such a permit shall be considered in violation of this ordinance.
(Ord. 14917, §2, 3-25-2013)

Sec. 20-164.1. Posting of signs.
The Marshalltown City Engineer shall post suitable signs to designate these areas as resident/owner street permit parking only, in accordance with this ordinance. These signs shall comply with state regulations as adopted by the Iowa Department of Transportation.

Sec. 20-164.2. Revocation of permits.
No holder of a street parking permit shall transfer, sell, or assign such permit or otherwise allow use of any such permit contrary to the provisions of this ordinance. In the event such inappropriate use occurs the Marshalltown City Administrator is vested with the authority to revoke and cancel all such permits.
Sec. 20-164.3. Issuance of permits.
The City Clerk of the City of Marshalltown is hereby vested with authority to prepare for issuance of the required permits, and may if desired, issue them color coded, numbered and having on their face such information as is required to identify the permit holder, date of expiration, residence and other relevant information.

Sec. 20-164.4. Existing parking regulations.
All permit holders shall abide by all existing parking regulations and are not exempt therefrom.

Sec. 20-164.5. Fine for violation.
Any person violating the provisions of this ordinance, in addition to revocation or cancellation of any issued permit, is subject to a fine of $10.00.
(Ordinances 14525, 14595, 14614, 14616, 14494)

Sec. 20.165. Restricted parking between the hours of 7 a.m. to 5 p.m.
The stopping, parking or leave standing of motor vehicles on the following designated streets, avenues, roads or drives is hereby prohibited between the hours of 7 a.m. to 5 p.m. Monday through Friday, except holidays:

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOTH</td>
<td>ANSON CIRCLE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOTH</td>
<td>HIGHVIEW DRIVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NORTH</td>
<td>W. INGLEDEUE ST</td>
<td>S. 3RD ST.</td>
<td></td>
</tr>
<tr>
<td>SOUTH</td>
<td>E. SOUTHRIDGE RD</td>
<td>A POINT 190 FEET EAST</td>
<td>A POINT 388 FEET EAST</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OF THE EAST LINE OF S.</td>
<td>EAST OF THE EAST LINE OF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CENTER ST</td>
<td>PLAZA DR</td>
</tr>
</tbody>
</table>

The stopping, parking or leave standing of motor vehicles on the following designated streets, avenues, roads or drives is hereby prohibited between the hours of 7 a.m. to 5 p.m. Monday through Friday, when school is in session:

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>PLEASANTVIEW RD</td>
<td>S. 4TH ST.</td>
<td>S. 6TH ST.</td>
</tr>
</tbody>
</table>

(Ordinance 14513, 14608, 14686; Ord 14917 §1, 3-25-2013)

Sec. 20-165.5. Restricted parking between the hours of 8 a.m. to 5 p.m.
The stopping, parking or leave standing of motor vehicles on the following designated streets, avenues, roads or drives is hereby prohibited between the hours of 8 a.m. to 5 p.m.

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>SUMMIT ST</td>
<td>356 feet of the east line of N 15th Street</td>
<td>230 feet east</td>
</tr>
</tbody>
</table>

(Ordinance 14874, June 28, 2010)

Sec. 20-166. Restricted parking except on Sundays.
The stopping, parking or leave standing of motor vehicles on the following designated streets, avenues, roads or drives is hereby prohibited at all times except parking shall be permitted on Sundays only:

<table>
<thead>
<tr>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
</table>
Sec. 20-167. Restricted parking between the hours of 2:30 a.m. and 5:30 a.m.
It shall be unlawful to park or leave standing any automobile, motor driven or operated truck, tractor, tractor trailer, house trailer, or other motor vehicle equipment not governmentally owned or operated or controlled at any time on any day between the hours of 2:30 a.m. and 5:30 a.m. on any street, avenue, or other place described as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BOTH</td>
<td>1ST AVE</td>
<td>CHURCH ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>2</td>
<td>BOTH</td>
<td>1ST ST</td>
<td>CHURCH ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>3</td>
<td>BOTH</td>
<td>2ND AVE</td>
<td>CHURCH ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>4</td>
<td>BOTH</td>
<td>2ND ST</td>
<td>CHURCH ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>5</td>
<td>BOTH</td>
<td>CENTER ST</td>
<td>CHURCH ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>6</td>
<td>BOTH</td>
<td>CHURCH ST</td>
<td>2ND ST</td>
<td>3RD AVE</td>
</tr>
<tr>
<td>7</td>
<td>ALL</td>
<td>CITY PARKING LOTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>BOTH</td>
<td>MAIN ST</td>
<td>2ND ST</td>
<td>3RD AVE</td>
</tr>
<tr>
<td>9</td>
<td>BOTH</td>
<td>STATE ST</td>
<td>2ND ST</td>
<td>3RD AVE</td>
</tr>
<tr>
<td>10</td>
<td>ALL</td>
<td>ALL ALLEYS</td>
<td>CHURCH ST, STATE ST, 2ND ST, 3RD AVE.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>BOTH</td>
<td>N. 13TH ST.</td>
<td>FREMONT ST.</td>
<td>SUMMIT ST.</td>
</tr>
<tr>
<td>12</td>
<td>PARKING LOT B</td>
<td>206 N. 13TH ST.</td>
<td>(BRENNECKE)</td>
<td></td>
</tr>
</tbody>
</table>

Sec. 20-167.1. Exception.
Any individual who has a valid resident permit, for the times and locations set forth above, issued by the City Clerk and who has that resident permit properly displayed in the windshield of his/her vehicle, shall be exempt from application of this Section.

Sec. 20-167.2. Installation of signs.
Appropriate signs designating the prohibited hours for the parking or the leave standing of the kind and type of vehicles referred to herein shall be erected and maintained by the Street Division in conspicuous places in the areas described and designated in Sections 20-165 though 20-169 which shall be at least two on each block of street curbing, two in each parking lot within the area and one at each alley entrance.

Sec. 20-168. Establishing penalties for violation of permit parking, overtime parking, no parking any time, restricted parking and providing a method of payment therefore.
That the penalty for violating any permit parking, overtime parking, no parking any time, and restricted parking provisions shall be a fine of fifteen ($15.00) dollars if paid within 30 days of the violation and if not so paid within 30 days of the violation the fine shall be twenty-five ($25.00) dollars. The penalty for violating fire lane parking shall be a fine of twenty-five ($25.00) dollars if paid within 30 days; and if not so paid within 30 days the fine shall be thirty-five ($35.00) dollars. Fines shall not be paid in pennies.
Payment of the fines referred to in the above section may be made by depositing the money in the envelope provided in the courtesy box, by paying same at the city clerk’s office, City Hall, or...
by mailing the fee in the envelope provided by depositing it in any proper U.S. mail box with sufficient U.S. postage affixed thereon.

Each subsequent hour that the vehicle shall remain improperly parked after each summons is issued shall constitute a new and separate violation and shall incur the same penalty.

If such penalty provided for in subsection (a) and (b) of this section is not paid as provided or if sufficient U.S. postage is not affixed when the citation is mailed such penalty shall be $5.00.

If any penalty set forth in this section is not so paid as provided in this section within ten days after such violation, the person, firm or corporation liable shall be chargeable upon an information filed in the appropriate court and shall be subject to such penalty under costs as the court shall determine.

(Ord. 14540 4-22-1996; Ord. 14714 7-14-2003, Ordinance 14782, §1, 4-24-2006)

Sec. 20-169. Prohibiting parking when snow removal operations are in progress.

Wherever the word cul-de-sac is used in this ordinance it shall be that portion of a street or public way that is circular in its design and is located at the end or terminal point of a street or public way and shall start where the roadway commences its circular character and shall end when the roadway ceases its circular character.

The stopping, parking or leave standing of motor vehicles when snow removal operations are in progress by the City of Marshalltown, Iowa, on the following designated streets, parts of streets or public ways is hereby prohibited on either side of the street:

<table>
<thead>
<tr>
<th>No.</th>
<th>Side</th>
<th>On Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ALL CUL-DE-SAC CIRCLES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>BOTH</td>
<td>S 16TH ST</td>
<td>CHURCH ST</td>
<td>LINN ST</td>
</tr>
<tr>
<td>3</td>
<td>EAST</td>
<td>S 4TH AVE</td>
<td>CHURCH ST</td>
<td>NEVADA ST</td>
</tr>
<tr>
<td>4</td>
<td>BOTH</td>
<td>S 5TH AVE</td>
<td>SOUTHRIDGE RD</td>
<td>NEWCASTLE RD</td>
</tr>
<tr>
<td>5</td>
<td>BOTH</td>
<td>S 6TH ST</td>
<td>MAIN ST</td>
<td>MADISON ST</td>
</tr>
<tr>
<td>6</td>
<td>BOTH</td>
<td>N 6TH ST</td>
<td>HIGHLAND DR</td>
<td>JEROME ST</td>
</tr>
<tr>
<td>7</td>
<td>BOTH</td>
<td>N 8TH ST</td>
<td>SUMMIT ST</td>
<td>STATE ST</td>
</tr>
<tr>
<td>8</td>
<td>BOTH</td>
<td>E BOONE ST</td>
<td>3RD AVE</td>
<td>4TH AVE</td>
</tr>
<tr>
<td>9</td>
<td>BOTH</td>
<td>HIGHLAND DR</td>
<td>5TH ST</td>
<td>6TH ST</td>
</tr>
<tr>
<td>10</td>
<td>BOTH</td>
<td>W LINN ST</td>
<td>16TH ST</td>
<td>A POINT 861 FT EAST</td>
</tr>
<tr>
<td>11</td>
<td>BOTH</td>
<td>MELODY LN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>BOTH</td>
<td>NOBLE ST</td>
<td>S. 7TH AVE.</td>
<td>S. 8TH AVE.</td>
</tr>
<tr>
<td>13</td>
<td>BOTH</td>
<td>WOOD ST</td>
<td>S. 7TH AVE.</td>
<td>S. 8TH AVE.</td>
</tr>
<tr>
<td>14</td>
<td>BOTH</td>
<td>YOUNG ST</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sec. 20-169.1. Towing of vehicles in violation.

Any vehicle found to be parked in violation of the provisions of this ordinance, may, in addition to the penalty provided, be towed from said location by order of the police at the owner’s expense.

Sec. 20-169.2. Installation of signs.

There shall be erected at all the locations set forth above suitable signs setting forth the no parking provision of this Section.

Sec. 20-169.3. Conflict with overtime alternate parking regulations.

The provisions of any overtime alternate parking sections of this or any ordinance are suspended.
during the period that snow removal operations are in effect but shall be of full force after snow removal operations are complete.

Sec. 20-169.4. Penalty for violation.
Anyone violating the provisions of this Section shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code. In addition thereto, a violation of this ordinance shall be a municipal infraction.
(Ordinance 13677; Ord. No. 14970 § 17, 11-27-2017)

Sec. 20-170. Regulation of the parking of semi tractors, trucks, or trailers with a 5-½ ton license or more in residential zones.
Residential zone shall mean for the purpose of this Section any area of the City of Marshalltown, Iowa, designated by the official zoning map of the City as a R-1, R-2, R-2A, R-3, R-4, R-5, R6, or Residential Planned Unit Development District.
The stopping, parking or leave standing of a semi tractor, truck or trailer, either alone or in conjunction with each other with a 5 ½ ton license or more for more than three (3) hours is hereby prohibited in any residential zone in the City of Marshalltown, Iowa, provided, however, that the Police Department shall allow parking in excess of three hours when the tractor, truck or trailer is parked to render a service in the immediate vicinity.
Fine. The fine for each violation in subsection (a) of this section shall be $50.00, plus surcharges.
Collection. The method and procedure of payment and collection for each violation in subsection (a) shall be the same as that provided for the payment collection of fines for violation of city ordinances under state law.
(Ordinance 14317, 5-29-1990; Ord. 14875 § 4, 7-12-2010)

Sec. 20-171. Responsibility for vehicles and bicycles parked in violation of certain parking regulations.
Scope of section. This section shall apply to all motor vehicles and bicycles parked within the city in violation of ordinances regulating parking of such motor vehicles or bicycles.
Owner's responsibility. If any motor vehicle or bicycle is found stopped, standing or parked in any manner violative of ordinances concerning parking, when the identity of the operator cannot be determined, the owner or person or corporation in whose name the vehicle or bicycle is registered shall be held prima facie responsible for the violation.
(Ord. No. 13500, §§ 1, 2, 2-12-1979)
Cross reference(s)-Application of chapter to bicycles, § 20-6; bicycle regulations, § 20-281 et seq.

Sec. 20-172. Removal of unattended vehicle from bridge, tunnel or causeway.
Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
State law reference(s)-Similar provisions, I.C.A. § 321.357.

Sec. 20-173. Stopping on traveled way.
Upon any highway outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of the highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other
vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway; provided, however, school buses may stop on a highway for receiving and discharging pupils, and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 20-397 of this chapter. This section shall not apply to a vehicle making a turn as provided in section 20-91. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main-traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

The provisions of subsection (a) of this section shall not apply to the driver of any vehicle that is disabled while on the paved or improved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid so stopping and temporarily leaving such disabled vehicle in such position.

Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the provisions of this section, such officer is authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or improved or main-traveled part of such highway.


**Sec. 20-174. Moving another's vehicle.**

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(Rev. Ords. 1950; Ord. No. 68, § 69)

State law reference(s)-Similar provisions, I.C.A. § 321.359.

**Sec. 20-175. Theaters, hotels and auditoriums.**

A space of not to exceed 50 feet is reserved at the side of the street in front of any theater, auditorium, or hotel having more than 25 sleeping rooms, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Rev. Ords. 1950; Ord. No. 68, § 70)

State law reference(s)-Similar provisions, I.C.A. § 321.360.

**Sec. 20-176. Parking at right-hand curb.**

Except where angle or center parking or parking of a vehicle with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway is permitted by ordinance, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb.

(Rev. Ords. 1950; Ord. No. 68, § 71; Ord. No. 8874, § 1, 7-12-1955; Ord. of 4-9-1968, § 2)

State law reference(s)-Similar provisions, I.C.A. § 321.361.

**Sec. 20-177. Parking within lines.**

Whenever stalls or sections for motor vehicles are marked or painted upon the surface of any street or municipally owned or leased parking lot, the driver or operator of any motor vehicle shall park the vehicle within the limits of one of the stalls or sections, and not over or across the lines.

(Ord. of 4-9-1968, § 1)
Sec. 20-178. Parking over 24 hours prohibited.
It shall be unlawful for any person to stop, park, or leave standing any motor vehicle, machinery, mobile or movable equipment of any kind upon any street, avenue, alley, or highway for more than 24 consecutive hours.
(Ord. No. 11652, § 1, 4-15-1970)

Sec. 20-179. Bus stops and taxicab stands.
It shall be unlawful to stop, park or leave standing any vehicle or in any bus stop or taxicab stand, except that a temporary stop may be made to load or unload passengers.
(Rev. Ords. 1950; Ord. No. 68, § 143(J); Ord. No. 8141, § 2, 7-11-1951)

Sec. 20-180. Terrace parking.
It shall be unlawful for any person to park or leave standing any motor vehicle on any terrace between the outside curb line of any public street, road or avenue and the outside walk line of any street at any time or to use such terrace for the storage or parking of any such vehicle or other object, except as follows:
The city council shall issue a written permit for such parking after proper application to it submitted on a form from the city clerk.
The curb shall be removed when required by the council and the terrace area surfaced as determined by the council at the applicant's sole expense and shall contain sufficient area to enable a vehicle to park totally off the traveled portion of the street and walkway. Surfacing of the terrace area shall be to the specifications under the supervision of the director of public works/city engineer.
Parking shall not be permitted in any area which is zoned for residential use, except the council may approve parking for such nonresidential and noncommercial uses as churches, schools, hospitals and the like.
Parking shall not be permitted along any state highway within the city limits or any area that, in the opinion of the council, obstructs or interferes with traffic or fire safety, visibility or sight distance.
Upon approval of an application for terrace parking, no user shall use the terrace in any way that interferes with the free and unhindered movement of vehicular or pedestrian traffic; any vehicle parked thereon shall be parked wholly within the terrace. For purposes of this section, the outside walk line of any street shall mean the line nearest the street.
The permit issued under this section shall be valid until there has been a change of ownership of the permittee's property or the permit may be revoked, after notice and proper hearing, for violation of this section by the permittee or if circumstances in traffic use or patterns creates a safety problem.
(Rev. Ords. 1950; Ord. No. 68, § 143(F); Ord. No. 8141, § 2, 7-11-1951; Ord. No. 14206, § 2, 11-13-1984)

Sec. 20-181. Median strips.
It shall be unlawful for any person to stop, park or leave standing any motor vehicle on any part or portion of any median strip.
(Ord. No. 13170, § 1, 7-11-1977)

Sec. 20-182. Parking in alleys.
It shall be unlawful to stop, park or leave standing any vehicle in any alley at any time, except for loading or unloading.
(Rev. Ords. 1950; Ord. No. 68, § 143(M); Ord. No. 8141, § 2, 7-11-1951)
Sec. 20-183. Parking vehicles for display or sale.
It shall be unlawful to use or occupy any part of the street between lot lines for the parking or standing of any vehicle, including a motor vehicle, which is owned or possession had thereof, for the purposes of sale or display.
(Rev. Ords. 1950; Ord. No. 68, § 143(K); Ord. No. 8141, § 2, 7-11-1951)

Sec. 20-184. Snow removal operations.
The street department shall post any street, avenue or area with appropriate signs where snow removal operations are to be carried out, and within three hours thereafter, all motor vehicles parked or left standing therein or thereon shall be removed therefrom. After such posting of any street, avenue or area for such purpose, no motor vehicle shall be parked or left standing therein. Parked automobiles that interfere with city snow removal operations may be towed away or otherwise removed to some other place of parking out of the way of snow removal operations.

Sec. 20-184.1. Snow routes.
Streets or portions of streets shall be designated as snow routes, and there shall be erected suitable signs at the entrance to and along the routes.

Sec. 20-184.2. Snow route restrictions.
When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains or non-slip differential. The term "snow tires" as used in this section means tires designed for use when there are conditions of snow or ice on the highways, and meeting the requirements that shall be promulgated by rule of the commissioner of public safety.
Standing or parking of vehicles upon a street designated as an emergency snow route shall be prohibited at any time when snow removal operations are in progress and before such operations have resulted in the removal or clearance of snow from such streets.

Sec. 20-184.3. Stalled vehicles on snow emergency routes and non snow emergency routes.
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.
Whenever a vehicle becomes stalled or is unable to move under its own power, for any reason, on a non snow emergency route, the person operating the vehicle shall take immediate action to have the vehicle towed away or pushed to the side of the street upon which parking is permitted and within 24 hours shall have the vehicle removed from the street or highway.

Sec. 20-184.3.5. Snow routes designated: signs.
The following streets or portions of streets shall be designated as snow routes, and there shall be erected suitable signs at the entrance to and along the routes as are designated:
West Lincoln Way from Highland Acres Road to South Ninth Street.
Olive Street from 12th Street to 18th Avenue.
Linn Street from 3rd Street to South Third Avenue.
Church Street from Ninth Street to Seventh Avenue.
Main Street from Highland Acres Road to 3rd Street and from 3rd Avenue to 18th Avenue.
Summit Street from Valley View Road to 13th Street.
Thirteenth Street from Main Street to Summit Street.
Ninth Street from Lincoln Way to Main Street.
Boone Street from Ninth Street to Center Street.
South 12th Street from Lincoln Way to Olive Street.
Center Street from the south corporate limits to Main Church Street.
Third Avenue from Anson Street to the north corporate limits.
Governor Road and 12th Avenue from Iowa Avenue East to Main Street.
Seventh Avenue from Main Street to Church Street.
Edgebrook Drive from Southridge Road to Olive Street.
Eighteenth Avenue from Marion Street to Highway 30.
South Third Street-South Sixth Street from West Linn Street to Iowa Avenue West.
Madison Street from South Ninth Street to South Fourth Avenue.
Nevada Street from South Fourth Avenue to South 18th Avenue.
East and west ramps from South Third Avenue to East Madison Street.
East Anson Street from South Center Street to South Third Avenue.
Marion Street from North Third Avenue to North 18th Avenue.
Southridge Road from Sixth Street to Governor Road.


Sec. 20-184.3.6. Parking Restricted in Public Lots During Snow Removal Operations
The following parking lots shall be designated as restricted from parking whenever emergency parking restrictions are instituted on streets and until the parking lots are cleared, and there shall be erected suitable signs in the lots designated:

Restriction between 2 A.M. to 7 A.M. Monday, Wednesday, and Friday:
The City Parking Lot immediately east of the Senior Center Building
Parking Lot F
The East 1/3 of City Parking Lot H
City Parking Lot J
The East ½ of City Parking Lot K
Parking Lot O
The Designated East Portion of City Parking Lot T
City Parking Lot W

Restriction between 2 A.M. to 7 A.M. Tuesday and Thursday:
City parking lot A
City Parking Lot D
The West 2/3 of City Parking Lot H
The West ½ of City Parking Lot K
City Parking Lot N
City Parking Lot P
The designated West aisles of City Parking Lot T
City Parking Lot Z
Sec. 20-184.4. Violation; penalty.
Any motor vehicle that may be parked contrary to the provisions of sections 20-184.1-20-184.3.6 may, in addition to the remedies set forth in subsection (b) of this section, be towed away at the owner's expense.

Any person violating the terms of the sections mentioned in subsection (a) of this section shall, upon conviction, be fined $25.00 if paid within 30 days of the date of the violation. If not paid within 30 days the fine shall be $35.00. Violations shall be charged and collected in the same manner as other parking violations, by notice of a fine payable to the city clerk.

Sec. 20-185. Disabled parking.
Areas established. The city council may establish parking areas in the city that shall be reserved for parking by disabled persons. The following locations are designated as disabled parking:

<table>
<thead>
<tr>
<th>No.</th>
<th>Block</th>
<th>On Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>200</td>
<td>W STATE ST.</td>
<td>SOUTH</td>
<td>1ST SPACE WEST OF 2ND ST.</td>
</tr>
<tr>
<td>4</td>
<td>300</td>
<td>W MAIN ST.</td>
<td>NORTH</td>
<td>1ST AND 2ND SPACES EAST OF 4TH ST.</td>
</tr>
<tr>
<td>5</td>
<td>200</td>
<td>W MAIN ST.</td>
<td>NORTH</td>
<td>1ST 2 SPACES EAST OF ALLEY</td>
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<tr>
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<td>W MAIN ST.</td>
<td>SOUTH</td>
<td>1ST SPACE EAST OF ALLEY</td>
</tr>
<tr>
<td>7</td>
<td>200</td>
<td>W MAIN ST.</td>
<td>SOUTH</td>
<td>2ND AND 3RD SPACES EAST OF ALLEY (SUNDAY ONLY)</td>
</tr>
<tr>
<td>8</td>
<td>100</td>
<td>W MAIN ST.</td>
<td>NORTH</td>
<td>1ST SPACE WEST OF ALLEY</td>
</tr>
<tr>
<td>9</td>
<td>10</td>
<td>W MAIN ST.</td>
<td>SOUTH</td>
<td>1ST SPACE EAST OF 1ST ST.</td>
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<tr>
<td>10</td>
<td>10</td>
<td>W MAIN ST.</td>
<td>SOUTH</td>
<td>1ST SPACE EAST OF ALLEY</td>
</tr>
<tr>
<td>11</td>
<td>10</td>
<td>E MAIN ST.</td>
<td>NORTH</td>
<td>1ST SPACE WEST OF 1ST AVE.</td>
</tr>
<tr>
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<td>E MAIN ST.</td>
<td>NORTH</td>
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<td>SOUTH</td>
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<td>NORTH</td>
<td>1ST SPACE WEST OF ALLEY</td>
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<tr>
<td>15</td>
<td>300</td>
<td>E MAIN ST.</td>
<td>SOUTH</td>
<td>2ND AND 3RD SPACES EAST OF 3RD AVE.</td>
</tr>
<tr>
<td>15a</td>
<td>10</td>
<td>W CHURCH ST.</td>
<td>SOUTH</td>
<td>3RD AND 4TH SPACES WEST OF CENTER ST. (SUNDAY ONLY)</td>
</tr>
<tr>
<td>15b</td>
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<td>5TH SPACE EAST OF CENTER ST.</td>
</tr>
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<td>19</td>
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<td>SOUTH</td>
<td>1ST SPACE EAST OF 2ND AVE.</td>
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<tr>
<td>20</td>
<td>10</td>
<td>S 1ST ST</td>
<td>WEST</td>
<td>1ST SPACE NORTH OF CHURCH ST.</td>
</tr>
<tr>
<td>10</td>
<td>S 4TH ST</td>
<td>EAST</td>
<td>(2) SPACES, 135’ AND 170’ SOUTH OF THE SOUTH LINE OF W MAIN ST</td>
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<tr>
<td>21</td>
<td>10</td>
<td>N</td>
<td>CENTER ST.</td>
<td>WEST</td>
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<tr>
<td>22</td>
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<td>CENTER ST.</td>
<td>WEST</td>
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<tr>
<td>23</td>
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<td>CENTER ST.</td>
<td>EAST</td>
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<tr>
<td>24</td>
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<td>CENTER ST.</td>
<td>WEST</td>
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<tr>
<td>25</td>
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<td>N</td>
<td>1ST AVE.</td>
<td>WEST</td>
</tr>
<tr>
<td>26</td>
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<td>S</td>
<td>1ST AVE.</td>
<td>EAST</td>
</tr>
<tr>
<td>26a</td>
<td>100</td>
<td>S</td>
<td>2ST AVE.</td>
<td>WEST</td>
</tr>
<tr>
<td>27</td>
<td>500</td>
<td>S</td>
<td>3RD AVE.</td>
<td>WEST</td>
</tr>
<tr>
<td>28</td>
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<td>S</td>
<td>3RD AVE.</td>
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<td>COLUMBUS DR.</td>
<td>NORTH</td>
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<td>32</td>
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<td>PARKING LOT A</td>
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<td>33</td>
<td></td>
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<td>PARKING LOT D</td>
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<td></td>
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<td>PARKING LOT J</td>
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<td>PARKING LOT K</td>
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<td>PARKING LOT L</td>
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<td>PARKING LOT P</td>
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<td>46</td>
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<td></td>
<td>SENIOR CITIZENS LOT</td>
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<td>47</td>
<td></td>
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<td>OFF STREET, WEST OF 10 W STATE STREET</td>
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</tr>
</tbody>
</table>

(ORD 14784, §1, 6-12-2006; ORD 14878, §1, 8-23-2010, Ord. No. 14924, §1, 7-22-2013, Ord 14935 §1, 8-25-2014)

**Sec. 20-185.1. Installation of signs.**
That the Public Works Director shall post suitable signs to designate these areas as disabled parking areas in accordance with City policy, the Code of Iowa and the Manual of Traffic Control Devices For Streets and Highways as adopted by the Iowa Department of Transportation and the City of Marshalltown.

**Sec. 20-185.2. Improper use of disabled parking spaces.**
The use of a disabled parking space, located on either public or private property as provided in Sections 321L.5 and 321L.6 of the Code of Iowa, or subsequent amendments thereto, by a motor
vehicle displaying a disabled parking permit as aforesaid but not being used by a person in possession of a motor vehicle license with a disabled designation or a non-operator’s identification card with a disabled designation, other than a person issued a permit or being transported in accordance with Section 321.2, subsection 1, Paragraph “b” of the Code of Iowa, or subsequent amendments thereto, or by a motor vehicle in violation of the rules adopted by the Iowa Department of Transportation under Section 321L.8 of the Code of Iowa, or subsequent amendments thereto, constitutes improper use of a disabled parking permit, which is an offense for which a fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the person to whom the disabled parking permit is issued. The fine for each violation shall be the same as provided by the Code of Iowa.

(Ord. No. 12491, §§ 1, 2, 6-18-1974; Ord. No. 14557, §§ 1, 2, 2-10-1997)

Sec. 20-186. Double-parking in business area.
Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business area. Business area means that portion of the city lying inside the area bounded by the north line of State Street, the west line of Second Street, the south line of Church Street and the west line of Third Avenue, and shall include the area bounded by the south side of Summit Street, the west side of 13th Street, the north side of Fremont Street and the east side of 13th Street and shall also include the area bounded by the south side of Nevada Street, the east side of South Third Avenue, the north side of Boone Street extended to the west side of Third Avenue and the west side of Third Avenue.

Double parking. Double parking means the stopping, parking or standing of a motor vehicle in the portion or area of a street immediately adjacent to the area next to the curb line for vehicle parking. Hours of permit validity means the parking permit referred to in this section will be valid except between the hours of 4:00 p.m.-6:00 p.m. and between the hours of 11:30 a.m.-1:00 p.m.

Permit required for double parking. It shall be unlawful for any person to stop, park or leave standing any motor vehicle in the double-parking area of any street or public way unless that vehicle has a permit to do so and unless there is no parking available at the curb line.

Notwithstanding the definition of “business area” in this Section, a permit does not allow a person to stop, park or leave standing any motor vehicle in the double-parking area of the street or public way on Main Street and State Street.

Issuance and display of permit. The permit referred to in this section shall be issued by the office of the city clerk and shall be valid for a period of 12 months. The permit fee shall be the sum of $15.00 payable in advance and in full at the time the permit is issued. The permit must be displayed in the lower left corner of the front windshield of the permit vehicle. The permit will be permanently affixed and shall not be transferable, and each vehicle shall have a separate permit. The permit shall only be valid in the business area of the city.

Free parking. Notwithstanding any provision of any ordinance to the contrary, the holder of the permit referred to in this section shall be permitted to park at any parking meter without the deposit of the funds called for or to park in areas of free parking.

Time limit. The double parking, the parking at meters, or parking in the area of free parking allowed by the provisions of this section shall be limited to 15 minutes at any location.

Penalty. Any person violating the provisions of this section shall, upon conviction, be fined not less than $20.00 or more than $100.00.

(Ord. No. 13560, §§ 1-6, 6-25-1979, Ord. No. 14665, 11-13-2000)
DIVISION 1.1. HABITUAL VIOLATOR PENALTY AND PROCEDURES

Sec. 20-187. Habitual violator
For the purposes of this division, a delinquent parking citation-complaint is one that has not been paid within 30 days of the date upon which the violation occurred.
Any person who has allowed five or more overtime and/or illegal parking citation-complaints issued on a motor vehicle or registration plate to become delinquent shall be deemed to be a habitual violator.
No person shall park a vehicle and permit it to remain standing upon any public street or municipal lot in the city when there are five or more delinquent parking citation-complaints outstanding against that vehicle.
A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and the vehicle may be dealt with pursuant to section 20-188 of this division.
(Ord. No. 14601, 9-14-1998)

Sec. 20-188. Removal and impoundment of illegally parked vehicles.
The police department may remove and impound vehicles or cause vehicles to be removed and impounded when the vehicles are stopped or parked in violation of this chapter or other city ordinances and, in so doing, may employ such means as are reasonably necessary. Impounded vehicles shall be stored in a location designated by the city.
(Ord. No. 14601, 9-14-1998)

Sec. 20-189. Right of owner to redeem impounded vehicle.
The registered owner or person having a legal entitlement to possession of a motor vehicle impounded pursuant to section 20-188 of this division may claim the vehicle by paying the city or the city's impoundment contractor, if one is contracted, in an amount sufficient to cover all charges attributable to the impoundment and storage of the vehicle. If a hearing pursuant to section 20-191 of this division is held and a hearing officer determines there was no probable cause to impound the vehicle, the costs attributable to the impoundment shall be refunded upon the presentation to the city finance director of:
A certificate of no probable cause issued by the city, and
The bond receipt.
If a motor vehicle was impounded pursuant to section 20-187, all delinquent parking citation-complaints must be satisfied. An administrative fee of $50.00 will be required, payable to the city clerk.
If the vehicle is not claimed until after a hearing requested pursuant to section 20-190, the vehicle may be claimed upon:
Payment of all charges referred to in section 20-191; or
Presentation of a certificate of no probable cause within two working days of its issuance to the party in possession of the vehicle.
Failure to timely present such certificate will result in assumed liability on the part of the owner or person having legal entitlement to possession to the vehicle for all related storage charges.
(Ord. No. 14601, 9-14-1998)

Sec. 20-190. Right to hearing.
The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this division has a right to a post-seizure administrative hearing before a hearing officer designated by the city administrator, to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle, provided the
registered owner or person having legal entitlement to possession files a written demand with the city clerk's office within ten days of mailing of the notice of the impoundment. A copy of this division shall be given to the person requesting a hearing. Failure to request a hearing within such time period or to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing.
(Ord. No. 14601, 9-14-1998)

Sec. 20-191. Conduct of hearing.
The post-seizure administrative hearing held under this division shall be conducted before the hearing officer designated by the city administrator within a reasonable period of time, but not to exceed 15 business days, excluding Saturdays, Sundays and city holidays, from the date of receipt of a written demand. Such hearing may be continued from time to time for good cause. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle and personal property contained within the vehicle in question. The department causing the vehicle to be impounded shall carry the burden of establishing that there was probably cause to impound the vehicle in question. The hearing officer shall decide only that either there was probably cause to impound the vehicle and contents, or there was no probable cause to impound the vehicle and contents. If the hearing officer determines there was probable cause to impound the vehicle and contents, the registered owner or person having legal entitlement to possession of the vehicle is responsible for payment of all charges attributable to the impoundment and storage of the vehicle and the costs of the administrative hearing. If the hearing officer determines there was no probable cause, the hearing officer shall prepare a certificate of no probable cause and the bond filed or charges paid shall be refunded pursuant to section 20-189 of this division. The proceedings at the administrative hearing shall be tape recorded by the hearing officer. Such tape recording shall serve as the official record of the administrative hearing for appeal purposes. The hearing officer shall retain all such tape recordings until the time for filing a notice of appeal has expired. If a notice of appeal is timely filed, the hearing officer shall retain the tape-recorded record of the administrative hearing until the appeal has been acted upon by the city council. The decision of the hearing officer shall in no way affect any criminal proceeding in connection with the impoundment in question. Criminal charges, if any, may only be challenged in the appropriate court.
(Ord. No. 14601, 9-14-1998)


DIVISION 2. SPECIAL STOPS

Sec. 20-201. Obedience to signal of train.
Whenever any person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal or crossing gates or a flag person or otherwise of the immediate approach of a train, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest track of such railroad and shall not proceed until he can do so safely. The driver of a vehicle shall stop and remain standing and shall not traverse such a grade crossing when a crossing gate is lowered or when a human flag person gives or continues to give a signal of the approach or passage of a train.
(Rev. Ords. 1950; Ord. No. 68, § 65)
State law reference(s)-Similar provisions, I.C.A. § 321.341.
Sec. 20-202. Stopping at railroad crossing.
The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.
State law reference(s)-Similar provisions, I.C.A. § 321.342.

Sec. 20-203. Certain vehicles required to stop at railroad crossings.
The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before crossing a railroad track by motor carrier safety rules adopted under I.C.A. § 321.449, before crossing at grade any track of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely.
No stop need be made at a crossing where a peace officer or a traffic control device directs traffic to proceed. No stop need be made at a crossing designated by an "exempt" sign. An exempt sign shall be posted only where the tracks have been partially removed on either side of the roadway.
State law reference(s)-Similar provisions, I.C.A. § 321.343.

Sec. 20-204. Heavy equipment at railroad crossing.
No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
Notice of any such intended crossing shall be given to a superintendent of such railroad, and a reasonable time shall be given to such railroad to provide proper protection at such crossing.
Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the vehicle or equipment not less than ten feet or more than 50 feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the crossing can be made safely.
No such crossing shall be made when warning is given by automatic signal or crossing gates or a flag person or otherwise of the immediate approach of a railroad train or car.
State law reference(s)-Similar provisions, I.C.A. § 321.344.

Sec. 20-205. Primary roads designated as through highways.
Primary roads and extensions of primary roads within the city are designated as through highways.
(Rev. Ords. 1950; Ord. No. 68, § 66)
State law reference(s)-Similar provisions, I.C.A. § 321.350.

Sec. 20-206. Stopping and yielding when emerging from private roadway, alley, building or driveway.
The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area, and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic, and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver's vehicle is entering.
The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on the highway and shall yield the right-of-way to all vehicles approaching on the highway. (Rev. Ords. 1950; Ord. No. 68, §§ 56, 67) State law reference(s)-Similar provisions, I.C.A. § 321.353.

Secs. 20-207 – 20-220. Reserved.

DIVISION 3. REGULATION OF PUBLIC ACCESS PARKING AREAS*
Cross reference for snow removal operations of city parking lots: 20-184

Sec. 20-221. Areas and spaces designated; manner of parking.
The director of public works/city engineer or such city officer or employee as he shall select shall place lines or marks on the curb or on the street to designate the area in which a vehicle may be parked, and it shall be unlawful to park any vehicle which extends over, across or which straddles such parking space lines. Not more than one vehicle shall be parked in a marked parking space.
(Ord. No. 14216, § 4, 6-10-1985)

Sec. 20-222. Installation of signs; maintenance.
The Street Division, under the supervision of the director of public works/city engineer, shall install and maintain suitable signs as required under this division.
(Ord. No. 14216, § 7, 6-10-1985)

Sec. 20-223. Fined parking-Areas specified.
It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his or her name to be parked, placed or remain in a parking space beyond the time limits provided; each hour that any vehicle remains so parked or placed beyond the following time limits shall constitute a separate violation:
Thirty-minute parking:
Center Street, the west side, between Main Street and State Street, commencing 70 feet north of the north line of the east/west alley, to a point 43 feet north thereof.
Main Street, the north side, between First Avenue and Second Avenue, commencing 70 feet east of the east line of First Avenue to a point 24 feet east thereof.
Main Street, the north side, two spaces located 25’ to 70’ easterly of Third Avenue and three spaces located 115’ to 185’ easterly of Third Avenue.
Main Street, the south side, between 3rd Ave. and 5th Ave. the 1st, 4th, 5th and 6th parking spaces as assigned.
Church Street, the south side, between Center Street and S. First Avenue, from the point 31 feet west of S 1st Avenue to a point 25 feet west thereof.
South First Avenue, the west side, between Church Street and Linn Street, commencing 70 feet north of the east/west alley, to a point 27 feet north thereof.
West State Street, south side, the first four parking spaces west of N. Center St.
Three-hour parking except as shown in subsection (a) of this section and Disabled Parking as provided in Section 20-185:
On Center Street, from 120 feet south of Grant Street to Linn Street, except as provided in subsection (1) above.
On Church Street, from Third Avenue to Second Street.
On Linn Street, the south side, from S Center Street to S 3rd Avenue.
On Main Street, from Third Avenue to Third Street, and the south side of Main Street between Third Avenue and Fifth Avenue, except as shown in subsection (1) in this section and Disabled Parking as provided in Section 20-185.
On Main Street, the south side between 3rd Ave and 5th Ave, except for thirty minute parking as provided in (a) above and Disabled Parking as provided in Section 20-185.
On State Street, from Third Avenue to Third Street.
On First Avenue, from State Street to 280 feet south of Church Street, except as provided in subsection (1) above.
On First Street, from 180 feet south of Grant Street to Church Street.
On First Street, from Church Street to a point 180 feet south.
On Second Avenue, from the alley south of State Street to the alley south of Church Street.
On Second Street, from Church Street to Main Street.
On Thirteenth Street, both sides, from Fremont Street to Summit Street.
Municipal Parking Lots as follows except for specific government vehicle spaces: Lot T, 15 West State Street.

Sec. 20-224. Same—When applicable.
The provisions of this division relating to parking time limits shall not apply between the hours of 6:00 p.m.-8:00 a.m. of any day or on Sundays or legal holidays. Legal holidays for the purposes of this division are those holidays observed in the city on which city hall is closed to the public.

Secs. 20-225 – 229. Reserved.

Sec. 20-230. Blocking access or traffic flow in parking lots.
No vehicle shall be parked in any lot in any manner or of such size so as to block the free access or flow of traffic in and through any parking lot.

Sec. 20-231. Impoundment of vehicles left on municipally owned parking lots.
Any motor vehicle parked or left standing on any municipally owned or municipally leased parking lot for longer than 12 continuous hours may be removed therefrom and stored under the direction of the police department, and all costs of such removal and storage shall be payable by the operator or owner thereof. Any expense incurred therefore shall be in addition to the assessment of any fine or costs arising out of any violation of this division.

Sec. 20-232. Reserved.

Sec. 20-233. Consumption of alcoholic beverages on municipal parking lots prohibited.
The consumption of alcoholic beverages, beer or wine in any municipally owned or municipally leased parking lot in the city is prohibited at all times.
Sec. 20-234. Street parking near intersections.
It shall be unlawful to stop, park or leave standing any motor vehicle on any street or avenue within 20 feet of the sidewalk extended to the curb at any street or avenue intersection.
Upon application of the director of public works/city engineer, and approval of the transportation committee of the city council, at designated intersections and school crossings, it shall be unlawful to stop, park or leave standing any motor vehicle on any street or avenue within 40 feet of the sidewalk extended to the curb at any street or avenue intersection or within 40 feet of a school crossing.
The prohibited parking area shall be indicated by appropriate signage. Yellow striping of the curb may be used in addition, all consistent with uniform practices.
Anyone violating the provisions of this section shall be fined $15.00, if paid within 30 days of the date of the violation. If not paid within 30 days the fine shall be $25.00. Violations shall be charged and collected in the same manner as other parking violations, by notice of a fine payable to the city clerk.
(Ord. No. 14521, §§ 1-4, 12-11-1995)

Sec. 20-235. Reserved.

Sec. 20-236. City employee parking permits.
There is created a city employee parking permit, which may be designated and issued by the city clerk to city employees. The permit shall allow, but not guarantee, the holder thereof the nonexclusive right to park in designated spaces in municipal parking lot T, 7 West State Street and lot Q, 3 West State Street.
Notwithstanding subsection (a) of this section, it shall be unlawful for a city employee, while on duty for the city, to park in spaces allocated to the public in lot T, 7 West State Street and lot Q, 3 West State Street, except as allowed by section 20-224.
(Ord. No. 14601, 9-14-1998)

Sec. 20-237. Police parking permit.
There is created a police parking permit, which may be designated and issued by the city clerk. The permit shall allow, but not guarantee, the holder thereof the nonexclusive right to park in municipal lot Q, 3 West State Street, between the hours of 7:00 a.m. and 4:00 p.m.
(Ord. No. 14601, 9-14-1998)

Secs. 20-238 – 20-240. Reserved.

DIVISION 4. PARKING IN BUSINESS AND RESIDENTIAL YARDS*
Cross reference(s)-Licenses and business regulations, Ch. 17.

Sec. 20-241. Purpose.
The purpose of the front yard parking regulations in this division is to prevent the unreasonable diminishing or impairment of established property values and aesthetics within the city and to preserve the public health, safety and welfare.
(Ord. No. 14561, § 2, 10-13-1997)

Sec. 20-242. Scope.
The regulations proscribed in this division apply to all residential zoned districts and residential
real properties, regardless of zone, within the city.  
(Ord. No. 14561, § 2, 10-13-1997)

Sec. 20-243. Definitions.  
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:  
1.) Curb drop. Curb drop means a cut made through the street curb that has previously been authorized and approved by the city.  
2.) Driveway. Driveway means a surface consisting of concrete, asphalt, seal coat, solid bricks, gravel, or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway or soil beneath from the operation or parking of motor vehicles or vehicles thereon, located within a yard and connected to an approved curb drop or entrance.  
3.) Driveway extension. Driveway extension means that portion of a driveway which is in excess of the allotted driveway width, which is contiguous to a driveway, which shall lead to a curb drop, and which consists of concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway extension or soil beneath from the operation or parking of motor vehicles or vehicles, or both, thereon.  
4.) Dwelling. Dwelling means any portion of a building that is designed or used for residential living purposes, not including any attached garage portion.  
5.) Entrance. Entrance means a portion of the driveway that is the approved exit from a street or alley onto private property, which has previously been authorized and approved by the city.  
6.) Front yard. Front yard, for a corner lot, means any yard of a corner lot having a frontage on a street.  
7.) Motor vehicle. Motor vehicle means the same as defined in section 20-1 of this chapter.  
8.) Trailer. Trailer means the same as defined in section 20-1 of this chapter.  
9.) Vehicle. Vehicle means the same as defined in section 20-1 of this chapter.  
All other words and terms, not enumerated in subsection (a) of this section, including but not limited to the terms "frontage," "lot," "corner lot," "street," "yard," "front yard," "side yard," and "rear yard," shall be defined as provided in the zoning ordinance, any amendments thereto or any future zoning ordinances enacted by the city.  

Sec. 20-244. Number, composition, location, and size of driveways.  
Composition of driveway and entrance surface. Under this division, a driveway and entrance shall be a surface constructed of concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in or deterioration or damage to the driveway or soil beneath from the operation or parking of motor vehicles or vehicles, or both, thereon.  
Location of driveway or parking areas:  
Front yard: Only one driveway shall be allowed in a front yard per street frontage, except that a duplex with garages located at each end of the building shall be permitted a driveway for each garage. No driveway shall be located in front of a dwelling, except for any dwelling area portions attached to and located above or behind a garage. A driveway shall not lead to the side of a garage where there is no garage door. A driveway shall be connected and lead to only one curb drop or entrance, except for residences on a corner lot located on a major or minor arterial or major collector roadway, as defined in the city comprehensive plan and any future amendments
to the plan, which can apply to the City Engineer for permission to connect a driveway to two curb drops for the sole purpose of allowing safe entry onto the roadway. Front yard driveways constructed after January 1, 2010 shall be constructed only with solid concrete, asphalt, or solid bricks.

Rear and side yards: Parking of all vehicles, including licensed and operable vehicles, recreational vehicles, and trailers, must be parked in a permanent roofed structure or on a hard surface consisting of solid concrete, asphalt, solid bricks, crushed stone or gravel. Such hard-surfaced parking areas in a side-yard or rear-yard must be connected to a driveway leading from an approved curb drop or entrance which also consists of a hard surface consisting of solid concrete, asphalt, solid bricks, gravel or crushed stone. The vehicle wheels and any component touching the ground must be located entirely on and directly above the appropriate surface. Gravel or crushed stone must be maintained so as to be free from weeds and grass and to a depth to prevent erosion and rutting. All other surfaces, including gravel or crushed stone, must meet the requirements of 20-244(a). Effective September 30, 2013, not more than TWO vehicles, including licensed and operable vehicles, recreational vehicles, and trailers shall be parked on the side or rear yard of any single family residential property. Vehicles in excess of this number, or not parked on surfaces meeting the requirements of this section, are subject to penalties outlined in Section 20-252.

Width of driveway. A driveway shall be no wider than the approved existing curb cut or entrance therefore, which intersects the street, or shall be no wider than as follows:
1) 1 vehicle stall wide garage: 12’ *
2) 2 vehicle stall wide garage: 24’ *
3) 3 vehicle stall wide garage: 24’ *

* One driveway extension with a maximum width of ten (10) feet can be added to the maximum driveway width designated, but must meet the requirements of Sec. 20-245.

4) Four stall garages and larger: All four-vehicle stall wide garages and larger shall be placed on the lot so all the garage doors do not face the primary street. Some or all of the doors shall be perpendicular to the street. The driveway width in the front yard shall not be greater than 24 feet plus one driveway extension.

Exemption for large lots. Residential lots greater than 0.5 acre and with a front yard depth greater than 75 feet are exempt from the provisions of Section 20-244 (b) and Section 20-245 (c) with the exception of paving requirements. A driveway permit application is required to be submitted and approved by the city to verify that the lot qualifies as a large lot. The driveway width at the property line shall not be greater than 24 feet plus no opportunity for a driveway extension.

Exemption for approved planned unit developments (PUD). Residential PUDs which have been approved by the Plan and Zoning Commission and the City Council are exempt from the provisions of Section 20-244 (b) and (c), and Section 20-245 (c) only if driveway regulations are included in the approved PUD plans. All front yard driveways and driveway extensions must be paved in accordance with Section 20-244 (b) 1.

Responsibilities of owners. Any person, corporation, or legal entity who is the owner, whether the legal or equitable titleholder, of a residential lot shall be responsible for any violation of the driveway regulations provided in subsections (a), (b) and (c) of this section.


**Sec. 20-245. Driveway extensions in front yards.**

Prior written authorization of the Engineering Department or other authorized designee is required for all driveways and driveway extensions in front yards and regulations for
authorization. No driveway extension shall be installed or construction thereon begun in any residential front yard without the prior written authorization of the Engineering Department or other authorized designee, issued to the owner, whether the legal or equitable title holder, of the lot.

Submission of application and fee for Engineering Department or other authorized designee written authorization. Prior to the Engineering Department or other authorized designee’s consideration of any request for or issuance of a written authorization for any driveway or driveway extension in any residential front yard, any owner, whether the legal or equitable title holder, of the lot shall submit a written application and pay to the city clerk a fee set by resolution. If any driveway extension has been installed or construction thereon begun prior to Engineering Department or other authorized designee’s written authorization, the fee shall double. The city clerk is not required to accept any coin in payment of any such application fee.

Regulations for driveway extensions and Engineering Department or other authorized designee’s authorization of driveway extensions. The Engineering Department or other authorized designee shall issue a written authorization for a driveway extension in a residential front yard to an owner, whether the legal or equitable title holder, of a residential lot, upon submission of an application by the owner and payment of the fee therefore and only if a proposed driveway extension will be in compliance with all of the following, which shall be specified in writing in each written authorization issued:

One driveway extension no wider than ten feet in width shall be permitted in a front yard; and
A driveway extension must be contiguous and parallel to the driveway; and
A driveway extension must be located between the driveway and the side property line in the direction away from the dwelling, if there is sufficient space for placement between the driveway and that side property line; and
The surface of a driveway extension must be a surface consisting of concrete, blacktop, asphalt, or solid bricks, and constructed and maintained in quality, quantity and size to prevent the creation of ruts in or deterioration or damage to the driveway extension or soil beneath from the operation or parking of motor vehicles or vehicles, or both thereon.

Responsibilities of owner. Any person, corporation, or legal entity who is the owner, whether the legal or equitable title holder, of a residential lot shall be responsible for any violation of this section pertaining to driveways or driveway extensions.


Sec. 20-246. Exceptions for certain driveways and driveway extensions.
The following driveways and driveway extensions, in existence on or before February 26, 2001, are excepted or grandfathered from any of the regulations in sections 20-244 and 20-245 of this division that would otherwise prohibit them:
Driveway extensions that otherwise conforms to the driveway extension regulations prescribed by Sections 20-245(c)(1), (c)(2), (c)(3), and (c)(4) without the necessity for Engineering Department or other authorized designee for a driveway extension that is located on the side of the driveway towards the dwelling, regardless if there exists sufficient space to have located the extension on the side of the driveway in the direction away from the dwelling;
Driveways connected and leading to one or two approved existing curb cuts or entrances, which is in the nature of a circle-type or horseshoe-type driveway, whether located in front of a dwelling that otherwise conforms to the driveway regulations prescribed by section 20-244; and
Driveways connected and leading to only one entrance from a street or alley, although the entrance has not been authorized and approved by the city, that otherwise conforms to the
driveway regulations prescribed by Section 20-244. The grandfather exceptions provided in this section shall automatically terminate for any driveway or driveway extension that is replaced, altered, or expanded on or after February 26, 2001. However, maintenance, without changing the configuration, of a grandfathered driveway or driveway extension will not terminate its grandfathered status.

(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 6, 2-26-2001; Ord No. 14912, § 3, 11-26-2012)

Sec. 20-247. Reserved.

Sec. 20-248. Front yard parking.
Front yard parking off driveway or driveway extension prohibited. It shall be unlawful for any person, corporation, or legal entity to park a motor vehicle, trailer or vehicle in the front yard of any residential lot, unless the motor vehicle, trailer or vehicle is parked completely upon a driveway, driveway extension, or combination thereof or in a permanent roofed enclosure. However, this subsection shall not apply to motor vehicles, trailers or vehicles being used to move, deliver and/or take articles to and from a yard or building or structure located thereon or used in connection with providing a temporary service thereon for a reasonable period of time while in the active process of such use. Parking of trucks, other than panel or pickup trucks of less than one ton capacity is prohibited in residential areas, except to load or unload. Heavy commercial vehicles, including tractor cab units rated at more than one-ton capacity, shall not be parked at any time in residential zoning districts.

(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 8, 2-26-01; Ord. 14702, 6-10-2003; Ord. 14912, § 1 11-26-2012)

Sec. 20-249. Unlicensed or inoperable motor vehicles or vehicles in side or rear yards prohibited.
It shall be unlawful for any person, corporation or legal entity to park or store an unlicensed or inoperable motor vehicle or vehicle anywhere in the side or rear yard, including upon any driveway or driveway extension, unless the motor vehicle or vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable motor vehicle or vehicle shall not constitute a defense to the finding that such motor vehicle or vehicle is in violation of this section.

(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 9, 2-26-01; Ord. 14912, § 1 11-26-2012)

Sec. 20-250. Responsibility for violations.
When the identity of the operator of a motor vehicle or vehicle cannot be determined, any person, corporation, or legal entity who was the registered owner of such motor vehicle or vehicle and any person, corporation, or legal entity who was in lawful possession of the residential lot where the violation occurred at the time of a violation shall be held prima facie responsible for any violation of the provisions of sections 20-248 and 20-249.

(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 10, 2-26-01; Ord. 14912, § 1 11-26-2012)

Sec. 20-251. No prior notice, warning or scienter required.
The offenses enumerated in this division do not contain elements that require any prior notice or warning be given an offender regarding any offense.

(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 11, 2-26-01; Ord. 14912, § 1 11-26-2012)
Sec. 20-252. Violations.
Number of parked vehicles, composition, location and size of driveways and driveway extensions. Any person, corporation, or legal entity who is the owner, whether the legal or equitable title holder, of a residential lot who violates any of the regulations for the number of parked vehicles, composition, location, and size of driveways and driveway extensions contained in Sections 20-244(a), (b), and (c) and Sections 20-245(c)(1), (c)(2), (c)(3), and (c)(4) is guilty of and may be charged either with a simple misdemeanor, which upon conviction is punishable pursuant to section 1-8, or a municipal infraction, which upon judgment entered against a defendant is punishable by the civil penalties and subject to the remedies defined in I.C.A. § 364.22 or any amendments thereto. Each day that a violation occurs or is permitted to exist constitutes a separate offense, whether charged as a simple misdemeanor or municipal infraction. Front, side and rear yard parking regulations. Any person, corporation, or legal entity who violates any of the regulations for parking or storing a motor vehicle or vehicle in the front, side, or rear yard of a residential lot contained in Sections 20-248(a) and (b) and Section 20-249 is subject to the following procedures:
Any such violator may be issued a notice of violation and fine due and payable to the city clerk. The fine for any such violation shall be $25.00 if paid within 30 days of the date upon which the violation occurred, and $35.00 if not paid within 30 days of the date upon which the violation occurred, due and payable to the city clerk. Each day that a violation occurs or is permitted to exist constitutes a separate violation. Payment of any such fine may be made by depositing the money in the envelope provided in any courtesy box, by payment at the city clerk's office in city hall, or by mailing the money in the envelope provided by depositing it in the U.S. mail with sufficient U.S. postage affixed thereon. The city clerk is not required to accept any coin in payment of any such fine.
Any such violator may be charged either with a simple misdemeanor, which upon conviction is punishable pursuant to section 1-8, or a municipal infraction, which upon judgment entered against a defendant is punishable by the civil penalties and subject to the remedies defined in I.C.A. § 364.22 or any amendments thereto, if any such violator either denies any violation contained in any notice of violation issued pursuant to subsection (b)(1) of this section or fails to pay the fine provided in subsection (b)(1) of this section and indicated in any notice of violation issued pursuant thereto within 30 days of the date upon which the violation occurred. Each day that a violation occurs or is permitted to exist constitutes a separate offense, whether charged under this subsection as a simple misdemeanor or municipal infraction.
(Ord. No. 14561, § 2, 10-13-1997, Ord No. 14672 , § 12, 2-26-2001; Ord. 14912, § 1 11-26-2012)


ARTICLE VII. BICYCLES*

Cross reference(s)-Bicycles violating parking regulations, § 20-171.1.
State law reference(s)-Power of city to regulate and license bicycles, I.C.A. § 321.236(10).
DIVISION 1. GENERALLY

Sec. 20-281. Business district defined.
For purposes of this article only, the business district includes the following streets:
Main Street from Second Street to Third Avenue; Second Street from State Street to Church Street;
First Street from State Street to Church Street; Center Street from State Street to Church Street;
First Avenue from State Street to Church Street; Second Avenue from State Street to Church Street.
(Ord. No. 13710, § 7, 4-14-1980; Ord. No. 14769, §1, 8-8-2005)

Sec. 20-282. Private enforcement.
For the purpose of advancing public safety and for the purpose of more effective enforcement of this article and the laws relating to the use of bicycles, it shall be lawful for the local Post of the Veterans of Foreign Wars or any other local patriotic body, with the approval of the mayor and the chief of police, to set up a voluntary enforcement agency or organization to persons using bicycles. The use of such plan shall not be permitted to conflict with this article or state law.
(Rev. Ords. 1950; Ord. No. 71, § 15)

Sec. 20-283. Observing traffic laws.
Every person riding a bicycle upon any street, alley or sidewalk within the city shall observe and obey the traffic laws and traffic signals of the city and of the state, so far as the laws and signals apply to the riding of bicycles and, specifically and without limitations, shall include traffic rules relating to traffic lights and highway stop signs, and every such person riding a bicycle must signal any change of direction in the course of travel and must travel on the right-hand side of the center of the street and shall not turn to the right or left in traffic except at the regular street intersections and shall not weave in and out of the line of traffic.
(Ord. No. 13710, § 12, 4-14-1980)

Sec. 20-284. Riding on roadway.
Every person riding a bicycle upon a one-way street which has two lanes for traffic shall ride in the right-hand lane only and shall only traverse the left-hand lane for purposes of making a left-hand turn or passing and shall enter the left lane for the purpose of passing when safety dictates. Any person riding a bicycle upon a one-way street with three lanes of traffic shall ride the bicycle in either the left-hand or right-hand lane and shall only traverse the middle lane for purposes of passing or moving from the right-hand or left-hand lane to make a turn. Any person riding a bicycle on any street having two-way traffic, with two lanes for traffic in each direction, with the total of four lanes, shall ride the bicycle in only the right-hand lane and shall only traverse the other lanes for purposes of making a left-hand turn or passing. Any bicycle rider operating a bicycle on a street having two lanes and two-way traffic, such being on a street designated for alternate parking, shall, in the lane of traffic on the side of the street where parking is prohibited, operate his bicycle as close to the right-hand curb as is practical. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the street. Sidewalks do not constitute a bicycle path. No person may operate a bicycle upon a street where a sign is erected indicating that bicycle riding is prohibited.
(Ord. No. 13710, § 13, 4-14-1980)
Sec. 20-285. Special rules.
Whenever a bicycle is operated upon a street, bicycle lane or bicycle way, the following shall apply:
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 designated and equipped.
No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars.
No person riding a bicycle shall attach himself or his bicycle to any vehicle upon a roadway (street).
No person riding a bicycle shall do any trick riding on a bicycle or ride without at least one hand on the handlebars upon any street, alley or sidewalk.
Bicycles being legally ridden upon sidewalks shall only ride one abreast.
(Ord. No. 13710, § 9, 4-14-1980)

Sec. 20-286. Use on sidewalks restricted.
It shall be unlawful for any person to ride any bicycle, at any time, on a public sidewalk in any business district of the city. However, the only exception to this is that any member of the public may ride a bicycle on any public sidewalk adjacent to Highways 14 and 30 in the city. However, the rider of any such bicycle shall yield the right-of-way to pedestrians by dismounting the bicycle and walking the bicycle until the pedestrians have been passed, whether the pedestrians are walking in the same direction as the bicycle is being ridden or walking toward the bicycle.
(Ord. No. 13710, § 6, 4-14-1980)

Sec. 20-287. Pedestrian right-of-way.
Pedestrians on sidewalks shall have the right-of-way at all times over any person riding or using any bicycle, and a person riding or using a bicycle upon any public sidewalk must turn off of the sidewalk at all times when meeting or passing pedestrians or in lieu thereof shall dismount from the bicycle until the pedestrians have passed.
(Ord. No. 13710, § 8, 4-14-1980)

Sec. 20-288. Parking.
No person shall park a bicycle except against the curb of the street, in an authorized parking space, upon the sidewalk in a rack to support the bicycle, against a building, or at the curb in such manner as to afford the least obstruction to pedestrian traffic. Bicycles may be parked in metered parking spaces or other public parking spaces. However, no more than six bicycles may park in any metered or public parking space at any one time. If the parking space is metered the parking meter must be paid. If the parking meter is not paid, all bicycles found within the parking space shall be ticketed by any authorized city employee the same as any motorized vehicle.
(Ord. No. 13710, § 10, 4-14-1980)

Sec. 20-289. Brakes.
It shall be unlawful for any person to ride or operate a bicycle within the city limits without having the bicycle properly equipped with workable and safe brakes.
(Ord. No. 13710, § 11, 4-14-1980)
Sec. 20-290. Lights required.
Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in I.C.A. § 321.384, visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector may be used in lieu of a rear light. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.
(Ord. No. 13710, § 5, 4-14-1980)


DIVISION 2. LICENSE

Sec. 20-301. Required.
Every person living within the city who owns a bicycle and rides or propels the bicycle on any street, sidewalk, or upon any public path set apart for the use of bicycles shall cause the ownership thereof to be registered at the Police Department. Upon such registration, the person shall be issued a numbered license plate, tag, sticker or other device, which is thereafter to be kept permanently attached to the bicycle. At the time of such registration, the owner of the bicycle shall present the bicycle for inspection, and no license plate will be issued therefore unless and until it is properly equipped as required by law or by this article.
(Ord. No. 13710, § 1, 4-14-1980)

Sec. 20-302. Duration, renewal.
The bicycle license shall expire on May 1st of every “even-numbered year” following issuance or renewal. The bicycle license shall be renewed during the month of May. The bicycle license shall expire on May 1st, and there shall be a sixty-day grace period for the renewal of expired bicycle license, said grace period between May 1st and June 30th of the year which a bicycle license becomes expired. The license and renewal fee shall be Three Dollars ($3.00).
(Ord. No. 14715 §1,7-14-2003)

Sec. 20-303. Transfer.
If a licensed bicycle is sold or transferred, the former owner or the purchaser shall report the sale or transfer to the office of the city clerk within five working days thereafter. The fee shall be $1.00.
(Ord. No. 13710, § 3, 4-14-1980)

Sec. 20-304. Lost plate.
If a bicycle license plate is lost or stolen or destroyed, the licensee shall report the loss or destruction immediately to the office of the city clerk, and before the bicycle shall be used again within the city a new license plate shall be secured therefore and a fee of $1.00 paid for the license plate by the licensee at the city clerk's office.
(Ord. No. 13710, § 4, 4-14-1980)

Sec. 20-305. Impoundment.
Any law enforcement officer finding upon the city streets, sidewalks, bicycle lanes or bicycle ways any bicycle which is not currently registered and has affixed to it the current license issued under section 20-301 of this division may impound the vehicle by taking the bicycle into his or her possession with the city retaining the bicycle until the bicycle is properly licensed and registered by the owner thereof.
Sec. 20-306. Penalty.
Any person violating any of the provisions of this ordinance shall upon conviction be punished by a fine of not less than ten dollars ($10.00) or more than fifty dollars ($50.00.)

Sec. 20-307. Records.
The Police Department shall make and keep accurate records in connection with the registration, ownership, and licensing of bicycles provided for in this division.


ARTICLE VIII. RESERVED


ARTICLE IX. SNOWMOBILES*

State law reference(s)-Snowmobiles, I.C.A. § 321G.1.

Sec. 20-346. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Operator. Operator means every person who operates or is in actual physical control of a snowmobile.
Roadway. Roadway means that portion of a street improved, designed or ordinarily used for vehicular travel, and does not include sidewalks or parkings or any area of public property between the roadway portion of the street and the abutting private property line.
Safety or deadman throttle. Safety or deadman throttle means a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
Snowmobile. Snowmobile means any self-propelled vehicle weighing less than 1,000 pounds which utilizes wheels with low pressure tires and which is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and which is designed for travel upon snow, land or ice, except any vehicle registered as a motor vehicle under I.C.A. ch. 321.

Sec. 20-347. Operation to comply with state law.
A snowmobile shall be operated in accordance with the state law at all times.

(Ord. No. 13710, § 14, 4-14-1980)


(Ord. No. 12376, § 3, 12-26-1973)
Sec. 20-348. Operator qualifications.
Every operator of a snowmobile shall have a valid motor vehicle operator's license and shall be at least 16 years of age.
(Ord. No. 12376, § 3(D), 12-26-1973)

Sec. 20-349. Places where operation prohibited.
It shall be unlawful to operate a snowmobile upon the following:
On the following streets:
All state or federal highways within the city.
On any street or highway designated as a one-way street.
On Anson Street.
On South Third Avenue from Anson Street to Linn Street.
Within any portion of an area bounded on the north by the north curb line of Webster Street, on the west by the west curb line of Third Street, on the south by the south curb line of Boone Street and on the east by the east curb line of Third Avenue.
Twelfth Street between Main Street and Summit Street.
Thirteenth Street between Main Street and Summit Street.
Fourth Avenue between Church and State Street.
Olive Street between Fourth Street and Second Avenue.
East Meadow Lane from Center Street to Second Avenue.
Sixth Street from Olive Street to Madison Street.
Southridge Road from Center Street to Third Avenue.
Within 300 feet of a school, college, church, hospital or nursing home.
Upon any cemetery, school ground, park, playground, recreational area, golf course or private property of any person unless express permission to so operate has been secured by the proper authority.
Upon the grounds of the Iowa Veterans Home and Iowa Veterans Home Cemetery.
Notwithstanding subsection (a) of this section, a snowmobile may be operated upon such city streets when the operator thereof resides on one of the prohibited streets, but only when arriving or leaving the premises and only on the most direct route from his residence to the nearest street where operation is permitted.
(Ord. No. 12376, § 2, 12-26-1973; Ord. No. 14497, § 1, 2-27-1995)
State law reference(s)-Authority to prohibit operation of snowmobiles, I.C.A. § 321G.9(4)a.

Sec. 20-350. Operation on sidewalk.
It shall be unlawful for any person to operate a snowmobile upon a sidewalk except to cross it.
(Ord. No. 12376, § 5, 12-26-1973)

Sec. 20-351. Reserved.

Sec. 20-352. Obedience to traffic rules, signs and signals and police.
Snowmobiles shall observe and obey all traffic rules, signs and signals as well as all directions of a police officer.
(Ord. No. 12376, § 3(K), 12-26-1973)

Sec. 20-353. Use for pleasure prohibited.
No snowmobile shall be operated solely for entertainment or pleasure, but only for the most direct ingress and egress from the city.
(Ord. No. 12376, § 3(B), 12-26-1973)
Sec. 20-354. Speed.
It shall be unlawful for any person to drive or operate any snowmobile at a speed in excess of 15 miles per hour or at a rate of speed greater than reasonable or proper under all existing circumstances.
(Ord. No. 12376, § 3(A), 12-26-1973)
State law reference(s)-Speed, I.C.A. § 321G.13(1).

Secs. 20-355 – 20-357. Reserved.

Sec. 20-358. Operation in single file.
No snowmobile shall be operated in conjunction with another or others unless they are operated in a single file fashion and as closely to the curb or edge of the road as is possible.
(Ord. No. 12376, § 3(c), 12-26-1973)
State law reference(s)-Similar provisions, I.C.A. § 321G.9(3)d.

Sec. 20-359. Crossing streets.
It shall be unlawful for any operator of a snowmobile to make a direct crossing of a street or highway unless:
The snowmobile is brought to a complete stop before entering upon the traveled portion of the street.
The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents or obscures oncoming traffic.
The operator shall yield the right-of-way to all oncoming traffic that constitutes an immediate hazard.
In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
(Ord. No. 12376, § 4, 12-26-1973)
State law reference(s)-Similar provisions, I.C.A. § 321G.9(2).

Sec. 20-360. Weapons.
No person shall operate a snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case or any bow unless it is unstrung or enclosed in a carrying case.
(Ord. No. 12376, § 3(F), 12-26-1973)
State law reference(s)-Similar provisions, I.C.A. § 321G.13(11).

Sec. 20-361. Right-of-way.
Snowmobiles shall yield the right-of-way to pedestrians and vehicular traffic.
(Ord. No. 12376, § 3(L), 12-26-1973)

Sec. 20-362. Reserved.

Sec. 20-363. Operation by over two persons; towing objects.
No more than two persons shall ride a snowmobile at one time. No sled, wagon, trailer or any other object shall be towed or pulled by a snowmobile.
(Ord. No. 12376, § 3(H), 12-26-1973)

Sec. 20-364. Hours of operation.
Snowmobiles shall be operated only between the hours of 7:00 a.m.-11:00 p.m. except in an emergency or when used as a supplement force of a police or fire department or hospital or at any other time of emergency by permission of the mayor.
Sec. 20-365. Equipment generally.
It shall be unlawful for any person to operate a snowmobile that is not equipped as required by state law.
(Ord. No. 12376, §§ 3(I), 6, 12-26-1973)

Sec. 20-366. Flag or pennant.
It shall be unlawful for any person to operate a snowmobile on any public road or street without a bright color pennant or flag displayed at least 60 inches above the ground. The pennant or flag shall be a minimum of six inches by nine inches, shall be orange and shall provide a fluorescent effect.
(Ord. No. 12376, § 6(C), 12-26-1973)
State law reference(s)-Similar provisions, I.C.A. § 321G.13(9).

Sec. 20-367. Lights.
No person shall operate a snowmobile at any time on the streets without the required headlight and taillight being in continuous operation while the snowmobile is being operated.
(Ord. No. 12376, § 3(E), 12-26-1973)

Sec. 20-368. Leaving unattended.
It shall be unlawful to leave a snowmobile unattended while the motor is running or the keys left in the ignition.
(Ord. No. 12376, § 5, 12-26-1973)


ARTICLE X. MISCELLANEOUS RULES

Sec. 20-386. Unattended motor vehicle.
No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine or, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
(Rev. Ords. 1950; Ord. No. 68, § 72)
State law reference(s)-Similar provisions, I.C.A. § 321.362.

Sec. 20-387. Obstruction to driver's view.
No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.
(Rev. Ords. 1950; Ord. No. 68, § 73)
State law reference(s)-Similar provisions, I.C.A. § 321.363.

Sec. 20-388. Special provisions for grades, defiles and curves.
The driver of a motor vehicle traveling through defiles or on approaching the crest of a hill or grade shall have such motor vehicle under control and on the right-hand side of the roadway and,
upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle.
(Rev. Ords. 1950; Ord. No. 68, § 74)

**Sec. 20-389. Coasting prohibited.**
The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears.
(Rev. Ords. 1950; Ord. No. 68, §§ 76, 77)
State law reference(s)-Similar provisions, I.C.A. § 321.365.

**Sec. 20-390. Following fire apparatus.**
The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
(Rev. Ords. 1950; Ord. No. 68, § 77)
Cross reference(s)-Fire prevention and protection, ch. 12.
State law reference(s)-Similar provisions, I.C.A. § 321.367.

**Sec. 20-391. Crossing fire hose.**
No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.
(Rev. Ords. 1950; Ord. No. 68, § 78)
Cross reference(s)-Fire prevention and protection, ch. 12.
State law reference(s)-Similar provisions, I.C.A. § 321.368.

**Sec. 20-392. Putting debris or injurious material on highway.**
A person shall not throw or deposit upon a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, grass, leaves, lawn clippings, or any other debris. A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon the highway.
(Rev. Ords. 1950; Ord. No. 68, § 79, Ord 14934 §1, 9-8-2014)
State law reference(s)-Similar provisions, I.C.A. § 321.369.

**Sec. 20-393. Removing injurious material.**
Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material and other material as defined in section 20-392 shall immediately remove the material or cause it to be removed.
(Rev. Ords. 1950; Ord. No. 68, § 80)
State law reference(s)-Similar provisions, I.C.A. § 321.370.

**Sec. 20-394. Cleaning up injurious materials from wrecks and reimbursement for materials and services where operator at fault.**
Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any owners or operators of motor vehicles involved in an accident in which the investigating officer determines the operator to be at fault, or to share fault, and which requires a response by the Marshalltown Fire Department to control a fire, extract individuals from the wreckage, remove hazardous materials or restore the road way to a safe condition, shall be liable to the City for the cost of the materials and services provided in amounts established by resolution of the City Council.
Sec. 20-395. Backing to curb.
It shall be unlawful to back any vehicle to the curb for the purpose of loading or unloading, in the business district on Main Street, or on any street where the position of such vehicle will interfere with or impede the movement of traffic along the street.
(Rev. Ords. 1950; Ord. No. 68, § 143(N); Ord. No. 8141, § 1, 7-11-1951)

Sec. 20-396. Operation of vehicle upon floodwalls, levees or dikes.
No person shall use or operate any motor vehicle or bicycle, except for maintenance vehicles or emergency vehicles or snowmobiles, on any portion of any dike, levee or floodwall or within 50 feet of the toe of any dike, levee or floodwall, except at such areas designated and marked as authorized crossings.
As used in this section, the term "toe of any dike" is defined as that point where the sloping sides of the flood control dike or levee ends and where the sloping sides of the dike or levee meets the surrounding area.
(Ord. No. 12975, §§ 1, 2, 7-28-1976)

Sec. 20-397. School bus discharging pupils.
The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than 300 feet or more than 500 feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is 45 miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than 150 feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than 45 miles per hour. At the point of receiving or discharging pupils, the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least 300 feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.
If a school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.
A school bus, when operating on a highway with four or more lanes, shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers.
A school bus shall, while carrying passengers, have its headlights turned on.
All pupils shall be received and discharged from the right front entrance of every school bus, and if the pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver.
The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed
to not more than 20 miles per hour and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted, after which time the driver may proceed with due caution.

The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing. The driver shall bring the vehicle to a complete stop no closer than 15 feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion.

The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped.

(Ord. No. 11308, §§ 1, 2, 10-15-1968)

State law reference(s)-Similar provisions, I.C.A. § 321.372.

Sec. 20-398. Operation in parks.
It shall be unlawful for any person to use or operate any motor vehicle or bicycle in any park, playground or other recreation area owned or operated by the city except on established roadways or streets open to public use or unless signs are posted allowing such use.

(Ord. No. 12502, § 1, 7-24-1974)

Cross reference(s)-Parks, playgrounds and recreation, ch. 21.5; parking vehicles in campsites, § 21.5-5.

State law reference(s)-Exclusion of vehicles from parks and cemeteries, I.C.A. § 321.248.

Sec. 20-399. Movement and presence of people on public streets and parking areas.
Statement of purpose. This section is adopted out of concern for the health, safety and welfare of those using the public streets and parking areas within the city. This section is designed to prevent injury to both property and persons.

Definitions. The terms "motor vehicle," "truck," "pickup," "motorcycle," "motorized bicycle" and "bicycle" are defined by reference to the definitions of the terms found in I.C.A. ch. 321.1, all of which are adopted by this reference.

Prohibited conduct. It shall be unlawful for any person, regardless of age, to do any of the following upon the public streets, alleys or parking areas within the city:

- Sit upon the hood, fenders, roof, trunk lid, bumpers or pickup box of any motor vehicle parked upon the public streets or parking areas.
- Sit or stand upon the public streets or parking areas.
- Sit upon the sidewalk or curb and in doing so allow any part of the human torso to rest on the public streets or parking areas.
- Sit upon any motorcycle, motorized bicycle or bicycle while such is parked upon the public streets or parking areas.

The conduct declared unlawful as set out in this subsection shall only be so between the hours of 8:00 p.m.-6:00 a.m. daily.

Lawful acts. It shall not be unlawful for any person to sit within a car, pickup or truck lawfully parked on a public street or parking area. It shall not be unlawful for any person to traverse over and upon a public street or parking area for otherwise lawful purposes, including ingress and egress to and from a lawfully parked motor vehicle, truck, pickup, motorcycle, motorized bicycle or bicycle.

a) Penalty. A person who violates this section shall be punished by a Penalty as provided in Sec. 1-8 of the Code.

Sec. 20-400. Motor Vehicle Licenses.
Operators of all motor vehicles, including, but not limited to, motor scooters and motorized bicycles, operated on the public street are required to be properly licensed in accordance with the Code of Iowa, except:
Motorized wheel chairs, three or four wheel, may be operated for the purpose of transporting the disabled; and
Lawn mowers operated for the purpose of mowing the grass may use the public street to take the most direct route from one residence to another; and
Farm equipment may be operated for the purpose of agriculture; and
Golf carts may be operated and licensed as provided in Section 20-6.1.

Sec. 20-401. Sidewalk Operator of Motorized Vehicles.
The operation of all motorized vehicles, including, but not limited to, motor scooters and motorized bicycles, are prohibited on public sidewalks. However, motorized wheel chairs, three or four wheel, may operate on a public sidewalk for the purpose of transporting the disabled.

Sec. 20-402. Vehicle Licenses.
All motor vehicles operated on the public streets must be properly licensed and insured in accordance with the Code of Iowa.

Sec. 20-403. Penalty.
A person violating a provision of Section 20-400, 20-401, or 20-402 shall be punished by a Penalty as provided in Sec. 1-8 of the Code.

Sec. 20-404. Soliciting on Roadway.
No person shall stand on the roadway, including the roadway medians, curbs, traffic islands, and shoulders, for purposes of soliciting a ride, employment, charitable contributions, or business, from the occupant of any vehicle.
(Ord. No. 14773, § 1, 10-10-2005)
Chapter 21 OFFENSES AND MISCELLANEOUS PROVISIONS*

ARTICLE I. IN GENERAL

Sec. 21-1. Unlawful assembly.
An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such.
(Ord. No. 11806, § 1, 1-12-1971; Ord. No. 12455, § 1, 4-23-1974)
State law reference(s)-Unlawful assembly, I.C.A. § 743.1.

Sec. 21-1.1. Riot.
A riot is three or more persons assembled together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person or causing property damage. No person shall willingly join in or remain a part of a riot, knowing or having reasonable grounds to believe that it is such.

Sec. 21-2. Permit for assemblies, parades and demonstrations.
Required. It is unlawful for any person to be or be concerned in or join or participate in any assembly, meeting, concert, procession or other exercise or display or demonstration upon any street, sidewalk or public ground or other public place without a written permit issued to one or more of the participants thereof by the chief of police.
Contents of application. Any application for a permit shall state the following:
The name and address of the applicant;
The organization the applicant represents, if any;
The applicant's position in the organization and that the organization has authorized the applicant to make application in its behalf;
Whether or not the applicant or organization has ever been issued a permit before;
The anticipated number of participants in the parade or demonstration;
The exact location of the demonstration or the exact starting and ending points of the parade as well as the exact route to be followed;
Exactly what provisions have been made for dispersal of the demonstration or parade so such may be accomplished in a reasonable manner;
What contingency plans exist to maintain order and to control the group, if any;
The exact time the demonstration or parade is to commence and terminate;
Devices or things that may produce noise, dirt, smoke, litter or odor and the applicant's means of limiting, controlling or removing such; and
Such other and further information the council may request.
Conditions. All such permits shall be issued on the express condition that all laws, statutes or ordinances be observed and obeyed and that all activities be organized, peaceful and controlled.
Restrictions. The chief of police may put such reasonable restrictions that it may deem necessary to preserve peace and order or to promote traffic and pedestrian control and to generally protect the rights of others. The chief of police may bill for the use of equipment or overtime due to parades, assemblies or demonstration.
Sec. 21-3. Assembly interfering with lawful business or occupations; use of private property without consent.
It is unlawful for any person to assemble or congregate with others in such a manner and for the purpose of preventing or interfering with another's pursuit of a lawful occupation, public duty or the ordinary conduct of business, public or private, or for any persons, individually or collectively, to use another's property for any purpose without his consent.
(Ord. No. 11806, § 1, 1-12-1971)

Sec. 21-4. Driving motor scooter or similar vehicle upon public tennis court.
It is unlawful to drive, propel, or ride a motor scooter, scooter, bicycle, skate scooter, skates, coaster wagon or a similar wheeled contrivance upon any tennis court owned by the public or dedicated to public use.
(Ord. No. 10665, § 1, 10-12-1964)

Sec. 21-4.1. Use of skateboards, roller blades, and like instruments limited.
Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Business districts of the city. Business districts of the city, defined for purposes of this Section only, includes only the following streets: Main Street from Second Street to Third Avenue; Second Street from State Street to Church Street; First Street from State Street to Church Street; Center Street from State Street to Church Street; First Avenue from State Street to Church Street; Second Avenue from State Street to Church Street.
Public place. Public place refers to alleys, parking lots, buildings owned or occupied by the city, the Iowa Veterans Home and terraces or parkades adjacent to roadways.
Skateboard. Skateboard or other like instrument refers to any non-motorized instrument used to transport a person by means of wheels or rollers propelled solely by the force of its rider and does not include any wagon or other device not so propelled.
Prohibited uses. No person shall use, operate or permit the use or operation of any skateboard or like instrument on any sidewalk, parking lot or public place in the business districts of the city.
Further prohibited use. No person shall use, operate or permit the use or operation of any skateboard or like instrument on any street in the city or at the Iowa Veterans Home.
Restricted use. The use of any skateboard or other like instrument is permitted on all other sidewalks and in all other public places, except those mentioned in subsections (a)-(c) of this section, within the city; provided, however, that any person who shall use, operate or permit to be used or operated any such skateboard or like instrument shall do so in a careful and prudent manner and not in a manner so as to cause or be likely to cause danger or injury to any person or property.
Right-of-way. The user or passenger of any such skateboard or like instrument shall give the right-of-way to any pedestrian, motor vehicle or any other user of the sidewalk or public place and shall not interfere with the proper use of any sidewalk or public place by any other person.
(Ord. No. 13525, §§ 1-5, 4-9-1979; Ord. No. 14498, § 1, 2-27-1995)

Sec. 21-5. Criminal mischief.
Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, which is prohibited.
(Ord. No. 10665, § 1, 10-12-1964; Ord. No. 10905, § 1, 5-11-1966)
Secs. 21-6 – 21-7. Reserved.

Sec. 21-8. Theft.
A person commits theft, which is prohibited, when the person does any of the following:
Takes possession or control of the property of another or property in the possession of another, with the intent to deprive the other thereof.
Misappropriates property which the person has in trust or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property or appropriates such property to the person's own use, when the owner of such property is known to the person.
Failure by a bailee or lessee of personal property to return the property within 72 hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation.
Obtains the labor or services of another or a transfer of possession, control, or ownership of the property of another or the beneficial use of property of another, by deception. Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception.
Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer. The fact that the person is found in possession of property which has been stolen from two or more persons on separate occasions or that the person is a dealer or other person familiar with the value of such property and has acquired it for a consideration which is far below its reasonable value shall be evidence from which the court or jury may infer that the person knew or believed that the property had been stolen.
Takes, destroys, conceals or disposes of property in which someone else has a security interest, with intent to defraud the secured party.
Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented. Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail or by personal service in the manner prescribed for serving original notices. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.
Obtains gas, electricity or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.
(Rev. Ords. 1950; Ord. No. 75, § 65)
Sec. 21-9. Spitting in police vehicles and buildings.
It shall be unlawful for a person to spit within any police vehicle, public building or private building commonly open to the public, food establishment, restaurant, hotel, motel, motor inn, cocktail lounge or tavern.
(Ord. No. 14423, § 1, 4-26-1993)

Sec. 21-10. Intoxication; Simulated Intoxication in a public place.
It is unlawful and an offense against the peace and dignity of the city for any person to be intoxicated or simulate intoxication in a public place.
(Ord. No. 14643 §1, 2-14-2000)

Sec. 21-11. Reserved.

Sec. 21-11.1. Open containers prohibited on public ways.
a) It shall be unlawful for any person to possess an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage on any public sidewalk, street, alley or parking lot, or within a motor vehicle
b) The council of the city shall have the power to grant exceptions to this section for special events and activities. Exceptions may be granted after city council review and approval by resolution.
c) Any person violating the provisions of this section shall, upon conviction, be fined pursuant to Sec. 1-8 of the Code.

Sec. 21-12. Sniffing glue or other chemical substances prohibited.
No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, smell or inhale the fumes from any model glue or cement, hair spray, spray paint, inhalers, and other solvents or chemicals having the property of releasing toxic vapors.
(Ord. No. 14424, § 1, 4-26-1993)

Sec. 21-12.5. Drug paraphernalia.
Purpose. The purpose of this section is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined in this section.
Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Controlled substance. Controlled substance means the same as the term "controlled substance" is defined in I.C.A. ch. 124 as amended.
Drug paraphernalia. Drug paraphernalia means 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.
Person. Person means an individual, corporation, business, trust, estate, partnership or association, or any other legal entity.
Possession prohibited. 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, package, repackage, store, conceal, contain, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

Manufacture, delivery or offering for sale prohibited. It is unlawful for any person to deliver, possess with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used or knowing or under circumstances where one reasonably should know it will be used or where one reasonably should know it will be used or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, conceal, contain, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

Exceptions. The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehousers or their employees engaged in lawful transportation of such paraphernalia, or to public officers or employees while engaged in the performance of their official duties, or to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

\textit{g)} Penalties and remedies.

Any person violating the provision of this section shall upon conviction be punished by a Penalty as provided in Sec. 1-8 of the Code.

(Ord. No. 14529, §§ 1-6, 3-25-1996; Ord. 14709, 3-24-03; Ord. No. 14970 § 22, 11-27-2017)

\textbf{Sec. 21-13. Disorderly conduct.}

A person commits a violation of this Code when the person does any of the following:

Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

Makes loud and raucous noise, or causes loud music in the vicinity of any residence or public building that causes unreasonable distress to the occupants thereof.

Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

By words or action initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

Without authority or justification, obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Ord. No. 10877, § 1, 2-28-1966)

\textbf{Sec. 21-14. Tampering with, damaging or trespassing upon a motor vehicle.}

It shall be unlawful to do or commit any of the following acts within the city limits:

Willfully attempt to tamper with or tamper with any motor vehicle, or break or remove any part or parts of or from a motor vehicle without the consent of the owner.

Climb upon or enter into any motor vehicle whether it is in motion or at rest and pilfer its contents or remove items of personal property therefrom.

Climb upon or enter into any motor vehicle without the consent of the owner and commit any malicious mischief thereon whether it is in action or at rest.

Climb upon or enter into any motor vehicle without the owner's consent, whether it is in action or at rest, and manipulate any of the levers, starting mechanism, brakes, or other mechanism or
device of the motor vehicle.
(Ord. No. 9751, § 1, 1-13-1959)
Cross reference(s)-Motor vehicles and traffic, ch. 20.

Sec. 21-15. Curfew—Minors on streets.
Minors under age 15 generally. It shall be unlawful for any minor under the age of 15 years to be or remain in or upon any streets, alleys, public places, vacant lots or other unsupervised places in the city between the hours of 10:00 p.m. - 6:00 a.m. without reasonable cause, unless such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor at the direction of the parents or the guardian.

Minors under age 18.
Downtown area. The downtown area is established as follows: that area included within the entire boundaries of the intersections of West Linn Street and South Third Street, north to and including the intersection of North Third Street and West State Street and east to and including the intersection of East State Street and North Third Avenue, south to and including the intersection of South Third Avenue and East Linn Street and west therefrom to the point of beginning. Within the downtown area, it shall be unlawful for any minor under the age of 18 years to be or remain in or upon any streets, alleys, public places, vacant lots or other unsupervised places in the city between the hours of 10:30 p.m. - 6:00 a.m., unless satisfying the exception set out in subsection (b)(3) of this section.

Non downtown areas. All other portions of the city are, by definition, to be considered outside of the downtown area as defined in subsection (b)(1) of this section. In this other area, it shall be unlawful for any minor under the age of 18 years to be or remain in or upon any streets, alleys, public ways, vacant lots or other unsupervised places in the city between the hours of 11:00 p.m. - 6:00 a.m., unless satisfying the exception set out in subsection (b)(3) of this section.

Exceptions. No minor shall be considered in violation of the curfew of the city if satisfying one or more of the following:
The minor is accompanied by a parent.
The minor is traveling to or returning from employment or a religious, political, economic or cultural assembly, and is journeying directly to such an activity or home, and not otherwise. This exception requires prior parental approval concerning such activity.
The minor is accompanied by a supervising adult who has been previously approved, for the purpose involved, by a parent.
The minor is an emancipated minor.
The minor is traveling interstate for a lawful purpose and with the consent of a parent.
The minor is found on the public sidewalk between the street and the home of his parent or the home of one of the members of the group with whom the minor is socializing if the gathering is otherwise lawful.

Definitions. The following words, terms and phrases, when used in this subsection, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:
Emancipated minor. Emancipated minor means a minor who no longer lives with a parent and is self-supporting.
Minor. Minor means any person under the age of 18 years.
Parent. Parent means biological parents, a guardian or custodian appointed by the courts, or an adult who has accepted the role of a parent at the request of a biological parent, guardian, or custodian.
Penalty. Penalty. A minor who violates this subsection (b) shall be punished by a Penalty as
Sec. 21-16. Same—Responsibility of parents.
It shall be unlawful for any parent, guardian or other person having the care and custody of a minor under the age of twenty-one (21) years to permit such minor to violate the provisions of section 21-15.
It shall not constitute a defense to this section that such parent, guardian or other person having the care and custody of a minor did not have knowledge of the presence of such minor in or upon any streets, alleys, public places, vacant lots or other unsupervised places in violation of section 21-15.
(Rev. Ords. 1950; Ord. No. 66, § 2)

Sec. 21-17. Minors in pool and billiard rooms where alcoholic beverages sold.
It shall be unlawful for any person to allow any person under 18 years of age to remain in any pool or billiard room or hall or to take part in any game known as pool, billiards, or pocket billiards, or any variation thereof, if either beer, wine, spirits, alcoholic liquor or alcoholic beverage of any kind is therein sold, served, dispensed or used or if gambling or any other violation of statute, provision of this Code or other city ordinance therein takes place, but otherwise it shall be lawful to have and operate such a pool and/or billiard room and pocket billiard room as to persons and minors of all ages, whether the room is at, below or above ground level. In construing this section, a pool or billiard hall or room shall be limited to that portion of any building, room or premises actually occupied by pool or billiard tables and shall not include any part of the building, room or premises set apart or used exclusively as a barbershop or place for accommodation of patrons as a soda fountain or candy counter, even though such separate business or place is conducted within the same building, room or premises.
(Rev. Ords. 1950; Ord. No. 75, § 3; Ord. No. 9801, § 1, 4-28-1959; Ord. No. 10478, § 1, 9-24-1963)

Sec. 21-18. Reserved.

Sec. 21-19. Selling cigarettes to minors; minors buying cigarettes.
It is unlawful for any person:
To sell or give any cigarette or cigarette paper to any person under 18 years of age.
Under 18 years of age to buy, accept or receive from any merchant, dealer or place of business any cigarette or cigarette paper.
(Rev. Ords. 1950; Ord. No. 75, § 120)

Sec. 21-20. Minors pretending to be of age.
It is unlawful for any person under the age of 18 years to represent, pretend or claim that he is 18 years of the age of or over, for the purpose of inducing or procuring any merchant or dealer to sell such person any cigarette or cigarette paper.
(Rev. Ords. 1950; Ord. No. 75, § 122)

Sec. 21-21. Exhibiting persons.
A person shall not exhibit, place on exhibition, or cause to be exhibited any person without the permission of the person exhibited or the person's parent or guardian. A parent or guardian of an exhibited person shall not receive compensation from the exhibition.
Sec. 21-22. Window peeping.
It is unlawful to peep into the windows of the dwelling house or residence of another anytime.
(Rev. Ords. 1950; Ord. No. 75, § 8)

Secs. 21-23 – 21-24. Reserved.

Sec. 21-25. Assault.
A person commits an assault when, without justification, the person does any of the following:
Any act which is intended to cause pain or injury to or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
Any act that is intended to place another in fear of immediate physical contact that will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
Intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.
Where the person doing any of the acts enumerated in subsection (a) of this section and such other person are voluntary participants in a sport, social or other activity and does not create an unreasonable risk of serious injury or breach of the peace, the act shall not be an assault.
Where the person doing any of the acts enumerated in subsection (a) of this section is employed by a school district or accredited nonpublic school or is an area education agency staff member who provides services to a school or school district and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.
(Rev. Ords. 1950; Ord. No. 75, §§ 21, 22)
State law reference(s)-Similar provisions, I.C.A. § 708.1.

Sec. 21-26. Reserved.

Sec. 21-27. Trafficking in certain weapons prohibited.
It is unlawful to sell, keep for sale or offer for sale or loan or give away any dirk, dagger, stiletto, metallic knuckles, sandbag, skull cracker, or silencer; provided, however, that this section shall not apply to hunting and fishing licenses.
(Rev. Ords. 1950; Ord. No. 75, § 12)
State law reference(s)-Similar provisions, I.C.A. § 695.18.

Secs. 21-28 – 21-29. Reserved.

Sec. 21-30. Displaying weapons.
It is unlawful to display or cause to be displayed in any window facing a public street or alley any pistol, revolver, blackjack, slug, pocket billy, metallic knuckles, dagger, stiletto, or Bowie knife, except war relics.
(Rev. Ords. 1950; Ord. No. 75, § 15)
Sec. 21-31. Sale of slingshots.
It shall be unlawful for any person, firm or corporation to sell or offer for sale, within the city, devices commonly known as slingshots that are designed as a sling to catapult or throw articles with force.
(Rev. Ords. 1950; Ord. No. 73, § 1)

Sec. 21-31.1. Hunting within city boundaries.
Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Hunting. Hunting means pursuing, killing, searching for, shooting at, stalking, or lying in wait for any animal or bird, whether or not such animal or bird then is subsequently captured, killed, or injured.
Occupied structure. Occupied structure means any building, structure, or similar place adapted for overnight accommodation of persons; or utilized by persons for the purpose of carrying on business or other activity therein; or used by persons for the housing of livestock or animals; or used by persons for storage.
Offense of hunting within city limits with exceptions. No person shall engage in hunting within the city limits, subject to the following exceptions:
A-1 agricultural reserve district.
Any person in lawful possession and control of real property zoned A-1 agricultural reserve district, or any person with the permission of any such possessor may engage in hunting, pursuant to the regulations provided in subsection (b)(1)(ii) of this section, upon such real property in areas further than 200 yards of any occupied structure in the lawful possession of another. However, those areas zoned A-1 agricultural reserve 372 district, within the Nicholson-Ford Nature Area, shall be governed by the provisions of subsection (b)(2) of this section.
Regulations for types of weapon, ammunition, and game for hunting in the A-1 agricultural reserve district. The following regulations shall apply to hunting upon real property zoned A-1 agricultural reserve district, except within the Nicholson-Ford Nature Area:
No rifle, pistol or revolver shall be used for hunting.
No weapons other than shotguns, utilizing slug ammunition only, or bow and arrow shall be used to hunt deer.
City-owned area. Any person in possession of a permit issued to the person by the city director of parks and recreation may engage in bow hunting only, for deer only, upon real property located within the Nicholson-Ford Nature Area or other properties designated for deer hunting by the City Director of Parks and Recreation, owned by the city. No weapon other than bow and arrow shall be used for deer hunting in such area. No game other than deer shall be hunted in such area. However, bow hunting is prohibited within 100 yards of any portion of the bicycle trail, within 100 yards of any portion of the levy, and within 100 yards of any occupied structure located upon or outside the area. A permit issued under this provision does not entitle the permit holder to hunt in a Deer Management Area, as described in this section.
State-owned area. Any person with the permission of an authorized agent of the state may engage in bow hunting only, for deer only, upon real property located within the Nicholson-Ford Nature Area owned by the state. No weapon other than bow and arrow shall be used for deer hunting in such area. No game other than deer shall be hunted in the area. However, bow hunting is prohibited within 100 yards of any portion of the bicycle trail, within 100 yards of any portion of the levy, and within 100 yards of any occupied structure located upon or outside the area.
Deer Management Area. Any person with a City of Marshalltown Deer Hunting permit and the permission of the owner of the property where hunting will take place within a city Deer Management Area, may engage in bow hunting, for deer only, within the allowed area. No game other than deer shall be hunted in the area. Miscellaneous exceptions. The provisions of this section shall not apply to lawfully designated law enforcement personnel and city employees performing official duties in the course of their employment, trappers conducting trapping operations pursuant to an independent contract with the city, or employees of the animal rescue league, acting within the scope of their employment. c) Penalty. Any person violating the provisions of this section shall, upon conviction, be guilty of a simple misdemeanor, punishable by a fine pursuant to section 1-8.

Sec. 21-31.2. Killing, cleaning, butchering of animals or fowl in public view prohibited. As used in this section, the term "animal" shall exclude mice, rats, snakes, fish, turtles, amphibians, and insects. Also excluded are fowl for which hunting licenses or stamps are required. The slaughtering, butchering, cleaning, gutting and killing in public view of any animal or fowl not excluded in subsection (a) of this section is prohibited.

Sec. 21-32. Reserved.

Sec. 21-33. Obstructing passage. It is unlawful to join any group or company of persons so as to obstruct the entrance to any building, sidewalk or stairway.

Secs. 21-34 – 21-35. Reserved.

Sec. 21-36. Refusing signal of officer. It is unlawful to refuse, neglect or fail to obey the signal of any flag person on duty at a railroad crossing.

Sec. 21-37. Loud Noises on Vehicles – Stereos, Etc. No person shall operate any motor vehicle stereo (stereo, tape player, compact disc player, radio or any other sound amplification device) in a public place or on any public right-of-way that can be heard a distance of fifty (50) feet or more from the motor vehicle stereo. The provisions of this section may be enforced following personal observation or hearing, or both, of any police officer or upon receipt of a complaint made or filed with the police department by any person observing and hearing a violation. The city administrator may grant a temporary variance to this section to facilitate special events. The city administrator is specifically authorized to revoke the grant variance if the applicant shall fail to meet any of the limitations placed upon the grant of the variance or other circumstances occurring subsequent to the grant of the variance requiring such revocation, or both. Any person violating the provisions of this Section shall, upon conviction, punished by a Penalty as provided in Sec. 1-8 of the Code.
Sec. 21-37.1 Noises from Sirens and Tires.
It is unlawful to use a siren on any vehicle, except an emergency vehicle, or to make an unreasonable loud noise by means of squealing tires on a vehicle.
(Ord. No. 14749, §1, 11-8-2004)

Sec. 21-38. Harassment of public officers and employees.
Any person who willfully prevents or attempts to prevent any public officer or employee from performing the officer's or employee's duty commits a violation of this Code.
(Rev. Ords. 1950; Ord. No. 75, §§ 33, 34)
State law reference(s)-Similar provisions, I.C.A. § 718.4.

Sec. 21-39. Impersonating a public official.
Any person who falsely claims to be or assumes to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so, commits a violation of this Code.
(Rev. Ords. 1950; Ord. No. 75, § 35)
State law reference(s)-Similar provisions, I.C.A. § 718.2.

Sec. 21-40. Discharge of firearms.
It is unlawful for any person, except one in lawful defense of himself or another, or in defense of his property, or a peace officer, including but not limited to the designated animal control officer, in the performance of his duties, or at a licensed shooting gallery, or one in lawful possession and control of land used for agricultural purposes, when on such land, to fire off or discharge any cannon, gun, rifle or other firearm within the city. However, nothing in this section shall apply to military organizations of the state or the United States in military funeral ceremonies, or in firings conducted by education, sport, or recreation organizations, including but not limited to organizers of competitive exhibitions or training events as provided for in section 6-18, at scheduled periods, on an established range or at a scheduled event, and under the supervision of a designated individual who is qualified to ensure that adequate safety precautions are established and observed.

Secs. 21-41 – 21-44. Reserved.

Sec. 21-45. Library materials and equipment; unpurchased merchandise; evidence of intention.
The fact that a person has concealed library materials or equipment as defined in I.C.A. § 702.22 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or equipment or unpurchased property concealed upon the person or among the belongings of the person is material evidence of intent to deprive, and, if the person conceals or causes to be concealed library materials or equipment or unpurchased property, upon the person or among the belongings of another, the finding of the concealed materials, equipment or property is also material evidence of intent to deprive on the part of the person concealing the library materials, equipment or goods.
The fact that a person fails to return library materials for two months or more after the date the person agreed to return the library materials or fails to return library equipment for one month or more after the date the person agreed to return the library equipment is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment. Notices stating the provisions of this section
and I.C.A. § 808.12 with regard to library materials or equipment shall be posted in clear public view in all public libraries; in all libraries of educational, historical or charitable institutions, organizations or societies; in all museums; and in all repositories of public records. After the expiration of three days following the due date, the owner of borrowed library equipment may request the assistance of a dispute resolution center, mediation center or appropriate law enforcement agency in recovering the equipment from the borrower. The owner of library equipment may require deposits by borrowers, and for late returns the owner may impose graduated penalties of up to 25 percent of the value of the equipment, based upon the lateness of the return. For lost library materials or equipment, arrangements may be made to make a monetary settlement.

(Rev. Ords. 1950; Ord. No. 75, § 61)

State law reference(s)-Similar provisions, I.C.A. § 714.5.

Sec. 21-46. Reserved.

Sec. 21-47. Deceptive advertising.

The term "material fact" as used in this section does not include repairs of damage to or adjustments on or replacements of parts with new parts of otherwise new merchandise if the repairs, adjustments or replacements are made to achieve compliance with factory specifications and are made before sale of the merchandise at retail and the actual cost of any labor and parts charged to or performed by a retailer for any such repairs, adjustments and parts does not exceed $300.00 or ten percent of the actual cost to a retailer including freight of the merchandise, whichever is less, providing that the seller posts in a conspicuous place notice that repairs, adjustments or replacements will be disclosed upon request. The exemption provided in this subsection does not apply to the concealment, suppression or omission of a material fact if the purchaser requests disclosure of any repair, adjustment or replacement. The act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation or the concealment, suppression, or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise or the solicitation of contributions for charitable purposes, whether or not a person has in fact been misled, deceived, or damaged, is an unlawful practice. It is deceptive advertising within the meaning of this section for a person to represent in connection with the lease, sale, or advertisement of any merchandise that the advertised merchandise has certain performance characteristics, accessories, uses, or benefits or that certain services are performed on behalf of clients or customers of that person if, at the time of the representation, no reasonable basis for the claim existed. The burden is on the person making the representation to demonstrate that a reasonable basis for the claim existed. A retailer who uses advertising for a product, other than a drug or other product claiming to have a health-related benefit or use, prepared by a supplier shall not be liable under this section unless the retailer participated in the preparation of the advertisement; knew or should have known that the advertisement was deceptive, false, or misleading; refused to withdraw the product from sales upon the request of the attorney general pending a determination of whether the advertisement was deceptive, false, or misleading; refused upon the request of the attorney general to provide the name and address of the supplier; or refused to cooperate with the attorney general in an action brought against the supplier under this section.

(Rev. Ords. 1950; Ord. No. 75, § 116)

State law reference(s)-Similar provisions, I.C.A. § 714.16(2)(a).
Sec. 21-48. Radio or television interference.
It is unlawful to use, operate or maintain or permit the use, operation or maintenance of any electrical machine, instrument, motor, appliance, device, fixture or accessory which causes radio or television interference or interference with radio or television reception by any radio or television receiving set, apparatus or appliance.
(Rev. Ords. 1950; Ord. No. 75, § 117)

Sec. 21-49. Trespass.
The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Property. Property includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.
Trespass. Trespass means one or more of the following acts:
Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense; to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate; or to hunt, fish or trap on or in the property. This subsection does not prohibit the unarmed pursuit of game or fur bearing animals lawfully injured or killed which come to rest on or escape to the property of another.
Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession or the agent or employee of the owner, lessee, or person in lawful possession or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. The term "trespass" does not mean the entering upon the right-of-way of a public road or highway.
Any person committing a trespass commits a violation of this section.
(Rev. Ords. 1950; Ord. No. 75, § 74)
State law reference(s)-Similar provisions, I.C.A. § 716.7.

Sec. 21-50. Reserved.

Sec. 21-51. Throwing missiles.
It is unlawful to propel, drive or operate any missile, bomb, projectile, or rocket, whereby any person may or shall be hurt or any window broken or other property damaged or destroyed or person injured. Discharging a BB gun or pellet gun within the city limits is also prohibited.
(Rev. Ords. 1950; Ord. No. 75, § 76; Ord. No. 10665, § 1, 10-12-1964)
Sec. 21-52. Indecent exposure.
A person who exposes the person's genitals or pubes to another not the person's spouse or who commits a sex act in the presence of or view of a third person commits a violation of this section, if the person:
Does so to arouse or satisfy the sexual desires of either party; and
Knows or reasonably should know that the act is offensive to the viewer.
(Ord. No. 12787, §§ 1-3, 9-25-1975)
State law reference(s)-Similar provisions, I.C.A. § 709.9.

Sec. 21-52.1. Urinating in improper places.
a) It shall be unlawful for any person to urinate in any place in the city except where toilet facilities are provided for such purpose.
b) Any person violating the provision of this section shall upon conviction be punished by a Penalty as provided in Sec. 1-8 of the Code.

Sec. 21-53. Reserved.

Sec. 21-54. Use of Consumer Fireworks and Display Fireworks.
(1) The use of consumer fireworks and display fireworks within the City limits of Marshalltown, Iowa, is prohibited except as provided herein:
(2) The City Council may, upon application in writing, grant a permit for display fireworks when the Council is satisfied that the display fireworks will be handled by a competent operator with appropriate safeguards.
(3) A violation of this ordinance shall be simple misdemeanor punishable by a fine of not less than $250.00.
(4) It shall also be unlawful for any property owner, or any person in possession of a property, to knowingly permit the use of consumer fireworks or display fireworks on the owner’s property within City limits in violation of this section. Any person violating the provision of this section, shall upon conviction by punished by a Penalty as provided in Sec. 1-8 of the Code.
(Ord. No. 14962, § 1, 5-22-2017; Ord. No. 14971, § 1, 3-12-2018)

Secs. 21-55 – 21-57. Reserved.

Sec. 21-58. Garage sales.
The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Garage sale. Garage sale means the casual sale or offering for sale of personal property on residential premises in the city and includes a porch sale, yard sale, moving sale or any other sale that falls within the definition of this term. The term "garage sale" shall not mean a home occupation as defined by the zoning ordinance.
Residential premises. Residential premises means any zoning classification preceded by an "R." No person, firm or corporation shall conduct a garage sale for more than three days in any one month. A garage sale shall not follow a preceding garage sale unless seven days have elapsed between such sales. No person, firm or corporation shall permit or allow the personal property being offered for sale to remain visible from the street or from any other contiguous or adjoining property between the hours of 9:00 p.m. - 6:00 a.m. the following day. No person shall allow signs advertising garage sales to remain upon conclusion of the sale and no advertising signs
shall be posted on city or other street or light poles.
c) Any violation of this section shall be punished by a fine pursuant to section 1-8.

Sec. 21-59. Reserved.
(Ord. No. 14565, § 2, 4-14-1997, Ord. No. 14738, § 1, 6-28-2004; Ord 14891, §2, 10-24-2011,
Ord. No. 14959, §3, 3-13-2017))
Cross reference(s)-Vegetation, ch. 27.

Sec. 21-60. Littering.
No person shall discard any litter onto or in any water or land of this city, except that nothing in
this section shall be construed to affect the authorized collection and discarding of such litter in
or on areas or receptacles provided for such purpose.
“Litter” shall be defined to include, but not be limited to, any refuse, or discarded item, including
cans, bottles, trash, or abandoned household items (e.g. used furniture, appliances, toys,
implements, bicycles or the like).
To enforce this provision, any police officer, Public Housing Director, or other city official
designated by the Public Housing Director or the City Council, who shall find litter placed or
stored in the open upon public property within the city, may cause such litter to be removed and
shall issue written notice to the adjacent property owner at the address as reflected by the tax
records of the County Auditor, by both regular and certified mail that unless the litter is removed
and all costs of removal and disposal incurred by the city are paid within 14 days of the date of
mailing, the litter shall be disposed of and the cost of removal and disposal will be imposed
against the property owner by civil complaint.
The written notice prescribed under subsection (c) shall contain provisions that the person may
appeal the imposition of the costs of removal and disposal by filing a written appeal with the
City Clerk within ten days of the date the notice is mailed, which appeal shall then be scheduled
for hearing and a decision rendered by the City Administrator or a designee of the City
Administrator prior to the filing of a civil complaint.
(Ord. No. 14642, 2-14-2000; Ord 14894 §1, 12-19-2011)

ARTICLE II. PUBLIC NUISANCES

Sec. 21-61. Definitions.
A nuisance is defined as whatever is injurious to health, indecent, or unreasonably offensive to
the sense, or an obstruction to the free use of property, so as essentially to interfere unreasonably
with the comfortable enjoyment of life or property.(Rev. Ords. 1950; Ord. No. 42, § 1; Ord. No.
12447, § 1(1, 2), 4-11-1974; Ord. No. 14169, § 1, 11-14-1983, Ord. No. 14959, §1, 3-13-2017)
Cross reference(s)-Definitions generally, § 1-2.

Sec. 21-62. Nuisance Enumerated.
a) Offensive Smells- the erecting, continuing, or using any building or other place for the exercise of
any trade, employment, or manufacture, which, by occasioning noxious exhalations, unreasonably
offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or
property of individuals or the public.
b) Filth or Noisome Substance- the causing or suffering any offial, filth, or noisome substance to be col-
lected or to remain in any place to the prejudice of others.
c) Impeding Passage of Navigable River- the obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

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

e) Blocking Public or Private Ways- the obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

f) Houses of Ill Fame- a house kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by chapter 723A, or places resorted to by persons using controlled substances, as defined in section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

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

h) Airport Air Space- any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

i) Storing of Flammable Junk- the depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of a city, unless in a building of fireproof construction.

j) Air Pollution- the emission of dense smoke, noxious fumes, or fly ash.

k) Weeds, Brush- dense growth of all weeds, vines, brush, or other vegetation so as to constitute a health, safety, or fire hazard.

l) Cotton Bearing or Diseased Trees- cotton-bearing cottonwood trees and all other cotton-bearing popular trees on private property; trees infected with Dutch elm disease or knowingly impacted or damaged by the emerald ash borer on private property.

m) Grass and Weeds- allowing the growth of grass and weeds in excess of ten inches in height on a parcel or the adjacent public terrace, street shoulder, or street-side ditches. The following exceptions apply:
   1) Land in an A-1 agricultural reserve district may have grass exceeding 10 inches in height except within 100 feet of any parcel of real property possessed by another or on any portion of the property within 100 feet of a street owned or controlled by the City.
   2) Parcels which have no occupied structure may have grass exceeding 10 inches in height except within 100 feet of any parcel of real property possessed by another or on any portion of the property within 100 feet of a street owned or controlled by the City.
   3) Recognized growing of agricultural products or the City flood control system.

n) Snow and Ice Accumulations- snow and ice accumulations on sidewalks not removed within 24 hours after the precipitation has stopped.

o) Containers- refrigerators and freezers which are not stored under a roofed enclosure and which have doors that latched, lock, or otherwise secure the door in a closed position.

p) Water Service Deficiency- any break or leak in the water service link between the city water main and any house or other building, when the break or leak results in the escape of such volume of water as to constitute a hazard to street, sidewalk, or terrace construction or as to interfere with the normal use thereof.

q) Stables- The keeping or stabling of horses, mules, or asses so as to cause obnoxious odors, noise, hazard, annoyances or danger because of failure of confinement.

r) Stagnant Water- the permitting of water to accumulate and stand until stagnant or upon any privately owned lot.
s) Junk, Refuse, Garbage- the permitting of junk, refuse, garbage or filth to accumulate on any lot or parcel.

t) Graffiti- All real property defaced by graffiti vandalism which is visible to public view

u) Junk or Abandoned Vehicles- the keeping or storing of a junk vehicle or salvage vehicle on public property or private property not in an enclosed area. A junk or salvage vehicle is defined as having one or more of the following characteristics:

1) Unlicensed: any vehicle not licensed for the current year as provided by law
2) Broken Glass: Any vehicle or part of a vehicle with a broken windshield, or any other broken glass.
3) Broken Or Loose Parts: Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, trunk top or tailpipe.
4) Missing Engine Or Wheels: Any vehicle which is lacking an engine or one or more wheels or other structural parts which renders such vehicle totally inoperable.
5) Habitat For Animals Or Insects: Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.
6) Defective Or Obsolete Condition: Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety.
7) Inoperable Condition: Any vehicle that is not capable of moving in both forward and reverse gears.

v) Certain Stopped or Parked Vehicles- vehicles parked in a street, alley or highway for more than 24 consecutive hours, or found standing, parked or stopped in front of a theater, auditorium or hotel, on a sidewalk, in front of a public or private driveway, or on the roadway side of any vehicle stopped or parked at the edge or curb of a street. This shall not apply to the following situations:

1) A vehicle owned by a person serving in the United States armed services;
2) Motor vehicle junkyards that are duly licensed under provisions of this Code or other city ordinances.

w) Dangerous or Unsafe Building or Structure- a dangerous or unsafe building or structure shall mean any structure or building meeting any or all of the following conditions or defects provided that such conditions or defect exist to the extent that the life, health, property, or safety of the public or its occupants are endangered whenever:

1) 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) 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.
3) The building or structure or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundations; or any other cause is likely to partially or completely collapse.
4) For any reason the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used.
5) 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.
6) The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals, or immoral persons or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
7) A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, 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 a condition that it is likely to cause sickness or disease.

8) 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 fire marshal to be a fire hazard.

9) Any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or 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. No. 14959, §1, 3-13-2017)

Sec. 21-63. Other Conditions Regulated.
The following actions are required and may also be abated in the manner provided in this chapter:

a) The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street (see Chapter 27-25)

b) The numbering of buildings (see Article IV of Chapter 26)

c) The repair or replacement of broken and defective sidewalks (see Chapter 26-51)

d) The connection to public drainage systems from abutting property when necessary for public health or safety as set out in Iowa Code 364.12

e) The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property as set out in Iowa Code 364.12

(Ord. No. 12447, § 3, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-64. Nuisances prohibited; authority to abate.
The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter. In addition, the creation or maintenance of a nuisance is a municipal infraction as defined by Section 1-9 of the Code of Ordinances and is punishable by a civil penalty of not more than $750 for the first offense and not to exceed $1,000 for each repeat offense.

(Ord. No. 12447, § 4, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-65. Right of entry for inspection.
e.) Right of Entry and Administrative Search Warrants
Whenever necessary to make an inspection to enforce any ordinance or whenever there is reasonable cause to believe there exists an ordinance violation in any building or upon any premises or real estate within the jurisdiction of the city, a City official, upon presentation of proper credentials, may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this code of ordinances. Except in emergency situations or when consent of the owner and/or occupant to the inspection has otherwise been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, 24-hours’ written notice of the official's intention to inspect.

f.) Warrants
If consent to enter upon or inspect any building, structure or property is withheld by any person having the lawful right to exclude, the city official having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to Iowa Code § 808.14, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling, unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer, designee or employee.

(Rev. Ords. 1950; Ord. No. 42, § 2; Ord. No. 12447, § 5, 4-11-1974, Ord. No. 14959, §1, 3-13-
Sec. 21-66. Notice to Abate-Required.
Whenever a City official finds that a nuisance exists, such official shall cause to be served upon the property owner as shown by the records of the County Auditor and any other party in possession of the property a written notice to abate the nuisance within a reasonable time after notice. If a junk or abandoned vehicle is part of the nuisance to be abated, the registered owner of the vehicle must also be notified.
(Rev. Ords. 1950; Ord. No. 42, § 2; Ord. No. 12447, § 6, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-67. Contents of Notice to Abate.
The Notice to Abate served under this article shall contain the following:

a) A description of what constitutes the nuisance.

b) The location of the nuisance

c) A statement of the necessary act to abate the nuisance.

d) A stated reasonable time within which to complete the abatement.

e) A statement that if the nuisance is not abated as directed and no request for hearing is made within the period prescribed for the abatement, the city will abate the nuisance and assess the costs against the owner of the property.
(Ord. No. 12447, § 7, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-68. Service of Notice to Abate.
The notice to abate shall be served either by: a) personal delivery or b) sending a copy of the notice by certified United States mail or c) posting the notice in a conspicuous place upon the premises where the nuisance exists. Service of the notice by personal delivery may be completed by any City official.
(Ord. No. 12447, § 7, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-69. Request for Hearing.
Any person served with a notice to abate a nuisance shall be entitled to a hearing before the City Administrator as to whether a nuisance exists. A request for such hearing must be made in writing and delivered to the City Administrator within the time stated in the notice for the abatement of the nuisance. If such request is not made within the time provided in this section it will be conclusively presumed that a nuisance exists and the nuisance shall be abated as ordered.
If the City Administrator finds that a nuisance exists, the abatement of the nuisance shall still occur with the discretion of the City Administrator as to whether additional time for abatement shall be allowed.
(Ord. No. 12447, § 8, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-70. Abatement in Emergency.
If it is determined that an emergency exists because of the continuing maintenance of a nuisance, the City may perform any action which would be required under this article without prior notice. A determination may be made as to whether a nuisance exists based on the following criteria:

a) Inability to contact the property owner by normal efforts;

b) The seriousness of the violation due to health hazards or physical hazards to a private individual or to the public as determined by a City official;

c) Frequency of violations of a property owner or a tenant when the property owner or a tenant has received more than two nuisance violation notifications within one calendar year. This determination is in effect for one calendar year beginning on the date of the most recent nuisance violation notification.
(Rev. Ords. 1950; Ord. No. 42, § 2; Ord. No. 12447, § 9, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)
Sec. 21-71. Abatement by the City.
If the person notified to abate a nuisance neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the City.
(Rev. Ords. 1950; Ord. No. 42, § 2; Ord. No. 12447, § 10, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-72. Collection of Costs of Abatement.
The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate a nuisance under this chapter. If the amount shown on the statement has not been paid within 30 days, the costs of the abatement shall be certified to the County Treasurer, and shall then be collected with and in the same manner as general property taxes pursuant to Chapter 384 of the Code of Iowa.
(Ord. No. 14959, §1, 3-13-2017)

Sec. 21-73. Prosecution.
In lieu of the foregoing abatement procedures, the City may elect to treat an unabated nuisance as a violation of this chapter, punishable as provided in Chapter 1-9 of this Code.

Sec. 21-74. Removal, storage, redemption or disposal of nuisance vehicles.
When a vehicle on public or private property is found to be a nuisance, the vehicle may be removed and stored upon the premises secured by the City for such storage purposes. The vehicle shall remain so stored upon said property for a period of 14 (fourteen) days. At the end of such time, the vehicle shall be disposed of by the City unless previously claimed by the owner. The City shall charge a reasonable fee for the handling and storage of the vehicle to an owner claiming a vehicle.
(Ord. No. 12447, §§ 12, 14, 4-11-1974, Ord. No. 14959, §1, 3-13-2017)

Sec. 21-75– 21-99. Reserved.

ARTICLE III. PROPERTY MAINTENANCE

The purpose of this article is to ensure that all buildings regardless of use maintain basic minimum property maintenance standards creating a safe and healthy property and community.

Sec. 21-100. Basic Standards.
Building maintenance. Every building shall be maintained to be weather and water tight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish, which admit rain, cold air, dampness, rodents, insects, or vermin.
Exterior finishes. Materials and practices used on exterior surfaces shall be of standard quality and appearance. Polystyrene board, tyvek, and insulation board are not acceptable permanent surfaces.
Ground cover. All non-farm property shall establish a permanent cover of perennial grasses or ornamental ground cover as soon as practical after any construction, and to thereafter maintain
same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water. Acceptable ground cover shall also include permanent paving and structures as approved by city codes.

Fences and retaining walls. All fences and retaining walls shall be structurally sound and free of leaning or loose elements or portions that may be considered deteriorating.

Piles. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems or to violate solid waste disposal regulations shall be prohibited.

Roofs and drainage. Roofing construction must be of standard permanent materials. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.

Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(Ord. 14793, §1, 01-08-2007)

Sec. 21-101. Transfer of Ownership.
It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another, until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 14793, §1, 01-08-2007)

Sec. 21-102. Violation and Penalty.
The primary goal of the City of Marshalltown is compliance. In an effort to get compliance with any of the requirements listed in this Article, the following is the procedure for enforcement actions undertaken pursuant to this Article:

Notice of violation will be sent either by regular mail, certified mail, or personal delivery to the title property owner listed by the Marshall County Assessor;

A reasonable amount of time, to be determined by the authorized city representative, will be given to correct the violation;

The title property owner may request an appeal to the notice of violation in accordance with provisions and procedures of Sec. 21-67 and Sec. 21-68 of the Marshalltown Code of Ordinances related to general nuisances.

If the violation is not corrected in the specified time frame and the title property owner has not requested a written extension of time which extension has been granted by the City or has not filed a timely appeal as provided in paragraph (3) of this section, the City may pursue further or additional legal actions or remedies, including but not limited to those found of the Marshalltown Code of Ordinances.
Such violation of the City Property Maintenance Code under this Chapter shall constitute a municipal infraction as defined in Iowa Code 364.22(2) subject to the penalties prescribed therein, as amended and be punished by a Civil Penalty as provided in Sec. 1-10 of the Code.
(Ord. 14793, §1, 01-08-2007; Ord. 14920. §1, 06-24-2013; Ord. No. 14970, § 29, 11-27-2017)

Sec. 21-103 – 21-150. Reserved.

ARTICLE IV. HOTEL GUEST REGISTRY

Sec. 21-151. Duty of Hotel to Disclose.
The guest register which is required by Iowa Code §137C.25E to be maintained by hotels disclosing the room number, name, residence, date of arrival and date of departure of each individual renting or leasing a room, accommodations, or facilities of the hotel, shall be immediately disclosed to any law enforcement officer upon request and proper identification, for purposes of inspection and copying.

Hotel defined. For purposes of this Chapter, a hotel is as defined in Iowa Code §137C.2(5), as any building or structure, equipped, used, advertised as, or held out to the public to be an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished to transient guests for hire.

Duty to keep guest register current. Any information which is known or available to the proprietor of the hotel shall also be provided to law enforcement, but not yet included in the registry for any reason, shall also be disclosed upon request.

(Ord. 14887, §1, 7-11-2011)
Chapter 21.5 PARKS, PLAYGROUNDS AND RECREATION*

Cross reference(s)-Park and recreation advisory committee, § 2-201 et seq.; operation of vehicles in parks generally, § 20-398; streets and sidewalks, ch. 26.

Sec. 21.5-1. Camping generally.
Camping in all parks, playgrounds or other public grounds in the city is prohibited except as may be permitted by director of parks and recreation at designated areas at Riverview Park or other sites for special events.
(Ord. No. 14051, § 1, 8-10-1981)

Sec. 21.5-2. Time limit for camping in Riverview Park.
Camping in the designated areas of Riverview Park shall be limited to no more than seven consecutive days per unit. The director of parks and recreation may extend the limitation under this section for special events or special circumstances, but in no event shall the extension exceed seven additional consecutive days. The director may shorten the limitation under this section or prohibit camping when camping may cause damage to the area.
(Ord. No. 14051, § 2, 8-10-1981)

Sec. 21.5-3. Camping permitted in other parks.
The director of parks and recreation may permit additional camping at other sites in Riverview Park or other locations for special events, but in no event for a period of longer than three days.
(Ord. No. 14051, § 3, 8-10-1981)

Sec. 21.5-4. Camping fee and permit required.
Any person who camps in any designated camping area shall pay a fee to be set by the director of parks and recreation and shall be issued a permit. The director for good cause may revoke the camping permit.
(Ord. No. 14051, § 9, 8-10-1981)

Sec. 21.5-5. Parking of vehicles and camping units.
All camping units and motor vehicles shall be parked in the areas designated in parks as directed by the director of parks and recreation.
(Ord. No. 14051, § 4, 8-10-1981)
Cross reference(s)-Operation in parks, § 20-398.

Sec. 21.5-6. Fires.
No fire shall be permitted in any park except in a place designated and the fire shall be extinguished when the site is vacated. All fires shall be safe, and the director of parks and recreation may order any fire extinguished which in his opinion is unsafe.
(Ord. No. 14051, § 5, 8-10-1981)

Sec. 21.5-7. Animals in park or playground.
No privately owned animal shall be permitted to run at large in any park or playground, except dogs in areas specifically designed and set apart as an off-leash dog park by the city park and recreation department, if the dog and its owner are confined within such an area, and the owner has registered and followed the policies set for the area. No animal shall be permitted to do any
damage to the parks or playgrounds.  
(Ord. No. 14051, § 6, 8-10-1981; Ord. No. 14872, 4-26-2010)

Sec. 21.5-8. Litter and sewage disposal.  
No person shall place any waste, refuse, litter or foreign substance in any park area or receptacle except for those provided for that purpose. Sewage waste shall not be emptied in any camping area, unless a hookup is provided.  
(Ord. No. 14051, § 7, 8-10-1981)

Sec. 21.5-9. Removal of plants prohibited.  
No plants, trees, flowers or other foliage may be removed, damaged, disturbed or defaced in any city-owned area.  
(Ord. No. 14051, § 8, 1981)

Sec. 21.5-10. Penalty for violation.  
Anyone violating the provisions of section 21.5-1-21.5-9 shall, upon conviction, be fined pursuant to section 1-8.  

Sec. 21.5-11. Hours for public use.  
Established. All municipal parks and playgrounds in the city shall be closed to the public and public use between the hours of 11:30 p.m. - 6:00 a.m., and no person shall be allowed on the park premises between such hours except as provided in subsection (b) of this section.  
Exceptions. This section shall not apply to city employees whose official duties may require them to be on the premises during the closed hours, persons lawfully camped at Riverview Park, or persons on the premises under the express written authority of the parks and recreation director.  
Signs. The parks and recreation director shall post suitable signs in conspicuous locations to advise the public of the closing and opening hours provided in this section.  
d) Penalty for violation. Any person violating the provisions of this section shall, upon conviction, be fined pursuant to section 1-8.  

Sec. 21.5-12. Alcoholic beverages.  
No person shall possess, use or consume beer, wine or alcoholic liquor in a public park or nature area, including park roads and parking areas, except the following:  
Premises covered by a liquor control license.  
Beer gardens as permitted by the park and recreation department, with city council approval. The following designated areas within park shelters and on cement patios attached to park shelters: Log Cabin, Riverview Park; Reunion Hall, Riverview Park; Community Building, Riverview Park; provided the lessee:  
Has notified the park and recreation department of the intent to serve alcoholic beverages at the time of the rental reservation;  
Has signed a responsibility agreement permitting this use;  
Shall be available for personal contact by park and recreation personnel at all times during the rental period; and  
Shall comply with all state and city codes regarding the use of alcoholic beverages. Within the campground at Riverview Park, provided the person is a registered camper or the guest of a registered camper.
b) Anyone violating the provisions of this section shall, upon conviction, be fined pursuant to section 1-8. Violation of this section is a municipal infraction.

ARTICLE I. IN GENERAL

Secs. 22-1 – 22-11. Reserved.

ARTICLE II. CITY PLAN AND ZONING COMMISSION*

*Cross reference(s)-Boards and commissions, § 2-142 et seq.  

Sec. 22-12. Created.  
Under the authority granted by state law, a city plan and zoning commission is created possessing those powers as are provided by law.  
(Ord. No. 10324, § 1, 11-12-1962; Ord. No. 12490, § 1, 6-28-1974)

Sec. 22-13. Membership; qualifications; holding other office.  
The city plan and zoning commission shall consist of seven members, who shall be citizens of the city and shall be qualified by knowledge or experience to act in matters pertaining to the development of a city plan, and no member shall hold any elective office in the municipal government.  
(Ord. No. 10324, § 2, 11-12-1962; Ord. No. 12490, § 2, 6-28-1974)

Sec. 22-14. Appointment, terms of office.  
The members of the city plan and zoning commission shall be appointed by the mayor subject to approval by the city council.  
The term of office of the members of the commission shall be five years.  
(Ord. No. 10324, § 3, 11-12-1962; Ord. No. 12490, § 3, 6-28-1974)

Sec. 22-15. Compensation.  
All members of the plan and zoning commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the city council.  
(Ord. No. 10324, § 5, 11-12-1962; Ord. No. 12490, § 5, 6-28-1974)

Sec. 22-16. Organization.  
The city plan and zoning commission shall choose annually, at its first regular meeting, one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his absence or disability.  
(Ord. No. 10324, § 6, 11-12-1962; Ord. No. 12490, § 6, 6-28-1974)
Sec. 22-17. Vacancies.
Any vacancy occurring in the membership of the plan and zoning commission for whatever reason shall be filled by an appointment by the mayor of a successor for the remainder of the term of the member where the vacancy exists, and such appointment shall be subject to the approval of the city council.
(Ord. No. 10324, § 4, 11-12-1962; Ord. No. 12490, § 4, 6-28-1974)

Sec. 22-18. Rules and regulations.
The city plan and zoning commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
(Ord. No. 10324, § 7, 11-12-1962; Ord. No. 12490, § 7, 6-28-1974)

Sec. 22-19. Annual report.
The city plan and zoning commission shall each year make a report to the mayor and city council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.
(Ord. No. 10324, § 12, 11-12-1962; Ord. No. 12490, § 12, 6-28-1974)

Sec. 22-20. Annual budget.
The city plan and zoning commission shall, on or before October 1 of each year, prepare and file with the city clerk a proposed budget of its funds for the following year.
(Ord. No. 10324, § 9, 11-12-1962; Ord. No. 12490, § 9, 6-28-1974)

Sec. 22-21. General powers.
The city plan and zoning commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the city or of any land outside thereof, which in the opinion of the commission bears relation to a comprehensive plan, and, subject to the approval of the city council, may publish its studies and recommendations.
(Ord. No. 10324, § 15, 11-12-1962; Ord. No. 12490, § 16, 6-28-1974)

Sec. 22-22. Appointment, duties and compensation of assistants.
Subject to the limitations contained in this article as to expenditure of funds, the city plan and zoning commission may appoint such assistants and employees as it and the city council may deem necessary and obtainable within the authorized available funds and shall prescribe and define the duties of such personnel and shall fix and regulate the compensation to be paid for all such employees.
(Ord. No. 10324, § 14, 11-12-1962; Ord. No. 12490, § 14, 6-28-1974)

Sec. 22-23. Authority to engage professional consultants.
The city plan and zoning commission shall, subject to the approval of the council, have the power to engage such professional consultants and make use of such other planning assistance as may be necessary to properly carry out its functions and duties.
(Ord. No. 10324, § 13, 11-12-1962; Ord. No. 12490, § 13, 6-28-1974)

Sec. 22-24. Authority to expend funds.
The city plan and zoning commission shall have full, complete and exclusive authority to expend, up to the sum of $1,500.00, for and on behalf of the city, all sums of money appropriated as provided in this article, for the purposes such funds were appropriated for, and to use and expend all gifts, donations or payments whatsoever which are received by the city for city plan
purposes. Any single expenditure in excess of $1,500.00 cannot be made without council authority given at a regular, adjourned or special meeting, which authority shall be by express act of the council or by direction to take bids upon such expenditure.
(Ord. No. 10324, § 10, 11-12-1962; Ord. No. 12490, § 10, 6-28-1974; Ord. No. 12543, § 1, 9-13-1974)

Sec. 22-25. Annual appropriation.
The city council shall annually appropriate a sum of money from the general fund for the payment of the expenses of the city plan and zoning commission.
(Ord. No. 10324, § 8, 11-12-1962; Ord. No. 12490, § 8, 6-28-1974)

Sec. 22-26. Limitation on contracting debts.
The city plan and zoning commission shall have no power to contract debts beyond the amount of its income for the current year.
(Ord. No. 10324, § 11, 11-12-1962; Ord. No. 12490, § 11, 6-28-1974)

Sec. 22-27. Reserved.

Sec. 22-28. Authority over subdivisions.
All plans, plats, or replats of subdivisions or resubdivisions of land embraced in the city or adjacent thereto laid out in lots or plats with the streets, alleys, or other portions of the subdivision or resubdivision intended to be dedicated to the public in the city shall first be submitted to the city plan and zoning commission and its recommendations obtained before approval by the city council.
(Ord. No. 10324, § 22, 11-12-1962; Ord. No. 12490, § 23, 6-28-1974)

Sec. 22-29. Recommendations on city improvements.
No plan for any street, park, parkway, boulevard, traffic way, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined unless such proposal shall first have been submitted to the city plan and zoning commission and the latter shall have had 30 days within which to file its recommendations thereon.
(Ord. No. 10324, § 23, 11-12-1962; Ord. No. 12490, § 24, 6-28-1974)

Sec. 22-30. Preparation and purpose of comprehensive plan.
For the purpose of making a comprehensive plan for the physical development of the city, the city plan and zoning commission shall make careful and comprehensive studies of present conditions and future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
(Ord. No. 10324, § 17, 11-12-1962; Ord. No. 12490, § 17, 6-28-1974)

Sec. 22-31. Adoption of comprehensive plan.
Before adopting a comprehensive plan as referred to in section 22-30 or any part of it or any substantial amendment thereof, the city plan and zoning commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the city not less than ten or more than 20 days before the date
of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds of the members of the commission.

After adoption of such plan by the commission, an attested copy thereof shall be certified to the city council, and the council may approve the plan. When the plan or any modification or amendment thereof shall receive the approval of the council, the plan, until subsequently modified or amended as authorized, shall constitute the official city plan.

(Ord. No. 10324, § 17, 11-12-1962; Ord. No. 12490, § 18, 6-28-1974)

Sec. 22-32. Procedure for amendment of comprehensive plan.
When the comprehensive plan, as provided in this article, has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the plan and zoning commission for its recommendation. If the commission disapproves the proposed change, it may be adopted by the city council only by the affirmative vote of at least three-fourths of the members of the council.

(Ord. No. 10324, § 18, 11-12-1962; Ord. No. 12490, § 19, 6-28-1974)

Sec. 22-33. Recommendations for zoning change.
The city plan and zoning commission may, from time to time, recommend to the city council changes in the zoning regulations or districts.

(Ord. No. 10324, § 19, 11-12-1962; Ord. No. 12490, § 20, 6-28-1974)

Sec. 22-34. Recommendations for zoning districts, regulations and restrictions.
The city plan and zoning commission shall recommend the boundaries of the various original zoning districts and appropriate zoning regulations and restrictions to be enforced therein. In addition, the commission shall make recommendations for amendments, supplements, changes and modifications of such regulations, restrictions and boundaries of districts and shall report to the city council as provided by state law.


Sec. 22-35. Filing recommendations on zoning changes.
When proposed changes in the zoning regulations or districts are referred to the city plan and zoning commission by the city council, the commission shall within 30 days thereafter file its recommendations approving, disapproving or modifying such proposed changes with the council.

(Ord. No. 10324, § 20, 11-12-1962; Ord. No. 12490, § 21, 6-28-1974)
Chapter 23 RESERVED
Chapter 24 POLICE*

*Cross reference(s)-Administration, ch. 2; motor vehicles and traffic, ch. 20.

ARTICLE I. IN GENERAL

Sec. 24-1. Extension of services outside city limits.
Police services of the city are extended to all city-owned property lying outside of the city limits, including the property of the city water works and the airport
(Ord. No. 14233, § 1, 6-23-1986)
Cross reference(s)-Fire services outside corporate limits, § 12-60 et seq.

Secs. 24-2 – 24-11. Reserved.

ARTICLE II. POLICE DEPARTMENT*

*Cross reference(s)-Officers and employees, § 2-16 et seq.
State law reference(s)-Powers generally, I.C.A., § 364.1 et seq.

DIVISION 1. GENERALLY

Sec. 24-12. Composition.
The police department shall consist of the following:
A chief of police, who shall be the principal law enforcement and administrative officer of the police department.
An assistant chief of police, who shall act for the chief of police when he is unable to perform his duties as chief and who shall be appointed by the chief of police as provided by law and department regulations.
Captains, who shall be appointed by the chief of police as provided by law and department regulations. The chief of police and the city council shall establish the number of captains by resolution from time to time as required.
Lieutenants, who shall be appointed by the chief of police as provided by law and department regulations. The chief of police and the city council shall establish the number of lieutenants by resolution from time to time as required.
Sergeants, who shall be appointed by the chief of police as provided by law and department regulations. The chief of police and the city council shall establish the number of sergeants by resolution from time to time as required.
Police officers, who shall be appointed to the police department as provided by law and department regulations, and the authorized number shall be as the council may set by resolution. All members of the police department, regardless of rank or rating, shall be subject to such duty assignments as shall be directed by the chief of police or by the mayor, so as to promote efficiency and elasticity in the functioning of the police department.
(Rev. Ords. 1950; Ord. No. 10, § 2; Ord. No. 8597, § 2, 1-27-1954; Ord. No. 12240, § 1, 5-3-1973; Ord. No. 12786, § 2, 9-22-1975; Ord. No. 13033, § 1, 12-13-1976; Ord. No. 13352, § 1, 5-
Sec. 24-13. Reserved.

Sec. 24-14. Assistant chief of police-Appointment; qualifications. The assistant chief of police shall be appointed by the chief of police from the qualified members of the police department from the standing civil service promotion list and shall have not less than five years continuous service and shall be subject to competitive tests or examinations under the civil service commission. (Ord. No. 10860, §§ 2, 6, 12-29-1965)

Sec. 24-15. Same-Term; removal. The assistant chief of police shall hold his position at the pleasure of the chief of police and may be removed at any time by written order, stating the reasons therefore and filed with the city clerk. There shall be no appeal from such removal order. (Ord. No. 10860, § 3, 12-29-1965)

Sec. 24-16. Reserved.

Sec. 24-17. Status and general duties of assistant chief. The assistant police chief of police shall be second in rank and position in the police department and, in the absence of the chief of police, shall be in full charge and control of the police department and shall perform all functions and duties of the chief of police and be responsible to the chief of police for the performance of his duties. (Ord. No. 10860, § 5, 12-29-1965)

Sec. 24-18. Retention of civil service and departmental status of chief and assistant chief. The chief and the assistant chief of police shall retain civil service status and permanent rank or position in the police department while serving as chief and assistant chief, and none of their retirement benefits or civil service rights shall be abridged by such appointment. The chief of police may be removed from office only for cause and with a majority city council vote. (Ord. No. 10860, § 7, 12-29-1965)

Sec. 24-19. Rules and regulations. The city council may, by resolution, adopt such rules and regulations for the police department as it may deem needful and proper, not inconsistent with state law or with the provisions of this chapter. The chief of the police department is authorized and directed from time to time, subject to the approval of the city council, to make such rules and regulations or amend such rules and regulations, as may be necessary, to carry out the intent of this chapter and to govern the affairs and conduct of the police department in all respects and particulars. The chief of the police department is authorized and directed to make rules, subject to the approval of the city council., to: (Rev. Ords. 1950; Ord. No. 10, § 3; Ord. No. 12786, §§ 3, 10, 9-22-1975; Ord. No. 14609, § 16, 12-30-1998)

Sec. 24-20. Reserved.

Sec. 24-21. General duties of police officers; arrest, arraignment and detention. It shall be the duty of every member of the police department to promptly obey and carry out all
lawful demands or commands of his superior, and any member of the department who may be suspended, as by law provided, shall receive no pay or compensation during the period of suspension.

It shall be the duty of each member of the police force to lawfully arrest all persons in the city found in the act of violating any law or ordinance, or aiding or abetting any such violation, or any person whom the officer has reasonable grounds for believing has committed a public offense and who is likely to escape before a complaint can be filed and a warrant issued for his arrest.

(Ord. No. 12786, §§ 5, 11, 9-22-75)

**Sec. 24-22. Service of warrants and other processes.**

Each member of the police force shall have power and authority, in the city, to serve and execute warrants and other processes for the apprehension and commitment of persons charged with any crime held for examination or trial, or taken in execution or the commission of any crime or misdemeanor. No member of the police department shall serve any civil process except where the city is a party, or do any other business or service that will interfere with his duties as a policeman.


**Secs. 24-23 – 24-24. Reserved.**

**Sec. 24-25. Special police.**

The mayor, in cooperation with the chief of police, may, from time to time, when it appears necessary and proper in the detection or solution of crime or in the apprehension of suspected offenders, appoint not to exceed three persons at any one time to act as special police. Such appointments shall be in writing and shall fix the term of appointment to be not more than 30 days, and the mayor may terminate such appointment without notice. The compensation of such special police shall be fixed by the mayor but shall not exceed the sum of $10.00 per day. All special police officers shall be casual employees only, and shall not be under civil service or entitled to any of the rights or privileges of the civil service law.

(Rev. Ords. 1950; Ord. No. 10, § 9)

**Sec. 24-26. Suspension or discharge of personnel.**

The chief of police may discipline departmental personnel in accordance with I.C.A. § 400.18.

(Rev. Ords. 1950; Ord. No. 10, § 10; Ord. No. 12786, § 9, 9-22-1975)
ARTICLE III. RESERVE POLICE FORCE*

Sec. 24-61. Established.
There is created and established the city reserve police force as provided by I.C.A. ch. 80D, and subject to the regulations therein contained. The reserve police force shall serve until abolished by the city council.
(Ord. No. 14130, § 1, 2-8-1982)

Sec. 24-62. Membership; bylaws, rules and regulations.
Membership in the reserve police force shall be as prescribed in such reserve's bylaws, rules, and regulations and shall be subject to the approval of the mayor and the chief of police. The chief of police may, from time to time, prescribe such other bylaws, rules and regulations as they, in their sole discretion, may deem to be desirable. The chief of police shall approve all rules, regulations or bylaws of the reserve.
(Ord. No. 14130, § 2, 2-8-1982)

Sec. 24-63. Terms, removal of members.
The members of the reserve police force shall serve at the discretion of the chief of police and shall be removed and discharged from the reserve at any time upon violation of any bylaw, rule, or regulation prescribed or upon recommendation of the reserve police executive committee. There is no appeal to a removal order from the Chief of Police.
(Ord. No. 14130, § 3, 2-8-1982)

Sec. 24-64. Supervision by police department.
The members of the reserve police force shall be subject to lawful orders of a member of the city police department.
(Ord. No. 14130, § 4, 2-8-1982)

Sec. 24-65. Employee status of members.
Members of the reserve police force shall be considered city employees during those periods when they are performing police duties as authorized and directed by the chief of police or the assistant chief, in the absence of the chief, and they shall receive a salary of $1.00 per year. However, the reserve members shall not be entitled to any benefits or obligations of police retirement benefits or civil service.
(Ord. No. 14130, § 5, 2-8-1982)
Sec. 24-66. Grounds for dismissal.
No member of the reserve police force shall violate the city ordinances or the laws of the state or the United States, and such violation may be grounds for summary dismissal.
(Ord. No. 14130, § 7, 2-8-1982)

Sec. 24-67. Carrying firearms.
Members of the reserve police force shall not, at any time, carry any firearms except as provided by I.C.A. § 80D.7.
(Ord. No. 14130, § 8, 2-8-1982)

Sec. 24-68. Conflicting rules, regulations or bylaws.
Any rule, regulation, constitution or bylaw of the reserve police force, inconsistent with or in violation of this article or the rules and regulations of the city police department, is repealed.
(Ord. No. 14130, § 6, 2-8-1982)

Sec. 24-69. Other Rules.
The chief of police shall determine the number of reserve officers and set their rank structure. The chief of police may also create other reserve officer categories beside those established by Iowa Code. Other categories of reserves will not, however, be authorized to carry weapons nor make arrests.
Chapter 25 PUBLIC TRANSPORTATION*

*Cross reference(s)-Licenses and business regulations, ch. 17; motor vehicles and traffic, ch. 20; planning, ch. 22; streets and sidewalks, ch. 26. Ord. 14692 repealed Article III concerning regulation of Taxicabs.

Article I. In General


Article II. Motor Carriers

Division 1. Generally

Sec. 25-16. Streets and portions of streets restricted for vehicles over eight tons.

Sec. 25-17. Exceptions to section 25-16.


Division 2. Buses

Secs. 25-26 – 25-34. Reserved.

Sec. 25-35. Use of bus stop areas by unauthorized vehicles.


ARTICLE I. IN GENERAL


ARTICLE II. MOTOR CARRIERS

DIVISION 1. GENERALLY*

Sec. 25-16. Streets and portions of streets restricted for vehicles over eight tons.
Subject to the exceptions set out in section 25-17, no person shall drive or operate a motor vehicle in excess of a registered weight of eight tons on the city streets designated in this
subsection by the city council. The following streets and portions of streets are established as restricted portions of streets and avenues for the use, movement or through travel thereon of all types of motor vehicles, however operated, having a total weight of the vehicle and load in excess of 16,000 pounds or eight tons as authorized under I.C.A. § 321.473:
East Boone Street from South 14th Avenue to South 17th Avenue.
East Nevada Street between South 12th Avenue and South 18th Avenue.
Norris Place.
In the area North of Marion Street and East of North 3rd Avenue.
South 15th Avenue from East Linn Street south to Norris Place.
South 16th Avenue from East Linn Street to East Nevada Street.
South 17th Avenue from East Linn Street south to Norris Place.
North Twelfth Avenue between Marion Street and State Street. 11-13-90
W. Main St. between 9th St. and 3rd Ave.
This section shall not be construed so as to allow parking of trucks in residential areas if doing so would be contrary to any city ordinance.
For the purposes of this section and sections 25-17 and 25-18, the term "through traffic" is defined as operation of a motor vehicle in excess of a registered weight of eight tons on the streets designated pursuant to subsection (a) of this section for purposes other than those designated in section 25-17.
Any person violating the provisions of this section or of section 25-17 or 25-18 shall, upon conviction, be fined not more than $100.00.
(Ord. No. 14367, § 1, 12-23-1991; Ord. No. 14408, § 1, 12-28-1992; Ord. No. 14414, §§ 1-6, 2-8-1993)

Sec. 25-17. Exceptions to section 25-16.
Section 25-16 shall not apply to the following:
Garbage trucks.
Utility trucks.
Buses, including municipal and public buses.
Municipal fire apparatus or road maintenance equipment owned or leased by the city, county or state.
Delivery or moving trucks.
Trucks journeying to and from a truck terminal.
Implements of husbandry as defined in I.C.A. § 321.1(16) and implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair.
(Ord. No. 14365, § 1, 12-23-1991; Ord. No. 14414, §§ 1-6, 2-8-1993)

The director of public works/city engineer shall cause to be placed and maintained appropriate signs designating such restricted portions of streets or avenues and the weight limit thereon so as to warn the driver or operator of any vehicle, with load, weighing in excess of the weight prohibited in section 25-16, from using such restricted portions of streets or avenues.
(Ord. No. 14365, § 1, 12-23-1991; Ord. No. 14414, §§ 1-6, 2-8-1993)

DIVISION 2. BUSES

Secs. 25-26 – 25-34. Reserved.

Sec. 25-35. Use of bus stop areas by unauthorized vehicles.
It shall be unlawful to stop, park, or leave standing any vehicle, other than a passenger carrying bus operating under a proper city license, in any bus stop or bus stop area established, except in obedience to the directions of a police officer or to avoid an accident or collision.  

Chapter 26 STREETS AND SIDEWALKS*

*Cross reference(s)-Buildings and building regulations, ch. 7; moving buildings, § 7-17 et seq.; cable franchise regulatory ordinance, ch. 8; housing code, ch. 15.5; mobile homes and mobile home parks, ch. 19; motor vehicles and traffic, ch. 20; parks, playgrounds and recreation, ch. 21.5; planning, ch. 22; public transportation, ch. 25.

ARTICLE I. IN GENERAL

Sec. 26-1. Removal of Snow and ice.
The abutting property owner is required to remove all accumulations of snow and ice from public sidewalks located upon street and alley terraces and from the public sidewalks located upon their privately owned property. (Rev. Ords. 1950; Ord. No. 23, § 6; Ord. No. 14766 §1, 8-8-2005(Ord. No. 14959, §4, 3-13-2017)

Sec. 26-2. Reserved.
(Ord. No. 9950, § 1, 3-23-1960; Ord 14891, §3, 10-24-2011, (Ord. No. 14959, §5, 3-13-2017)

Sec. 26-3. Same- Depositing on private drive, parking space or in front of private property prohibited.
It shall be unlawful for any person to push, pile, deposit or leave deposited any snow or frozen materials removed from any private drive or private parking area upon any public street or thoroughfare or upon or in front of the private property or the private drive of another. (Ord. No. 8775, § 1, 2-28-1955; Ord. No. 10717, § 2, 3-23-1965)

Sec. 26-4. Maintenance of property by abutting property owner.
The abutting property owner is required to maintain all property outside the lot and property lines and inside the curb or roadway surface lines upon the public street and alley terraces owned by the city, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.
(Ord. No. 14403, 12-14-1992)

Sec. 26-5. Liability of abutting property owners for failure to maintain.
Abutting property owners failing to maintain property as required by section 26-4 shall be expressly liable for personal and property damages caused by such failure in the maintenance of such property.
(Ord. No. 14403, 12-14-1992)

Sec. 26-6. Periods of amortization set for public improvements.
The period of amortization for public improvement projects for opening, establishing or grading streets, the construction of Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, water mains, pedestrian underpasses and overpasses, sewage pumping station, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities and appurtenant facilities, is hereby established as ten (10) years, to be calculated commencing from the date of adoption by the council of said city of the resolution
accepting the completed public improvements.
The period of amortization, to be computed in the same manner as established in subsection (a) hereof, is hereby established as seven (7) years for sidewalks and three (3) years for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees.
In any instance where the council determines that the useful life of a public improvement should be for a different time period than herein above established, the council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.
(Ord. No. 13511, §§ 1-3, 3-12-79)

Secs. 26-7 – 26-15. Reserved.

ARTICLE II. EXCAVATIONS AND DRIVEWAYS*

*Cross reference(s)-Payment of fees or fines prerequisite to issuance of license or permit, § 1-12.

Sec. 26-16. Excavation Permit required.
It shall be unlawful for any person to cut through any paved surface or otherwise dig or excavate or install any substantial device in any part of any street, avenue, terrace or public ground outside of the lot line, for any purpose, without first securing a permit therefore, in writing, from the director of public works/city engineer.
(Rev. Ords. 1950; Ord. No. 24, § 1)

Sec. 26-17. Entrance permit required.
It shall be unlawful for any person, firm or corporation to cut or remove any curbing for any purpose or install a driveway or entrance to a property without first securing a written permit therefore from the director of public works/city engineer.
If the director of public works/city engineer denies the permit, the applicant may appeal to the city council by the procedures provided in section 17-1.2.
Before any permit shall be issued, the applicant therefore shall pay the city clerk a fee set by Resolution.
(Rev. Ords. 1950; Ord. No. 24, § 2; Ord. No. 14228, § 1(b), 4-14-1986; Ord. No. 14609, § 17, 12-30-1998)

Sec. 26-18. Tunneling Permit required.
It shall be unlawful to tunnel under the sidewalk or the curb or the pavement of any street, avenue or public highway except where permitted by the director of public works/city engineer, and no such permit shall be granted for a tunnel more than 18 inches under the curb and paving. Permit fee to be set by Resolution.
(Rev. Ords. 1950; Ord. No. 24, § 3)

Sec. 26-19. Transfer of permit prohibited.
No permit required by or issued under the provisions of this chapter shall be assigned or transferred, and the work contemplated therein shall be done by or under the personal supervision of the person to whom the permit is issued.
(Rev. Ords. 1950; Ord. No. 24, § 4)
Sec. 26-20. Cutting pavement and refilling excavation.
Wherever it is necessary to go under the pavement for any purpose, the pavement shall be replaced in accordance with the city's Standard Specifications for Street Excavation and Pavement Restoration.
Whenever a permit is required to make an excavation through the paved surface of any public street, avenue or public way and the same has been refilled as required by ordinance for resurfacing the area for such excavation, the city engineer shall be notified thereof.
The permit holder shall be responsible for all costs to complete the surfacing of the excavation.

Sec. 26-21. Reserved.

Sec. 26-22. Guarding excavations.
All openings in the street shall be made in such manner as will cause the least inconvenience to the public, and permit the passage of water along the gutters. All openings and excavations made in any street, avenue, terrace or public ground outside the lot line or next to the sidewalk or footway on private property, shall be protected by barricades and signs meeting the Federal Highway Administration Manual on Uniform Traffic Control Devices For Streets and Highways and the city's standards.
(Ord. No. 9091, § 2, 8-27-1956)

Sec. 26-23. Application for permit.
Before any permit is issued under provisions of this article, an application shall be filed with the director of public works/city engineer stating the place; the amount and purpose of the contemplated work; the time when the work is proposed to be done; the time within which it will be completed; and in what street, avenue, alley or public place such excavation is to be made or work done, and its location thereon. Each application must contain a stipulation that the applicant will, within the time limit therein, fill any excavation or trench in a proper and workmanlike manner and will restore the street, avenue, alley or public place to its proper condition, and that if the applicant fails or neglects to fill such excavation or trench properly and restore the street, avenue, alley or public place to its proper condition within such time, the director of public works/city engineer may do so or cause the work to be done and charge the applicant with the cost and expense thereof.
(Rev. Ords. 1950; Ord. No. 24, § 8)

No permit shall be granted to any person for any purpose contemplated under section 26-16, unless such person has been authorized by the city council to do excavating within the city limits and has complied with the requirements of the city council in granting such authorization.
(Rev. Ords. 1950; Ord. No. 24, § 9)

Sec. 26-25. Bond.
a.) Except as otherwise provided herein, no permit shall be granted under this article unless the applicant shall have on file in the office of the city clerk a bond in the penal sum of $1,000.00, in form and with surety approved by the city council. It is particularly and especially provided that such bonds executed shall, in addition to the specific terms and conditions thereof, include and be construed as undertaking that the principal will faithfully perform each and every duty required of him under state laws, city ordinances, and the rules, regulations and specifications of
the city council; shall properly complete all work within the time specified in any permit issued to him; shall pay all fines imposed on him on account of any act or omission growing out of or in connection with the work for which such permit was issued; shall pay all costs and expense of completing any work not properly completed by him within the time limit of his permit and all items charged against him on account thereof; shall refill all trenches and excavations made under any permit issued to him as provided in this article to the approval of the director of public works/city engineer; shall restore the street, pavement, sidewalk, parking, terrace or other portion of any public place properly and as provided in this article and to as good condition as before starting the work; and shall maintain all refills and restorations made by him for a period of four years. If any trench, excavation or restoration settles, sinks or causes any irregularity in the surface of the street, avenue, alley or public place within a period of four years, he will immediately remedy such condition as directed by the director of public works/city engineer. If he fails to do the work within five days after notice thereof is given to or served on him or the surety on such bond, the director of public works/city engineer shall cause the work to be done and such principal will pay the cost and expense thereof. b.) Such bond will continue in force until the completion of all work covered or contemplated in any permit issued while it is in effect. [new] c.) This bond requirement shall not apply to repairs being made at a residence by its owner or co-owner who is not using the services of a licensed contractor to perform the work. [new] d.) Licensed contractors may fulfill the bonding requirements of this section on individual residential projects of not more than $10,000 gross cost, to be performed by that contractor within the City limits by providing evidence to the city clerk of a bond from an approved surety providing coverage for the particular calendar year during which all work will be completed. (Rev. Ords. 1950; Ord. No. 24, § 10; Ord. No. 14777 § 1,11-14-2005, Ord. No. 14928 § 1, 11-11-2013)


Sec. 26-27. Authority of city to cancel permit. Without canceling or affecting any bond, policy or obligation provided for in section 26-26, the city council may, for any cause that it deems sufficient, cancel the authority granted under section 25-24. (Rev. Ords. 1950; Ord. No. 24, § 12)


ARTICLE III. SIDEWALKS

Sec. 26-39. Authority for construction of permanent sidewalks; grade requirements. The city council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street, highway, avenue or public ground, but the construction of permanent sidewalks shall not be made until the bed of the sidewalk shall have been graded so that, when completed, such sidewalk will be at the established grade. (Rev. Ords. 1950; Ord. No. 22, § 1)
Sec. 26-40. Authority for laying temporary sidewalks; cost.
The city council may, by resolution, order the laying or relaying of temporary sidewalks upon any street, highway, or public ground, avenue, where the grade has not been established or where it is deemed inadvisable to order a permanent sidewalk at charges based upon current prices fixed at the time the projects are bid and contracts are accepted by the city council.
(Rev. Ords. 1950; Ord. No. 22, § 2)

Sec. 26-41. Petition by property owners; action by council.
A petition to the council by the owners of more than fifty percent of the linear front footage of the property involved shall be required for the laying of any sidewalk; provided, however, that the council, by a three-fourths vote of all of its members, may order the laying of such sidewalks.
(Rev. Ords. 1950, Ord. No. 22, § 3)

Sec. 26-42. Placement, alignment and width requirements.
All sidewalks throughout the business district shall be constructed from the lot line to the curb line, except as otherwise ordered by the city council.
All sidewalks throughout the residence and other zoning districts shall be constructed four (4) feet in width, unless otherwise ordered by the city council in the resolution ordering the construction or reconstruction of any sidewalk.
In all cases the inner edge of the sidewalk shall be at the lot line, except as otherwise permitted by the city engineer.
(Rev. Ords. 1950; Ord. No. 22, § 4)

Sec. 26-43. Construction standards.
The city council may order sidewalks to be constructed in accordance with I.C.A. ch. 384. New sidewalk construction shall meet the requirements of the City’s “Standard Specifications For Portland Cement Concrete Sidewalks and Driveways”.

Secs. 26-44. New sidewalks required.
A public sidewalk shall be constructed adjacent to any lot platted prior to January 1, 2001, at the time any of the following occur:
Construction of a new building is completed upon a vacant lot.
Construction or reconstruction of a building upon the lot which amounts to an increase in value of 50% or more of an existing structure.
Reconstruction of a building which has incurred 50% or more in damage.
The property owner shall pay for all costs for constructing all sidewalks required under this section.
(Ord. 14668, § 1, 2-26-01)

Sec. 26-45. Deferments of Sidewalk
a.) The construction of a sidewalk, as required by Section 26-44 may be deferred for a specified period of time in a given instance, if recommended by the Plan and Zoning Commission, and upon the findings and decision of the Board of Adjustment. Deferments are not favored and shall only be approved where specific conditions warrant it, and in addition the following conditions are met:
1.) Where the location of the proposed sidewalk is not adjacent to a street which has or will have curb and gutter; or
2.) Where the location of the proposed sidewalk has grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location; or
3.) Where the location of the proposed sidewalk is on non-residential or non-retail property adjacent to an existing street with curb and gutter, and grade and drainage problems would not significantly interfere with the construction of its sidewalk at that location, and the following conditions are met:
   i.) No pedestrian generators exist in this location; or
   ii.) The unique use of the property in conjunction with sidewalks or bike paths near the location allow for alternate pedestrian routes, unless the proposed sidewalk is needed to connect area residential property to other sidewalks in the area.
4.) In residential areas where there is curb and gutter, but there is no existing or proposed sidewalk within 360 feet, and there are hardships in constructing a sidewalk such as extensive landscaping, interference with existing structures or utilities (unless the City agrees to pay for the cost of relocating the utility) or severe grading requirements. For purposes of this section, a water stop located within the proposed sidewalk area is not considered to be interference with an existing utility.
5.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment, if a proposed sidewalk at the location supported the need to connect other residential property to other sidewalks in the area.
6.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment to override the sidewalk requirements when a major or minor street where a deferment is sought is installed in conjunction with an improved street or a proposed improved street.
   b.) Applications for deferments must be submitted to the zoning office along with the established fee, set by resolution.
   c.) Any deferment approved by the Board of Adjustment must be recorded with the Marshall County Recorder, and may be enforced by the City of Marshalltown at any point in time if determined appropriate by the City of Marshalltown.
   d.) Un-expired deferments will be reviewed by the City at least every five years in residential districts and at least every ten years for commercial or industrial districts to see if conditions continue to exist to support the deferment or further deferment.
   e.) Deferments will expire automatically if the street adjacent to the deferred location is improved and curb and gutter is installed.
   f.) If conditions supporting the deferment change, the City Zoning officer may administratively repeal the deferment. The Zoning officer’s decision may be appealed to the Board of Adjustment.

(Ord. No. 14779, § 1, 03-13-2006, Ord No. 14923, § 1, 07-22-2013)


Sec. 26-51. Authority of city to repair broken, defective sidewalks; statement of costs.
The nuisance officer or such other city officer as may be designated by the mayor or city council may cause to be repaired, with or without notice to the property owner, all broken or defective sidewalks when in an unsafe, broken or defective condition, and he shall return to the council an itemized and verified statement of expenditures of labor and materials used in making such repairs and the description of the lot or parcel of ground abutting on which such repairs have been made.
(Rev. Ords. 1950; Ord. No. 23, § 1)
Sec. 26-52. Costs of repairs as tax—Notice of assessment.
Upon the filing of the verified statement required by section 26-51, the city clerk shall cause a notice of such facts to be given to all persons liable for such expense, either by personal service, by mailing a notice to the last known address of the person liable for taxes assessed against such property or by publication once in a newspaper of general circulation in the city, which notice shall contain a statement of the character of the work performed, a description of the property affected, and the amount returned against such lot or parcel of ground, together with a statement of the time and place at which objections to such assessment may be made, which time shall be not less than ten days after the giving of notice.
(Rev. Ords. 1950; Ord. No. 23, § 3)

Sec. 26-53. Same—Hearing of objections.
At the time and place designated in notice given pursuant to section 26-52, the city council shall meet, hear and consider all objections made to the whole or any part of such assessment and shall correct any errors or omissions therein, and after such consideration the city council shall adopt the list, as corrected, as the amounts to be assessed against the property therein described.
(Rev. Ords. 1950; Ord. No. 23, § 4)

Sec. 26-54. Same—Final assessment: certification as special tax.
After the adoption of the corrected list as provided in section 26-53, the city council shall, by resolution, assess the respective amounts against each lot or parcel of ground, and all such assessments or any part thereof which shall remain unpaid shall, before September 1 of each year, be certified by the city clerk to the county auditor as a special tax against the lots or parcels of ground.
(Rev. Ords. 1950; Ord. No. 23, § 5)

Sec. 26-55. Compliance with article required; penalties.
It shall be unlawful for any person, firm or corporation to construct or reconstruct any public sidewalk in the city except in full compliance with all of the requirements of this article. Any person violating any of the pertinent provisions of this article shall be punished by a fine pursuant to section 1-8.


ARTICLE IV. BUILDING NUMBERING*

Cross reference(s)—Buildings and building regulations, ch. 7.

Sec. 26-67. Baselines for commencement of numbering.
Main Street and Center Street shall constitute the baselines from which the numbering of buildings from either side thereof shall commence.
(Rev. Ords. 1950; Ord. No. 20, § 1)

Sec. 26-68. Streets running north and south.
North of Main Street, on all streets running north and south, the odd numbers shall be on the east side and the even numbers on the west side of such streets.
South of Main Street, on all streets running north and south, the odd numbers shall be on the
west side and the even numbers on the east side of such streets.
(Rev. Ords. 1950; Ord. No. 20, §§ 2, 3)

Sec. 26-69. Streets running east and west.
East of Center Street, on all streets running east and west, the odd numbers shall be on the south side and the even numbers on the north side of such streets.
West of Center Street, on all streets running east and west, the odd numbers shall be on the north side and the even numbers on the south side of such streets.
(Rev. Ords. 1950; Ord. No. 20, §§ 4, 5)

Sec. 26-70. General numbering plan.
The building numbers shall run, so far as practical, 100 to each block or the distance between two street intersections on the same street where this distance conforms substantially to the length of the average block. In a business district, the numbers shall be for each 20 feet. In a residence district, the numbers shall be for each unit of distance equal to the minimum frontage allowed in each respective zoning classification. The National Emergency Number Association’s “Addressing Systems, A Training Guide For 9-1-1” shall be used as guide for establishing building numbers. New one-half numbers shall be not be issued.
(Rev. Ords. 1950; Ord. No. 20, § 6)

Sec. 26-71. North, south, east, west prefix designations.
North and south. The portions of all streets running north and south on the north side of Main Street shall be designated with the prefix "north," and the portions of all streets running north and south on the south side of Main Street shall be designated with the prefix "south."
East and west. The portions of all streets running east and west on the east side of Center Street shall be designated with the prefix "east," and the portions of all streets running east and west on the west side of Center Street shall be designated with the prefix "west."
(Rev. Ords. 1950; Ord. No. 20, § 7)

Sec. 26-72. Responsibility of owner; specifications for numbers.
The owner and lessee of every building within the city, fronting on any public street, avenue or highway, shall cause the building to be numbered as provided in this section.
New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). From 100-199 ft from the street the number shall be a minimum of 6 inches high with a minimum stroke of 0.5 inches. From 200-299 ft from the street the number shall be a minimum of 8 inches high with a minimum stroke of 0.5 inches. For each additional 100 ft from the street, the number shall increase by an additional 2 inches in height. Measurements to determine the minimum number size shall be measured from the approved address location to the center-line of the street for which the premises is addressed.
(Rev. Ords. 1950; Ord. No. 20, § 8; Ord. 14805, § 1, 4-9-2007)

Sec. 26-73. Assignment of numbers; time for compliance.
Each property owner or lessee shall apply to the director of public works/city engineer and receive from him the number of the building of such person. When the director of public works/city engineer has assigned a number to a building, the owner or lessee thereof shall within
ten days have such number fixed and displayed thereon as provided in this article.
(Rev. Ords. 1950; Ord. No. 20, § 9)

**Sec. 26-74. Assignment of numbers upon application for building permit.**
Upon application for a building permit, the applicant shall ascertain from the director of public works/city engineer the correct number for the building for which the permit is to be issued and shall, within ten days after such building has been completed for use or occupancy, place the proper number upon the building.
(Rev. Ords. 1950; Ord. No. 20, § 10)

**Sec. 26-75. General duties and responsibilities of director of public works/city engineer.**
It shall be the duty of the director of public works/city engineer to see that the provisions of this article are enforced and to designate the number to be assigned to each building. When he shall deem it desirable or necessary to change the number used for or assigned to any building, he shall designate and assign a new number therefore and shall mail or deliver to the owner or lessee of such building a notice thereof, and within ten days thereafter the number on such building shall be changed and displayed accordingly.
(Rev. Ords. 1950; Ord. No. 20, § 11)

**Sec. 26-76. Complaints and objections.**
If the owner or lessee of any building has any objection or complaint to the number assigned to any building or to the changing of any number under this article, he shall file his complaint or objections in the office of the city clerk within ten days after the number is assigned or within ten days after the notice is mailed or delivered as provided in this article; otherwise, the action of the director of public works/city engineer shall be final, and if such complaint or objection is so filed the council by resolution shall determine the complaint.
(Rev. Ords. 1950; Ord. No. 20, § 12)

**Sec. 26-77. Notice to comply; assessment of costs.**
If the owner or lessee of any building shall fail, refuse or neglect to number or to renumber the building, the director of public works/city engineer may cause a notice to be given to comply with this article within ten days, which notice may be given by one publication in a newspaper of general circulation in the city or by personal service of a written notice on the owner or lessee. If any building shall not have been properly numbered or renumbered within ten days after such publication or service, the director of public works/city engineer shall cause the numbering to be done, and the cost and expense of such numbering or renumbering shall be assessed against the property or premises numbered or renumbered and certified and collected in the manner provided for other special taxes.
(Rev. Ords. 1950; Ord. No. 20, § 13)

**Sec. 26-78 – 26-86. Reserved.**

**ARTICLE V. MAJOR THOROUGHFARE PLAN AND TRUCK ROUTES.**

**Sec. 26-87. Definitions.**
In the interpretation of this ordinance, unless the context clearly indicates otherwise, certain words and combinations of words are to be construed as hereinafter defined. Words used in the present tense shall include the future; the "shall" is mandatory and not directory.
Building Setback Line. A line establishing the minimum distance between a building and its front property line. The Zoning Ordinance establishes the minimum distance.

Major Thoroughfare. A street designated by the City Council as used for through traffic in, by, or through the City.

Restricted or Limited Access Street. A street where access is permitted only at specifically designated points.

Right of way. That area, owned by the city or state or dedicated for public use for street purposes lying between the individual property lines.

Roadway. That portion of the Right of Way developed for the purpose of moving traffic.

Traffic Moving Lane. That portion of the roadway devoted to the movement of a single line of traffic, varying in widths from ten (10) feet to twelve (12) feet in width.

Truck Route. A street designated by the City Council as used for truck traffic in or through the City.

**Sec. 26-88. Major thoroughfares.**

Major thoroughfares shall be as designated as existing and future major and minor arterial streets and collector streets on the major street plan as shown in the City’s Comprehensive Plan and the Marshalltown Transportation Plan, Marshalltown, Iowa.

The Transportation Plan containing the Major Thoroughfare Map shall be updated from time to time by the City Engineer and approved by the City Council and kept on file in the office of the City Clerk.

**Sec. 26-89. General Provisions.**

Building setback lines shall be measured from the future right of way as established by this ordinance. Where setback requirements have been established along primary, state and federal highways by the Iowa Department of Transportation the requirements of the State shall apply.

The right of way widths shall be as required in the Transportation Plan but in no case shall the right of way width be less than sixty (60) feet.

The cost of minimum improvements as provided in the City’s Subdivision Regulations shall be assessed to the benefited property. The cost of added widths and thickness of the roadway in excess of the minimum improvements to meet major street design shall be paid for by the City, except as provided in Paragraph (c).

When the street is abutted by a Commercial or Industrial District as designated by the District Map of the Zoning Ordinance, the established roadway width shall be not less than 37', unless approved by the council, and all the cost, regardless of width and thickness shall be assessed to the benefited property.

**Sec. 26-90. Extension of Major Thoroughfares.**

The platting or subdivision of an area within or adjacent to the City of Marshalltown, Iowa, which requires approval of the council as Provided by Sections 409A.8, 409A.9, or 558.65 Code of Iowa and into which or through which a major thoroughfare would be extended upon annexation to said city, shall conform to the provisions of this ordinance as a condition or requirement for such council approval.

**Sec. 26-91. Truck Routes**

Truck Routes are established as follows:

W. Lincoln Way from West Corporate Limits to S. 9th St.
S. 9th St. from W. Lincoln Way to W. Madison St.
Madison St. from S. 9th St. to S. 3rd Ave.
Nevada St. from S. 3rd Ave. to S. 12th Ave.
S. 12th Ave. from E. Nevada St. to E. Main St.
E. Main St. from 12th Ave. to East Corporate Limits.
Marion St. from N. 3rd Ave. to N. 18th Ave.
18th Ave. from Marion St. to Highway 30.
N. 3rd Ave. from North Corporate Limits to Marion St.
S. Center St. from South Corporate Limits to Iowa Ave.
Iowa Ave. from West Corporate Limits to East Corporate Limits.

Sec. 26.92. Truck route signing.
Directional signing shall be erected at appropriate locations throughout the city to guide through trucks to the designated truck routes and facilitate their use.

ARTICLE VI. ONE-WAY STREETS.

Sec. 26-93 One-way street designated.
The following streets are hereby established as one-way streets for the movement of vehicular traffic thereon:
Church Street. Church Street commencing at the west line of South Seventh Avenue and extending west on Church Street to the east line of South Ninth Street which shall be only in a west direction of movement on said Church Street within the limits herein described.
Linn Street. Linn Street commencing at the east line of South Ninth Street and extending east on Linn Street to the west line of South Eighth Avenue which shall be only in an east direction of movement on said Linn Street within the limits herein described.
S. 4th Avenue. S. 4th Avenue commencing at the north line of E. Boone St. and extending north on S. 4th St. to the south line of E. Church St. which shall be only in an north direction of movement on said S. 4th St. within the limits herein described.
S. 6th Street. S. 6th Street commencing at Main Street and extending south on S. 6th St. to Madison St. which shall be only in a south direction.
S. Center Street. S. Center St. Viaduct frontage roads on the westerly side shall be only in a south direction between Boone and Madison Streets and on the easterly side shall be only in a north direction between Madison St. and Nevada St.

Sec. 26-94. Turning at Intersections.
The turning at intersections on any one-way street shall be as follows:
The driver of any vehicle intending to turn right on or off a one way street shall approach such intended turn in the right hand lane in the direction of movement and turn right as close as practical to the right hand curb of the intersecting street or avenue.
The driver of any vehicle intending to enter on any one way street and turn left in the direction of movement of vehicles thereon shall make such turn left as close as practical into the left lane of traffic on such one way street.
The driver of any vehicle intending to turn left from a one way street onto a two way street shall approach such intersection in the left hand lane of the one way street and pass beyond the center line of the intersecting street before making such turn and leaving the intersection.
The driver of any vehicle intending to turn left from a one way street onto a one way street shall approach such intended turn in the left- hand lane in the direction of movement and turn left as close as practical to the left hand curb of the intersecting street or avenue.
Sec. 26-95. Traffic control devices.
All moving traffic on or entering onto one-way streets shall observe all traffic control devices installed at all locations thereon.

Operators of moving vehicles on one-way streets in changing traffic lanes shall keep a proper look out for all traffic approaching from the rear and make sure that such change in a traffic lane may be made in safety.

Sec. 26-97. Signing.
Signs indicating and controlling one-way streets shall be erected and maintained by the Street Division according to the Federal Highway Administration Manual on Uniform Traffic Control Devices.


ARTICLE VII. RECREATIONAL BIKEWAY TRAILS

Sec. 26-100. Definitions.
Recreational Bikeway Trail is a generic term for any road, path or travel way, which in some manner is specifically designated for bicycle travel regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes. Recreational Bikeway Trail Standards are more specifically described in the most current version of the Iowa Statewide Urban Design Standards Manual (SUDAS) Chapter 8 as published by Iowa State University Center for Transportation Research and Education.

Class 1 – Shared Use Path. A recreational bikeway trail physically separated from motorized vehicular traffic by an open space or barrier and either within the roadway right-of-way or within an independent right-of-way. Bicyclists, pedestrians, skaters, wheelchair users, joggers and other non-motorized users, may use Shared Use Paths.

Class 2 – Bicycle Lane. A portion of a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists. Other non-motorized users may use bicycle lanes when there is no adjacent sidewalk or path facility.

Class 3 – Signed Shared Roadway. A shared roadway, which has been designated by signing as a preferred route for bicycle use.

Shared Roadway. A roadway, which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or road with paved shoulders. Standards for Shared Roadways are more specifically described in the most current version of the American Association of State Highway and Transportation Officials (AASHTO) “Guide for the Development of Bicycle Facilities”.

(Ordinance 14781, §1, 3-27-2006; Ordinance 14840, §1, 8-11-2008)

The following roads, paths or travel ways are hereby officially established as part of the Marshalltown Recreational Bikeway Trails Network System

CLASS 1 – SHARED USE PATHS

Highway 14/S. Center Street from Marshalltown Community College to Merle Hibbs Blvd.
Linn Creek/Iowa River Levee Trail from Grimes Farm Trail to Riverview Park
Merle Hibbs Blvd. from S. 6th Street Detention Pond to Melissa Lane
E. Southridge Detention Pond from Plaza Heights Road to E. Southridge Road
CLASS 2 – BICYCLE LANES – With Parking
Main Street from 13th Street to 5th Avenue
CLASS 2 - BICYCLE LANES – No Parking
S. 6th Street from W. Merle Hibbs Boulevard to S. 3rd Street Viaduct
233rd Street from City Limits to Campbell Drive
Campbell Drive from 233rd Street to Westwood Drive
W. Main Street from Highland Acres Road to 19th Street
Westwood Drive from Campbell Drive to S. 6th Street
CLASS 3 – SIGNED SHARED ROADWAY
S. 2nd Avenue from Glenda Drive to Plaza Heights Road
S. 2nd Avenue from Meadow Lane to Thomas Drive
S. 2nd Street from Main Street to Nevada Street
N. 4th Avenue from Bromley Street to Woodland Street
7th Avenue from Main Street to Woodbury Street
S. 7th Avenue from E. Olive Street to May Street
N. 3rd Street from Main Street to N. Center Street
N. 9th Street from Summit Street to Jerome Street
S. 12th Street from Linn Creek Trail to W. Boone Street
13th Street from W. Boone Street to Summit Street
N. 19th Street from W. Main Street to Summit Street
W. Boone Street from S. 13th Street to S. 12th Street
Bromley Street from N. 4th Avenue to N. 7th Avenue
Campbell Drive from Westwood Drive to Grimes Farm Trail Cutoff
N. Center Street from N. 3rd Street to Riverside Street
Edgebrook Drive from E. Southridge Road to E. Olive Street
Glenda Drive from Marshalltown Center Drive to S. 2nd Avenue
Highland Acres Road from Lincoln Way to W. Main Street
Jerome Street from N. 9th Street to N. 3rd Street
W. Main Street from 19th Street to 13th Street
Main Street from 5th Avenue to 7th Avenue
May Street from S. 7th Avenue to Anson/Linn Creek Levee Trail
Meadow Lane from S. 6th Street to S. 2nd Avenue
Melissa Lane/Marshalltown Center Drive from E. Merle Hibbs to Glenda Drive
Merle Hibbs Boulevard from Center Street to 6th Street
Nevada Street from 2nd Street to 3rd Street
E. Olive Street from Edgebrook Drive to 12th Avenue
Plaza Heights Road from S. 2nd Avenue to E. Southridge Detention Pond
Riverside Street from N. Center Street to N. 4th Avenue
Summit Street from N. 19th Street to N. 9th Street
Thomas Drive from S. 2nd Avenue to Edgebrook Drive
Woodbury Street from N. 7th Avenue to Linn Creek Levee Trail
Woodland Street from N. 4th Avenue to Iowa River Levee Trail
(Ordinance 14781, §1, 3-27-2006; Ordinance 14840, §1, 8-11-2008)

Sec. 26-102. Signing and pavement markings.
Signs and pavement markings indicating and controlling bikeways shall be installed, erected and
Sec. 26-103. Traffic control and parking along bikeways.
All bicyclists, pedestrians, traffic and other users entering or traveling along designated Recreational Bikeway Trails shall observe all traffic control devices installed at all locations thereon.
Unless specifically designated or otherwise approved by the City Engineer and/or Police Chief it shall be unlawful to park on or block off any designated Class 1 – Shared Use Path or Class 2 – Bicycle Lane except for reasonable temporary emergency or facility maintenance purposes. (Ordinance 14781, §1, 3-27-2006; Ordinance 14840, §1, 8-11-2008)
Chapter 26.5 SWIMMING POOLS*

Cross reference(s)-Buildings and building regulations, ch. 7; housing code, ch. 15.5; planning, ch. 22.

Sec. 26.5-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Swimming pool. Swimming pool means any artificially created body of water, permanent or temporary, enclosed in nonporous material designed to prevent the unintentional escape, that is 18 inches or more in depth at any point and is designed or used for swimming, wading or bathing purposes, other than municipally owned pools.
(Ord. No. 13031, § 1, 12-13-1976)
Cross reference(s)-Definitions generally, § 1-2.

Sec. 26.5-2. Fence required.
Every person in possession of land upon which is situated a swimming pool shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises a fence or other structure not less than five feet in height with no openings therein, other than doors or gates, larger than six inches in any dimension; provided, however, that if a picket or similar fence is erected or maintained, the vertical or horizontal dimension of the openings, other than the gates or doors, shall not exceed six inches. The design and structural stability shall be in accordance with the building code.
(Ord. No. 13031, § 2, 12-13-1976; Ord. No. 14135, § 1, 7-12-1982)
Cross reference(s)-Building code adopted, § 7-1.

Sec. 26.5-3. Openings in fence.
All gates or doors opening through the enclosure required in section 26.5-2 shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such gate or door securely closed and latched at all times when not in actual use. Such self-latching device shall be located not less than four feet above the underlying ground surface or otherwise made inaccessible from the outside to small children. Any dwelling or other building on the premises may be incorporated in and considered as constituting a portion of the required barrier. Doors or other openings from any occupied dwelling, as distinguished from a garage, into the required enclosure need not be equipped with self-closing or self-latching devices. The provisions of this section shall not apply to service gates that are permanently locked except when in actual use.
(Ord. No. 13031, § 3, 12-13-1976)

Sec. 26.5-4. Depth of water when fence required.
All fencing must be in place with gates when the pool is filled with water to a depth of 18 inches or more at any point.
(Ord. No. 13031, § 4, 12-13-1976)

Sec. 26.5-5. Penalty.
Any person violating the provisions of this chapter shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code.
Chapter 27 VEGETATION*

Cross reference(s)-Buildings and building regulations, ch. 7; disposal of yard waste, § 13-51 et seq.; excessive growth of weeds and grass prohibited, § 21-59; planning, ch. 22.

ARTICLE I. IN GENERAL

Sec. 27-1. Purpose.
It is the policy of the city to regulate and control the planting, removal, pruning, and protection of trees and other vegetation within streets, highways, and alley rights-of-way and public park areas within the boundaries of the city; to eliminate and guard against dangerous conditions which may result in injury to persons using the public areas of the city; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees located in public areas from undesirable and unsafe planting, removal, pruning and protection practices; and to guard all trees within the public areas of the city against the spread of disease or pests. The provisions of this chapter shall apply to all trees, shrubs, weeds, vines, and brush planted in or upon any public area and in certain instances on private property within the city and any existing trees that violate other sections of this chapter.
It is also the intent of this chapter to maintain all public and private areas in the city in such a manner that they are free of weeds, vines and brush; to eliminate and guard against dangerous conditions which may cause injury or illness to persons using the public areas; to promote and enhance the beauty of the city; and to guard against pestilence and widespread weed invasion of any area of the city. State legislation or state department of transportation rules take precedence over this chapter if along a state-designated highway.
(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-2. Removal of weeds, vines and brush.
All areas of the city are to be kept free of any noxious weeds and shall also be kept free of any other weeds, vines or brush for health and safety reasons.
(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-3. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Alley. Alley means a thoroughfare through the middle of a block giving access to the rear of a building.
Park. Park includes any property owned in whole or in part by the city used in whole or in part for recreational purposes, wildlife purposes or other municipally owned public purpose related to recreation or wildlife, but does not include parkings or terraces or municipal parking lots.
Property owner. Property owner means the contract purchaser if there is one of record, otherwise the record holder of legal title.
Public area. Public area includes parks and other lands owned or leased by the city and all terraces along all streets, highways, boulevards, and alleys.
Shrub. Shrub means a woody plant with several stems and usually with a low mature height of eight feet or less.
Street intersection. Street intersection means the intersection of the public street right-of-way lines of the two intersecting streets. On streets that have sidewalks, this would be the intersection of the inside edges on the private property side of the sidewalks.

Terrace. Terrace includes the city-owned street right-of-way or street easement area between the property line and the outside edge of any street, road, or boulevard in the city, including the sidewalk if present.

Tree. Tree means any woody perennial plant of any age with a main trunk and many branches, and includes living or dead trees and standing or fallen trees.

(Ord. No. 14429, § 1, 6-14-1993)

Cross reference(s)-Definitions generally, § 1-2.


ARTICLE II. TREES

Sec. 27-15. Injuring or damaging.
No person shall in any public area of the city break, injure, mutilate, kill, or destroy any tree or shrub; permit any animal under his control to do so; permit any fire to injure any portion of any tree or shrub; or permit any toxic chemicals or materials to seep, drain, be emptied on, or otherwise enter into any tree or shrub.
It shall be unlawful for any person to cut, damage, carve, transplant or remove any tree, or injure the bark of any tree located in a park, except for authorized city personnel in the performance of their duties.
During building operations, commercial promotions, or public promotions, the builder or sponsor shall erect suitable protective barriers around public trees and shrubs that may be injured.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-16. Fastening materials.
No person shall fasten any sign, rope, wire or other materials to or around or through any trees or shrubs in any public area, except in emergencies such as storms or accidents.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-17. Planting in public alleys and utility easements.
It shall be unlawful to plant any tree or other woody plant material within any platted alley right-of-way or dedicated utility or walkway easement area within the city.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-18. Public utilities.
Public utility work affecting trees or shrubs, including cutting, trimming, pruning and the use of approved growth inhibitors, shall be limited to the actual necessities or protection of the services of the company, and such work shall be done in a professional manner and in accordance with proper arboricultural standards. Trees growing on private land, but encroaching public right-of-way or utility easements, may be trimmed for the protection of the services of the company.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-19. Planting permit.
No person shall plant a tree in a terrace area unless he has completed a planting permit application at the Parks and Recreation Office and has been issued a permit by the City Parks and
Recreation Director or his or her designee. Trees shall be subject to conditions of the permit. Conditions of the permit shall include a requirement for diversity of species withal, the planting area, as well as other conditions as may be provided elsewhere in this ordinance. Whenever a tree is planted in conflict with the provisions of the permit or without obtaining a permit, it shall be lawful for City staff to remove or cause removal of the tree. The cost of the removal of such tree may be charged to the property owner responsible for the planting (Ord. No. 14429, § 1, 6-14-1993, Ord. No. 14774, § 1, 10-24-2005, Ord 14947 §1, 3-14-2016)

Sec. 27-20. Certain species prohibited.
It shall be unlawful to plant any tree species on or adjacent to any street, terrace, avenue or highway in the City that has been identified on a list of prohibited species compiled by City staff. The list shall be kept on file at the Parks and Recreation Office and on the City website. The city council may issue a special decorative planting permit for planting evergreen and deciduous shrubs with a mature height greater than 12 inches within the terrace area for decorative purposes. Each request will be reviewed upon its own merits, and the proposed plantings at mature height shall not interfere with pedestrian and vehicular safety or the free use of the street or sidewalk.
It shall also be unlawful to plant any tree species that bears fruit, except for male sterile varieties, on a city terrace or on private property in a location where the tree will overhang a sidewalk. Any plant species prohibited by this section, but in place on the effective date of Ordinance No. 14429, need not be removed by virtue of its mere existence unless interference with other sections of this chapter so requires.
A list of tree species recommended for public right-of-way plantings will be compiled by City staff and kept on file at the Parks and Recreation Office and on the City website. (Ord. No. 14429, § 1, 6-14-1993, Ord. No. 14774, § 2, 10-24-2005, Ord 14947 §2, 3-14-2016)

Sec. 27-21. Spacing and placement in terrace areas.
All trees planted on or adjacent to any street, highway, terrace or avenue in the city shall be planted in a location that is midway between the outer line of the sidewalk and the curb where the curb line is established or midway between the proposed sidewalk and designed curb locations as established by the director of public works/city engineer where no sidewalk or curb is established. No tree shall be planted nearer than three feet to the curb or outer sidewalk line. On terraces 14 feet wide or greater, trees shall be planted seven feet from the outside edge of the sidewalk. Trees planted on or adjacent to a highway shall be planted ten feet back from the back of the curb line. Other special considerations do exist and a special permit must be secured from the state department of transportation; contact the local state department of transportation engineer. Tree spacing for trees included in the listing of recommended tree for terrace areas less than eight feet in width as specified under section 27-20 shall be planted no closer than 20 feet from one another nor closer than 30 feet to a large tree. Large trees such as those listed in the recommended tree species for terrace areas of eight feet or more in width shall be planted no closer than 40 feet from one another. Trees shall be planted no closer to a utility pole than a distance equal to the mature spread of the tree species being planted. (Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-22. Planting distance from street intersections and from driveways.
No tree shall be planted closer than 30 feet to a street intersection. No tree shall be planted closer than ten feet to a driveway or alley in residential terrace areas of the city. Spacing of trees from commercial driveways shall be judged on an individual basis.
Sec. 27-23. Location of underground utilities.
Before any digging is done in terrace areas, all underground utilities shall be located by the proper utility service companies, in particular mechanical diggers. Call 1-800-292-8989, 48 hours before planting to verify all underground utilities located in the terrace area by the proper utility companies.

Sec. 27-24. Unauthorized trimming prohibited; permit required.
It shall be unlawful to trim or cut in any manner, other than that otherwise allowed in this article, any tree on any terrace, street, avenue, and highway or in any public place in the city without the person receiving a permit from the parks and recreation office. Property owners, agents, or occupants may trim limbs or branches not exceeding six inches in diameter from trees on terrace areas adjacent to their property without a written permit. Such cutting or trimming shall conform to the arboricultural specifications and standards of practice adopted by the city staff.

Sec. 27-25. Trimming and removal of hazardous terrace trees.
The city shall be responsible for removing dead or diseased trees from all public areas within the city. The abutting property owner, agent, or occupant shall be responsible for trimming and maintaining the trees on the terrace abutting their property. Trees shall be so trimmed that the overhanging branches shall be at least 15 feet above the surface of the street and at least eight feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public, taking into consideration tree maturity and size. Branches or limbs over six inches in diameter or trees on terrace areas shall only be removed by the city, a public service company, or a person or firm licensed under section 27-28 upon a permit issued by city clerk. No permit shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors.

The city may serve notice as per section 27-27 to the abutting property owner, agent or occupant to trim or otherwise maintain the trees on the abutting terrace or remove trees, other than dead or diseased trees, that are not in compliance with the provisions of this article. If the abutting property owner, agent, or occupant does not perform the required action required within a reasonable time, the city may perform the required action and assess the costs against the abutting property as per section 27-27.

The city shall have the authority to trim or remove any tree, shrub, or other plant material planted on any city terrace for noncompliance of this article. This work shall be done at city expense if notice is not given to the abutting property owner.

Sec. 27-26. Removal and trimming on private property.
The property owner, agent, or occupant of any lot or parcel of land shall keep the trees on his property so trimmed that the overhanging branches shall be at least 15 feet above the surface of the street and at least eight feet above the surface of the sidewalk so as not to interfere with the street lighting or the free and safe use of the street and sidewalk by the public and shall be kept free of dead limbs and branches, taking into consideration the tree maturity and size.

Trees, branches, or limbs over 12 inches in diameter on private property shall only be removed by a person or firm licensed under section 27-28 unless the tree canopy is inside the property. A licensed, bonded tree firm or person should do felling of all trees on private property.
The city shall have the right to trim or prune any tree or shrub on private property without notice when it overhangs public property and interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. The city may serve notice on the abutting property owner as per section 27-27 to remedy the situation and assess the cost to the property.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-27. Notice and assessment of costs to property owners.
If the property owner does not perform an action required under this article within a reasonable time after notice, the city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be by certified mail or other service to the address of the property owner as well as the occupant of the premises as shown by the records of the county auditor and shall state the time within which action is required.
In an emergency, the city may perform any action which may be required under this article without prior notice if it is deemed an imminent hazard to the safety and well-being of the public and assess the costs as provided in this section after notice to the property owner and hearing. All action taken by the city without notice to the property owner is done at city expense and shall not be assessed to the property owner.

(Ord. No. 14429, § 1, 6-14-1993)

Sec. 27-28. Tree trimming license required.
It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street, park, or private trees within the city without first applying for and procuring a license from the city clerk. The license fee shall be $25.00 annually in advance.
However, a license shall not be required of any public service utility company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of $300,000.00 for personal injury and $100,000.00 for property damage, indemnifying the city or any person injured or damage resulting from the pursuit of such endeavors as described in this section and of worker's compensation coverage for all employees in the form of a certificate of such coverage which shall be filed with the city clerk.
The license shall be further conditioned upon the permittee complying with all the pertinent sections of this Code and other city ordinances relating to or in any way connected with the work to be done or contemplated to be done under such license including the payment of all fines against the licensee, his or her servants, agents, employees or subcontractors in connection with work done or contemplated under such permit.

(Ord. No. 14429, § 1, 6-14-1993; Ord. No. 14609, § 18, 12-30-1998)

Sec. 27-29. Barricades and other protective devices required when trimming or removing.
When necessary for the protection of the public, guards, barricades or other protective devices or warnings shall be maintained on any sidewalk, street or other public places where trees are being trimmed or removed. Barricades and other protective devices shall meet the standards set forth by the public works department. Traffic on any street shall not be barricaded without first obtaining permission therefore from the public works department and notifying the fire department, police department, and the ambulance service of the closing and again when the street is reopened.

(Ord. No. 14429, § 1, 6-14-1993)
Sec. 27-30. Penalties.
Violation of any section of this article shall be deemed to be a municipal infraction and be
punished by a Penalty as provided in Sec. 1-8 of the Code.
Chapter 28 WATER AND SEWERS*

*Cross reference(s)-Board of waterworks trustees, 2-169 et seq; building and building regulations, ch. 7; house code, ch. 15.5; mobile homes and mobile home parks, ch. 19; planning, ch. 22.

ARTICLE I. IN GENERAL


ARTICLE II. SOLID WASTE MANAGEMENT ASSESSMENTS

Sec. 28-16. Annual assessment.
Each industrial and commercial assessment amount in the annual total amount, and each single-family and multiple-family assessment in the annual total amount per individual family unit for a fiscal year shall be set by Resolution of the City Council. These annual totals shall be billed on a monthly or bimonthly basis, as determined by the City of Marshalltown, in a manner convenient to the City of Marshalltown. This manner of billing and collection may include inclusion of this amount on the water bill issued through the offices of the board of waterworks trustees.
(Ord. No. 14571, § 1, 6-23-1997; Ord. No. 14627, § 1, 4-12-1999; Ord. No. 14706, § 1, 2-24-2003; Ord. 14711, 3-24-2003)

Sec. 28-17. Commercial property.
All commercial properties shall pay a single assessment charged against each water meter serving such commercial property.
(Ord. No. 14571, § 2, 6-23-1997)

Sec. 28-18. Industrial property.
All industrial properties shall pay a single assessment charged against each water meter serving such industrial property.
(Ord. No. 14571, § 3, 6-23-1997)

A single assessment shall be made against each single-family residential unit served by a single water meter.
(Ord. No. 14571, § 4, 6-23-1997)

Sec. 28-20. Multiple-family units.
Multiple-family units, whether each unit is occupied or unoccupied, shall pay one assessment per individual living unit, regardless of whether a single owner has title to the entire multiunit complex. The owner shall pay a single assessment amount for each such individual living unit. Multiple-family units are defined as dwellings that are designed for occupancy by more than one family or group of individuals. The number of multiple units shall be measured by the number of families or individual groups which may be housed in such a structure and not by the number of
water meters serving the multiple-family unit. The city may rely upon current data or the records of the housing and inspection officials in the city to determine the number of individual family units in any multiple-family unit complex.
(Ord. No. 14571, § 5, 6-23-1997)

Sec. 28-21. Agricultural property.
Property utilized for agricultural purposes shall be assessed a single assessment charge against each water meter serving such agricultural property. In addition, agricultural property that has a house or other structure upon it shall be assessed a single assessment regardless of whether there is a water meter serving such agricultural property.
(Ord. No. 14571, § 6, 6-23-1997)

Sec. 28-22. Trailer courts.
Each individual lot of a trailer court shall be considered a separate family unit for purposes of assessment in this article. Trailer courts shall be assessed as multiple-family units pursuant to the other sections of this article. Each individual trailer lot shall be subject to a separate assessment, whether occupied or unoccupied.
(Ord. No. 14571, § 7, 6-23-1997)

Sec. 28-23. Property outside city limits.
The city does provide some metered water to individuals living outside of the corporate limits of the city. Such metered users shall not pay an assessment to the city for solid waste purposes.
(Ord. No. 14571, § 8, 6-23-1997)

Sec. 28-24. Exemptions.
No property shall be exempt for any reason, which would otherwise qualify for assessment under this article, based upon any status for tax exemption purposes, historical designation or specific use. However, the city shall not be liable for the charges made under this article.
(Ord. No. 14571, § 9, 6-23-1997)

Sec. 28-25. Appeal.
Any citizen or entity desiring to appeal any assessment made under this article may do so through the office of the city administrator. Any such appeal hearing shall be informal in all respects and shall be conducted by the city administrator whose decision can only be reviewed by the city council.
(Ord. No. 14571, § 10, 6-23-1997)

All owners of real property who do not pay the assessment required by this article shall be subject to certification of any delinquency as a lien upon such real property, which lien shall be collected in the same manner as general property taxes. If the assessment amount is included as a part of the water bill to be paid by the property owner, the water service may be terminated if the assessment amount is not paid.
(Ord. No. 14571, § 11, 6-23-1997; Ord. 14711, 3-24-2003)
ARTICLE III. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

**Sec. 28-27. Discharge of sewage into public streets prohibited.**
It shall be unlawful for any person, firm or corporation to discharge sewage or liquid waste materials of any kind or nature into the public streets or alleys of the City of Marshalltown, Iowa.
(Rev. Ords. 1950, Ord. No. 61, § 1)

**Sec. 28-28. Sanitary sewer connections-Authority of city to require.**
The city shall have power to require the owner of any platted lot, out-lot, subdivision of any lot or tract of ground or of any unplatted subdivision or tract of ground to make sanitary sewer connections to the curb line adjacent thereto from the main sanitary sewer in the street fronting such lot or other tract before such street is permanently improved.
(Ord. No. 8086, § 1, 4-24-1951)

**Sec. 28.28.1 – Sanitary sewer connections to properties outside the City limits of Marshalltown.**
In the event the owner of property located outside the City limits of Marshalltown, Iowa, on which a building or facility requiring drainage is situated within 200 feet of an existing sanitary sewer main or sanitary sewer lateral, which is maintained by the City of Marshalltown, desires to have said property connected to the sanitary sewer system maintained by the city of Marshalltown, the following procedure is prescribed:
The owner must make an application to the City Council of Marshalltown, Iowa, to have said property annexed to the City and become a part thereof. Said application shall be reviewed by the Director of Public Works/City Engineer, who shall approve and recommend action on the application for annexation.
The property owner shall pay all required costs, fees and charges for connection to the City’s sanitary sewer system and upon approval of said application, the owner shall be subject to all requirements contained in this article
(Ord. No. 14944, § 1, 1-11-2016)

**Sec. 28-29. Same-Plans and specifications.**
The director of public works/city engineer shall prepare plans and specifications for making sanitary sewer connections, prescribing the size and kind of pipe to be used and the manner and method of installing the sewer connection, and shall file such plans and specifications with the city clerk.
(Ord. No. 8086, § 2, 4-24-1951)

**Sec. 28-30. Same-Notice to property owners.**
A property owner shall be given notice to construct sanitary sewer connections as provided by this article. Such notices shall be signed by the city clerk and shall be served by personal delivery to the property owner or by mailing thereto by registered mail or by publication in one issue of a newspaper published and having general circulation in the city. Proof of notice shall be filed with the city clerk.
The notice provided for in this section shall be addressed to the owner of record of the property affected and shall contain a description of the property to which such sanitary sewer connection is required to be made, a reference to the plans and specifications to be observed and the time when such connection shall be completed, which shall be not less than ten days after the
completed service of such notice.
(Ord. No. 8086, §§ 3, 4, 4-24-1951)

Sec. 28-31. Same-Action by city when owner fails to comply with notice.
If any property owner fails to make sanitary sewer connection in the manner provided by the plans and specifications required by section 28-29 and within the time fixed by the city council and as contained in the notice to the property owner, the city may cause such sanitary sewer connections to be made and assess the cost thereof against the property.
(Ord. No. 8086, § 5, 4-24-1951)

Sec. 28-32. Assessment of costs as tax when city required to make connection.
The costs accruing as a result of action taken under section 28-31 shall be the actual costs to the city as nearly as can be determined and shall be assessed in one installment by resolution of the council. If not paid to the city clerk within 30 days thereafter, it shall be certified to the county auditor as a special assessment to be placed on a tax list against the property to be collected as a special tax thereon.
(Ord. No. 8086, § 6, 4-24-1951)

Sec. 28-33. Connection fees from nonassessed properties.
Before January 1, 1974. A connection fee or charge is established for sanitary sewer service installed prior to January 1, 1974, to property not assessed for the installation of a sanitary sewer abutting such property or available for a sewer connection thereto of $5.00 per front foot of that portion of the property being served by such connection.
After January 1, 1974. A connection fee or charge is established for sanitary sewer service installed after January 1, 1974, to property not assessed for the installation of a sanitary sewer abutting such property or available for a sewer connection thereto of the actual cost of construction as proportioned to the property by the director of public works/city engineer. This amount shall not exceed the cost of a ten-inch sewer. The director of public works/city engineer shall prepare and file in the office of the city clerk a statement of such costs, and a connection permit from such property to the sanitary sewer system shall not be issued until provisions for payment of such proportionate cost to such property is made with the city.
Sewer constructed under special assessment. When a sanitary sewer improvement is constructed under special assessment procedure and property abutting thereon is not assessed its proportionate share of the costs, the director of public works/city engineer shall prepare and file in the office of the city clerk a statement of such costs, and a connection permit from such property to the sanitary sewer system shall not be issued until provision for payment of such proportionate cost to such property is made with the city. If an easement is required for the construction of a sanitary sewer improvement across such property, the council may waive all or any part of the cost as proportioned to the property by the director of public works/city engineer. The cost of such waived fees shall be paid out of the city water pollution control fund.
Deferred payment of fee. If the fee for connecting to the sanitary sewer is not made with the application for the permit for such connection, the property owner may pay 25 percent of such connection fee and may sign a waiver for deferred payments of the remaining balance of such cost, to be paid in five annual installments, together with interest at a rate set by I.C.A. 74A.4 computed to December 1 following with the September payment of general taxes, and such property owner shall consent in writing for the filing of such assessment cost with the county auditor for collection as provided in this section.
(Ord. No. 12837, §§ 1-4, 12-26-1975)
Sec. 28-34. Sewer deposit.
There is established a sewer deposit for customers using the city sanitary sewer as follows:
A deposit shall be required of any user who has not established a credit record satisfactory to the
Superintendent of the water pollution control plant in an amount equal to the larger of the
average quarterly sewer bill for the type of customer requesting service or $40.00.
Such deposit shall be refunded to the party posting it upon the cessation of use by the depositor
or upon two years' satisfactory credit performance. If there are delinquent charges upon cessation
of use, the deposit may be applied to the charges, and the balance, if any, shall then be refunded.
Nothing in this subsection shall prevent the director from certifying delinquent sewer charges to
the county auditor for tax collection. Overdue sewer charges shall incur a penalty of five percent.

Sec. 28-35. Fee for connection to municipal sanitary sewer utility.
Sewer connection fee districts established. Sewer connection fee districts are established for the
purpose of collection within each such district of a fee from those property owners who shall
make application to connect their properties to the municipal sanitary sewer utility of the city.
District descriptions. The areas and properties included within the sewer connection fee districts
shall be as set forth in the sanitary sewer preliminary connection fee schedule, dated October 27,
1997, referred to in this section as the "schedule," maintained in the office of the city clerk, such
areas being described as follows:
Area 2 generally includes the lots and parcels within an area bounded by Anson Street on the
north, an extension of South 14th Avenue on the west, the city limits on the east, and the
southern boundary approximately 1,320 feet south of Olive Street.
Area 3 generally includes the lots and parcels within an area bounded by Anson Creek and an
extension thereof on the west, approximately 1,320 feet south of the extension of Merle Hibbs
Boulevard for the south boundary, and including properties abutting both sides of Governor Road
from such south boundary to a point approximately 2,900 feet to the north of Merle Hibbs
Boulevard, and terminating at the southern property line of Fisher Controls.
Area 4 generally includes the lots and parcels within an area bounded by Highway 30 on the
south, South Center Street on the west, 240th Street on the north and Governor Road on the east,
and also including the south half of the southeast quarter of section 11, the south half of the
southwest quarter of section 12, all within township 83 north, range 18 west, of the fifth principal
meridian in the county.
Area 5 generally includes the lots and parcels within an area bounded by Parker Avenue and the
northerly extension thereof on the west, Highway 30 on the south, on the east by the east line of
the northwest quarter of the northeast quarter of section 14, township 83 north, range 18 west
of the fifth principal meridian in the county, and including the properties abutting the north side of
240th Street from South 14th Street to South Sixth Street.
Area 6 generally includes the lots and parcels within an area bounded by West Olive Street on
the north, South Sixth Street on the east, Westwood Drive on the south, and the western
boundary of Elmwood Acres Subdivision on the west, and including the property located directly
south of Westwood Drive at its intersection with Timberline Road.
Area 7 generally includes the lots and parcels within an area bounded by Highland Acres Road
on the east, 218th Street on the north, the city limits to the south and to the west line of the
northeast quarter of section 5, township 83 north, range 18 west of the fifth principal meridian in
the county, including Milo Park Subdivisions and additions and properties abutting Marshalltown
Boulevard.
Area 8 generally includes the lots and parcels abutting the west side of Highland Acres Road.
from West Main Street to 218th Street including all of the northeast quarter of the southeast quarter of section 32, township 84 north, range 18 west of the county, but excluding the Pheasant Run Subdivision. Area 8 also includes properties abutting Highland Acres Road at its intersection with Arnold Drive, and the property described as lot 1 of the subdivision of the northwest quarter of the southwest quarter of section 33, township 84 north, range 18 west, except the Williamsburg Addition to the city.

Area 9 generally includes the lots and parcels within an area bounded by the city limits on the north and west, including the southwest quarter of the southwest quarter of section 28; the properties abutting the south side of Summit Street from Union Pacific (C&NW) Railway to North 22nd Street, excepting the properties abutting the west side of North 22nd Street. Area 9 also includes the properties located within the subdivision of the southeast quarter of the southwest quarter of section 28, township 84 north, range 18 west of the county, and the properties abutting West Main Street from Valley View Drive to Highland Acres Road; and including the properties located on the south side of West State Street at or near its intersection with North 21st Street.

Area 10 generally includes the lots and parcels within an area bounded by West Lincoln Way on the south, West Main Street on the north, an extension of Belaire Drive on the west and an extension of Orchard Drive on the east, and including the properties abutting Ann Rutledge Road on the east at or near its intersection with Reyclif Drive, and the properties abutting the north side of West Lincoln Way between Orchard Drive and Brentwood Road.

Area 11 generally includes the lots and parcels within an area bounded by 233rd Street on the south from Highland Acres Road to its point of intersection as extended to South 12th Street on the east; South 12th Street from such point of intersection to West Lincoln Way being the east boundary, the north boundary being West Lincoln Way and the west boundary being Highland Acres Road.

Area 12 generally is described as the east 19 acres of the northeast quarter of section 26 and the west half of the northwest quarter of section 25, except the south 660 feet and the northwest one acre of such northwest quarter.

Sanitary sewer utility connection fee.

A connection fee is imposed for each connection made to the municipal sanitary sewer utility within the boundary of a sewer connection fee district described in subsection (b) of this section or any other location in the city that has not had a previous connection fee charged. The connection fee for all city-constructed sanitary sewers, no matter where or when they were constructed shall be $3,200.00. This fee shall include any lateral stub out costs incurred as part of the city-constructed sewer project.

Property owners subject to the connection fees are not mandated to connect to the municipal sanitary sewer utility if they currently have a properly operating private treatment system. If a property owner’s private treatment system fails as determined by guidelines previously established by the director of public works/city engineer, the property owner will then be required to connect to the municipal sanitary sewer utility. If a property owner does not choose to connect to the sewer mains constructed as part of the project, the property owner is not required to pay a connection fee until such time as a connection is made.

If a property owner is subject to the connection fee and desires to connect to a sewer main constructed as part of the project, the connection fee amount shall be paid entirely at the time a sewer connection permit is obtained from the city by the property owner, or the property owner may pay 25 percent of such connection fee and may sign a waiver for deferred payments of the remaining balance of such cost, to be paid in five annual installments, together with interest at a rate set by Section 74A.4 of the Code of Iowa, computed to December 1 following with the
September payment of general taxes, and such property owner shall consent in writing for the filing of such assessment cost with the county auditor for collection as provided in this section. Property owners may elect to pay the connection fee at any time, although they do not desire to use the municipal sanitary sewer utility, until such time as their private system is deemed to have failed.

The connection fee for property owners connecting to a developer-constructed sewer or previously constructed special assessment sewer shall be $300.00, no matter where or when constructed.

The property owner paying a connection fee will be responsible for the cost of providing the service line from the house to the public main or lateral stub out being constructed as part of the project.

(Ord. 14731, §2, 1-12-04)


DIVISION 2. WATER POLLUTION CONTROL AND SANITARY SEWER SYSTEM*

Sec. 28-41. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD. BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building sewer. Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Natural outlet. Natural outlet means any watercourse, dry run, lake, or any area that drains into any of such areas.

NH3 or NH3-N. NH3 or NH3-N (ammonia) means that portion of nitrogen in the form of protein or intermediate decomposition products which is determined by standard laboratory procedures for analysis of ammonia nitrogen, expressed in milligrams per liter (mg/l).

pH. pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and is a measurement of the intensity of the acidity or alkalinity of the solution.

Privy. Privy means any area used for the act of human defecation and for the storage of the products of this act that is not connected to an approved method of disposal for the waste. This area may include the building housing such an area or may include only the ground around such an area.

Public sewer. Public sewer means a sewer in which all owners of abutting properties have equal rights, and which public authority controls.

Sanitary sewer. Sanitary sewer means a sewer which carries wastes and to which stormwaters, surface waters, and groundwater are not intentionally admitted.

Slug. Slug, meaning excessive concentration, means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Storm. Storm sewer means a sewer that carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent. Superintendent means the superintendent of the city water pollution control plant.
Suspended solids (SS). Suspended solids (SS) means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

User. User means any person, firm, or company that discharges wastes of any kind into the city's sanitary sewer system.

(Ord. No. 14531, § 1, 3-25-1996; Ord. No. 14870 3-8-2010)

Cross reference(s)-Definitions generally, § 1-2.

Sec. 28-42. Responsibility for operation of water pollution control plant.
The policies for the operation of the water pollution control plant and the sanitary sewer system shall be proposed by the physical environment committee of the city council, approved by the whole council, and supervised by the city administrator. The council shall employ a full-time superintendent of the water pollution control plant who will be responsible for the efficient operation of the plant and sanitary sewer collection system.

(Ord. No. 14531, § 2, 3-25-1996; Ord. No. 14870 3-8-2010)

Sec. 28-43. Discharge of untreated wastes prohibited.
It shall be unlawful for any person or legal entity to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent sections of this division. Except as provided in this division, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. The owner of any house, building, or property used for human habitation, human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there may be located a public sanitary sewer is 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 division, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line.

(Ord. No. 14531, § 3, 3-25-1996)

Sec. 28-44. Private disposal systems allowed.
Where a public sanitary sewer is not available under the provisions of section 28-43, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division. Before commencement of construction of a private sewage disposal system, the owner shall first comply with all building and engineering requirements. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sewer department superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for a permit shall notify the city sewer department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the city sewer department, except on weekends and holidays. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state department of natural resources. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1,740 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner.
at all times, at no expense to the city.
No statement contained in this section shall be construed to interfere with any additional
requirements that may be imposed by the city health officer.
A private disposal facility shall be connected to a public sewer within 90 days when, in the
opinion of the director of public works/city engineer, the facility is not working properly due to
unsatisfactory soil infiltration and requires renovation or replacement and he orders that it be
connected to a public sewer, provided a public sewer is available within 100 feet of the property
trace.
(Ord. No. 14531, § 4, 3-25-1996)

Sec. 28-45. Private sewer connections to sanitary sewer system.
No unauthorized person shall uncover, make any connections with or opening into, use, alter, or
disturb any public sewer or appurtenance thereof without first obtaining a written permit from
the director of public works/city engineer.
The design of all sanitary sewers shall be in accordance with the city's standard plans and
specifications or with the approval of the director of public works/city engineer. All sanitary
sewers or building sewers shall be approved by the director of public works/city engineer for
construction prior to work starting, and inspected by city sewer department prior to the sewer
being covered.
There shall be two classes of sewer users as follows:
Residential and commercial service; and
Service to establishments producing industrial wastes.
In either case, the owner or his agent shall make application on a special form furnished by the
city for a building sewer permit. The permit application shall be supplemented by any plans,
specifications, or other information considered pertinent in the judgment of the director of public
works/city engineer and the director.
All costs and expenses incident to the installation, connection and repair of the building sewer
shall be borne by the owner. The owner shall indemnify the city from any loss or damage that
may directly or indirectly be occasioned by the installation of the building sewer.
A separate and independent building sewer shall be provided for every building. However, where
one building stands at the rear of another on an interior lot and no private sewer is available or
can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the
building sewer from the front building may be extended to the rear building and the whole
considered as one building sewer.
Old building sewers may be used in connection with new buildings only when they are found, on
examination and test by the city sewer department, to meet all requirements of this division.
Whenever possible, the building sewer shall be brought to the building at an elevation below the
basement floor. In all buildings in which any building drain is too low to permit gravity flow to
the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved
means and discharged to the building sewer.
No person shall make connection of roof downspouts, exterior foundation drains, areaway
drains, or other sources of surface runoff or groundwater to a building sewer or building drain
that in turn is connected directly or indirectly to a public sanitary sewer. This includes sump
pumps designed to pump surface runoff or groundwater.
The applicant for the building sewer permit shall notify the city sewer department when the
building sewer is ready for inspection and connection to the public sewer. The connection shall
be made under the supervision of the sewer department superintendent.
All excavations for building sewer installation shall be adequately guarded with barricades and
lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. No. 14531, § 5, 3-25-1996)

Sec. 28-46. Discharges into sanitary sewers.
No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, industrial cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged on approval of the director to a storm sewer or natural outlet.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.
Any slug of water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the water pollution control plant.
Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the water pollution control plant.

Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the water pollution control plant, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the water pollution control plant exceeds the limits established by the director for such materials.
Any waters or wastes having a pH in excess of 11.0.
Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the director as necessary of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the director that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities or subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the water pollution control plant, degree of treatability of wastes in the water pollution control plant, and other pertinent factors. The substances prohibited are as follows:
Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).

Any garbage that has not been shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the director.

Any waters or wastes constituting slugs, as defined in this division, as follows:
Unusual concentrations of inert suspended solids such as but not limited to Fullers earth, lime slurries, and lime residues or of dissolved solids such as but not limited to sodium chloride or sodium sulfate.
Excessive discoloration such as but not limited to dye wastes and vegetable tanning solutions.
Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the water pollution control plant.

(Ord. No. 14531, § 6, 3-25-1996)

Sec. 28-47. Power of city to control waste discharges to sanitary sewer system.
If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 28-46 and which, in the judgment of the director, may have a deleterious effect upon the water pollution control plant processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the director may:
Reject the wastes;
Require pretreatment to an acceptable condition for discharge to the public sewers;
Require control over the quantities and rates of discharge; and/or
Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 28-50.
(Ord. No. 14531, § 7, 3-25-1996)

Sec. 28-48. Installation of sampling and metering equipment.
The city may require an industrial user of the POTW to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that landscaping or parked vehicles will not obstruct it.
There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.
Installation of any metering and sampling equipment by the owner must meet the approval of the director.
(Ord. No. 14531, § 8, 3-25-1996)

Sec. 28-49. Director's right of entry.
The director shall have the power to and shall cause an inspection to be made from time to time...
of the premises of any and all factories, industries, garages, dwellings, and other places of
business and places that come under the jurisdiction of the city, the sewage or wastes from which
are or may be discharged deposited or find their way either directly or indirectly into the Iowa
River or any other watercourse within the city's jurisdiction or into any sewer or the city sewer
system, for the purpose of ascertaining whether any such factory, industry, garage, or other place
of business or the occupant or owner of any dwelling is complying with the terms and provisions
of this division or rules, regulations and requirements of the state department of natural
resources, and shall report from time to time to the city council the results of such inspections.
(Ord. No. 14531, § 9, 3-25-1996)

Sec. 28-50. User charge system.
It is determined and declared to be necessary and conducive to the protection of the public
health, safety, welfare and convenience of the city to collect charges from all users who
contribute wastewater to the city's treatment works. The proceeds of such charges so derived will
be used for the purpose of operating, maintaining and retiring the debt for such public
wastewater treatment works.
The following words, terms and phrases, when used in this section, shall have the meanings
ascribed to them in this subsection, except where the context clearly indicates a different
meaning:
Contributor, for the purpose of billing, means the person or company responsible for the
metering device used to bill user charges.
Normal domestic wastewater means wastewater that has BODs concentration of not more than
200 mg/l, a suspended solids concentration of not more than 200 mg/l and a total kjeldahl
nitrogen (TKN) concentration of not more than 75 mg/l.
Operation and maintenance means all expenditures during the useful life of the treatment works
for materials, labor, utilities, and other items which are necessary for managing and maintaining
the sewage works to achieve the capacity and performance for which such works were designed
and constructed.
Pretreated waste means pretreated wastewater requiring only secondary treatment and
disinfection.
Replacement means expenditures for obtaining and installing equipment, accessories, or
appurtenances that are necessary during the useful life of the treatment works to maintain the
capacity and performance for which such works were designed and constructed. The term
"operation and maintenance" includes replacement.
Residential contributor means any contributor to the city's treatment works whose lot, parcel of
real estate, or building is used for domestic dwelling purposes only.
Shall is mandatory; may is permissive.
Treatment works means any devices and systems for the storage, treatment, recycling, and
reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include
intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping,
power, and other equipment and their appurtenances; extensions, improvement, remodeling,
additions and alterations thereof; elements essential to provide a reliable recycled supply such as
standby treatment units and clear well facilities; and any works, including site acquisition of the
land, that will be an integral part of the treatment process or is used for ultimate disposal of
residues resulting from such treatment, including land for composting sludge, temporary storage
of such compost, and land used for the storage of treated wastewater in land treatment systems
before land BOD application; or any other method or system for preventing, abating, reducing,
storing, treating, separating, or disposing of municipal waste or industrial waste, including waste
in combined stormwater and sanitary sewer systems.
Useful life means the estimated period during which a treatment works will be operated.
User charge means that portion of the total wastewater service charge that is levied in a
proportional and adequate manner for the cost of operation, maintenance, and replacement of the
wastewater treatment works.
Water meter means a water volume measuring and recording device, furnished and/or installed
by the city, or furnished and/or installed by a user and approved by the city.
The user charge system shall generate adequate annual revenues to pay costs of annual operation
and maintenance including replacement and costs associated with debt retirement of bonded
capital associated with financing the treatment works that the city may by ordinance designate to
be paid by the user charge system. This section shall establish that portion of the user charge that
is designated for operation and maintenance including replacement of the treatment works.
That portion of the total user charge collected which is designated for operation and maintenance
including replacement purposes, as established in this section, shall be deposited in a separate
non-lapsing fund known as the operation, maintenance and replacement fund and will be kept in
two primary accounts as follows:
An account designated for the specific purpose of defraying operation and maintenance costs,
excluding replacement, of the treatment works (operation and maintenance account).
An account designated for the specific purpose of ensuring replacement needs over the useful life
of the treatment works (replacement account). Deposits in the replacement account shall be made
annually from the operation, maintenance and replacement revenue in the amount required by the
capital improvement program.
Fiscal year-end balances in the operation and maintenance account and the replacement account
shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no
other purposes than those designated for these accounts. Moneys that have been transferred from
other sources to meet temporary shortages in the operation, maintenance and replacement fund
shall be returned to their respective accounts upon appropriate adjustment of the user charge
rates for operation, maintenance and replacement. The user charge rates shall be adjusted such
that the transferred moneys will be returned to their respective accounts within the fiscal year
following the fiscal year in which the moneys were borrowed.
Each user shall pay for the services provided by the city based on his use of the treatment works
as determined by water meters acceptable to the city.
For residential contributors, user charges will be based on water usage during a designated
billing cycle as evidenced by meter readings. For industrial and commercial contributors, user
charges shall be based on water used during a designated billing cycle. If a commercial or
industrial contributor has consumptive use of water or in some other manner uses water which is
not returned to the wastewater collection system, the user charge for that contributor may be
based on a wastewater meter or separate water meter installed and maintained at the contributor's
expense, and in a manner acceptable to the city.
Base Charge and Flow Charge
Effective with the first billing after January 1st of each year shown herein, each user shall pay
the following user charge rates of:

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<thead>
<tr>
<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
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<tbody>
<tr>
<td>a.) City contributors (except pretreated waste):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.) Base charge per month per meter</td>
<td>$18.92</td>
<td>$21.20</td>
<td>$23.75</td>
</tr>
<tr>
<td>2.) Flow charge per 100 cubic feet</td>
<td>$2.45</td>
<td>$2.75</td>
<td>$3.08</td>
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<tr>
<td>b.) Pretreated wastes (requires only secondary treatment):</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
1.) Base charge per month per meter $2.36 $2.65 $2.97
2.) Flow charge per 100 cubic feet $1.88 $1.95 $2.02

Other Charges.
The base charge shall be charged on each meter being used to register wastewater flow.
Effective with the first billing after January 12t of each year shown herein, a discharger of high
strength waste greater than normal domestic (200 mg/l BOD, 200 mg/l SS, and 75 mg/l TKN)
shall pay the following charges:
For each day the discharge permit is exceeded, $1,000.00, and/or a single charge of $1,000.00 for
exceeding the monthly average limit.
A sampling charge for each day the city performs wastewater sampling as spelled out in the users
discharge permit, shall be at the sample testing approved by resolution of the Marshalltown City
Council.
For those contributors who contribute wastewater, the strength of which is greater than normal
domestic sewage, a surcharge in addition to the normal user charge will be collected. The
surcharge for operation and maintenance including replacement and debt is as follows:

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<thead>
<tr>
<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.) SS per pound</td>
<td>$0.32</td>
<td>$0.34</td>
<td>$0.367</td>
</tr>
<tr>
<td>b.) BOD per pound</td>
<td>$0.54</td>
<td>$0.57</td>
<td>$0.60</td>
</tr>
<tr>
<td>c.) TKN per pound</td>
<td>$0.35</td>
<td>$0.37</td>
<td>$0.39</td>
</tr>
</tbody>
</table>

Any user which discharges any toxic pollutants which cause an increase in the cost of managing
the effluent or the sludge from the city's treatment works or any user which discharges any
substance which singly or by interaction with other substances causes identifiable increases in
the cost of operation, maintenance, or replacement of the treatment works shall pay for such
increased costs. The charge to each user shall be as determined by the responsible plant operating
personnel and approved by the city council.
The user charge rates established in this section apply to all users, regardless of their location, of
the city's treatment works.
Billing for surcharges will be done from laboratory tests performed by the city water pollution
control plant. Procedures used for these tests will conform to those methods contained in 40 CFR
136 and amendments.
The city shall review the system’s revenues and expenditures every year and shall revise user
charge rates as necessary to ensure that the system generates adequate revenues to pay the costs
of operation and maintenance including replacement and that the system continues to provide for
the proportional distribution of operation and maintenance including replacement costs among
users and user classes.
(Ord. No. 14531, § 10, 3-25-1996; Ord. No. 14572, § 1, 6-23-1997; Ord No 14691, § 1 , 4-22-
2002, Ord. No. 14780, §1, 04-24-2006; Ord. No. 14855 § 1, 4-13-2009; Ord 14914, §1. 12-10-
2012, Ord 14945 §1, 3-14-2016)

Sec. 28-51. Billing of charges, rates and rentals.
The bills to users for charges, rates or rentals established and maintained in this division or as
adjusted and maintained in this division shall be due and payable and become delinquent at such
times as shall coincide with the due and delinquent dates of water bills of the city waterworks
department. However, for users having privately owned water supplies, the due and delinquent
dates shall be at all times as shall be fixed by the director. There shall be an additional charge made and added to bills in all cases, if bills are not paid when due, which shall be a penalty of five percent of the amount thereof. Each bill shall show the net charge, which shall be the amount computed on the basis established in this division or as the charge may be adjusted, and which charge shall be applicable and the amount payable and collectible up to and including the due date. Each bill shall also show a gross charge that shall be the net charge plus the five-percent penalty, and the gross charge shall be applicable and be the amount payable and collectible after the due date. The billing and collection of sewer bills by the city waterworks shall be done in the same manner as handled for the collection of water bills, and as set forth by the waterworks (Ord. No. 14531, § 11, 3-25-1996; Ord 14914, §1. 12-10-2012, Ord 14945 §1, 3-14-2016)

Sec. 28-52. Lien for bills.
The sewage charges in this division shall constitute a lien upon the premises served by the water pollution control plant. Quarterly, or more often if deemed appropriate, the Superintendent of the water pollution control plant may either furnish to the city clerk, or submit on his or her own, a list of all sewerage rental charges that have remained unpaid and delinquent for a period of 60 days prior to the end of that quarter, together with the name of the owner and the legal description of the property or premises for each separate bill, to be certified to the county auditor for collection in the same manner as taxes, and when so collected the proceeds shall become a part of the water pollution control plant rental fund of the city. (Ord. No. 14531, § 12, 3-25-1996; Ord. No. 14870, 3-8-2010; Ord 14914, §1. 12-10-2012, Ord 14945 §1, 3-14-2016)

Sec. 28-53. Penalty.
Any person, firm or corporation violating the provisions of this division shall, upon conviction, be liable for any damages done to the sanitary sewer system or the water pollution control plant and shall be punished by a Civil Penalty as provided in Sec. 1-10 of the Code. Each day that a violation continues may be considered a separate violation (Ord. No. 14531, § 13, 3-25-1996; Ord 14914, §1. 12-10-2012, Ord 14945 §1, 3-14-2016; Ord. No. 14970, § 36, 11-27-2017)

Secs. 28-54 – 28-60. Reserved.

DIVISION 3. TRANSPORTED WASTES*

Sec. 28-61. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Grease trap wastes means grease solids collected from a device used to trap grease resulting from food preparation.
Industrial waste means the waste from industrial users.
Mudpit waste means any waste collected in a properly designed interceptor (clarifier) that handles wastes from private or public wash racks or floor slabs used for cleaning or drying of vehicles or machinery.
Mudpit waste disposal area means the area set up and managed by the city for the storage and disposal of mudpit wastes.
Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Clean Water Act, owned by the city. This definition includes any devices and systems used in
the storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature or that convey wastewater to the wastewater treatment plant, regardless of ownership. Septage waste means human excreta, water, scum, septage and food waste from public and private wastewater disposal systems or holding tanks, impervious vaults, portable or chemical toilets. Superintendent means the superintendent of the city water pollution control plant or his or her authorized representatives. Waste means, in general, any or all of grease trap waste, mudpit waste, or septage waste. Waste hauler means a person or firm engaged in the business of cleaning or disposing of waste from public or private waste facilities, including a person or firm that owns and rents or leases portable toilets. Wastewater treatment plant means that portion of the POTW that is designed to provide treatment, including recycling and reclamation, of wastewater and industrial wastes. (Ord. No. 14461, § 1, 5-23-1994; Ord. No. 14870, 3-8-2010) Cross reference(s)-Definitions generally, § 1-2.

Sec. 28-62. Licensing of waste haulers.
License required. No waste hauler shall collect wastes from within the corporate limits of the city or shall dump or dispose of wastes, whether from a source inside or outside the corporate limits of the city, into the city POTW or mudpit waste disposal area without first obtaining a waste hauler's license from the city. 
Issuance criteria; minimum requirements. The waste hauler's license shall be issued by the city clerk upon approval by the wastewater treatment plant director after review of a written application, which shall consist of the following minimum requirements:
Application form. An application form developed and furnished by the director shall be completed and submitted by the waste hauler for each vehicle to be licensed.
Inspection. The wastewater treatment plant, upon application, should inspect the waste hauling vehicle and associated equipment and determine if it meets the minimum qualifications for complying with the conditions of this division. Vehicles with a rated capacity in excess of 2,500 gallons will be approved only upon special authorization of the director.
License fee. An application for a waste hauler's license shall require the payment of a fee of $50.00 for each vehicle used by the applicant.
Bond. A bond of $10,000.00 shall be posted in cash or by a bonding company authorized to do business in the state and shall be conditioned upon lawful performance by the licensee with the city ordinances and the rules and regulations of the water pollution control plant Superintendent and shall be subject to liability of any licensee for damage to the POTW or mudpit waste disposal area by discharging waste of a nature that is hazardous to the POTW or sludge, river, or mudpit waste disposal area.
Renewal. A waste hauler's license shall expire on December 31 next after its issuance. Renewal applications must be made in the same manner as the initial application and must be received at the water pollution control plant 14 days prior to expiration. Failure to apply 14 days prior to expiration may result in an interruption in the license and the privileges of such license. Transferability of license. A waste hauler's license is not transferable. Waste haulers shall inform the water pollution control plant when vehicle ownership is transferred. (Ord. No. 14461, § 1, 5-23-1994; Ord. No. 14870 3-8-2010)

Sec. 28-63. Denial, suspension and revocation of waste hauler's license.
The city may suspend, revoke or deny a waste hauler's license for any of the following reasons: A material misstatement of facts in a license application or submission of an incomplete
application.
Failure to pay fees or costs as allowed by this Code.
Violation of the rules governing waste haulers.
An inspection shows deficiencies in equipment.
The waste hauler's license has been suspended by the city due to noncompliance with the provisions of this division.
No revocation shall be issued except upon notice delivered to the licensee by mailing the notice through the regular mail addressed to the licensee at the address listed on the license application a minimum of ten days prior to the date set for the hearing before the city administrator. Such notice shall inform the licensee of the time, date and place of the hearing; the purpose of the hearing; and shall set out the reasons therefore. However, if a violation of this division is of such nature that the violation is deemed to be an immediate hazard by the director of the wastewater treatment plant, the director shall be authorized to temporarily suspend the license until notice can be given and hearing held.
If, after such hearing, the city administrator makes a finding based on substantial evidence that a violation of this division did in fact occur as alleged, and city administrator may continue suspension of, suspend or revoke the license; the determination of whether to revoke such license shall be in the discretion of the city administrator and shall be dependent upon the circumstances surrounding the violation and its severity.
The decision of continued suspension, suspension or revocation made by the city administrator may be appealed to the city council. In order to appeal such decision, written notice of appeal must be filed with the city clerk within three days after receipt of the decision. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the decision of continued suspension or revocation of the city administrator.
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 at the next regular council meeting, if such notice is received by 5:00 p.m. on the Wednesday before the next regular council meeting. If notice is not received by such designated time, the hearing will be scheduled for the next following council meeting. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city administrator and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing the city council may affirm or reverse the order of the city administrator. 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.
If the city council affirms the action of the city administrator continuing the suspension or revocation, the city council shall so state and order in its written decision.
A licensee whose license has been revoked shall not be eligible for another waste hauler's license for a period of two years.
(Ord. No. 14461, § 1, 5-23-1994)

Sec. 28-64. Standards for vehicle and equipment.
For all vehicles and equipment used by waste haulers, the licensee shall:
Prevent waste and wastewater from leaking, spilling, or discharging onto roads or rights-of-way.
Ensure proper construction and repair of the equipment to allow cleaning.
Maintain vehicles and equipment in an essentially rust free and sanitary condition and appearance.
Display the business name as it appears on the waste hauler's license in three-inch or larger letters on the left and right sides of the vehicle.
Sec. 28-65. Disposal generally.
Waste haulers shall dispose of hauled wastes permitted by this division according to rules for land application as found in state law or at a location designated by the director. Waste haulers may also dispose of hauled wastes at municipal wastewater treatment plants outside the city where such wastes are accepted. Hours for disposal at the city facilities shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except as preapproved with the director. Waste haulers shall maintain the designated disposal location in a clean and orderly condition to avoid noxious odors and unsanitary conditions.

Sec. 28-66. Standards for disposal.
Under this division, disposal of wastes to the POTW or mudpit waste disposal area shall be carried out in accordance with all federal, state, and local laws, including the city's industrial pretreatment ordinance. The director may reject wastes from any waste hauler who does not comply with this section or with any section of this division. Waste haulers shall deliver wastes in accordance with the following:
No industrial/commercial waste other than grease trap waste shall be delivered to the POTW unless it can be shown that the waste is only domestic septage or mudpit waste.
No hazardous wastes, as defined in 40 CFR 261 or I.C.A. ch. 131, shall be delivered.
Mudpit wastes shall be delivered to the mudpit waste storage area in accordance with the mudpit waste disposal program.
No mudpit wastes shall be delivered to the mudpit waste storage area that would cause the city to be in noncompliance with the state's rules on petroleum-contaminated soils.
Domestic septage and grease trap wastes shall be delivered to the POTW in accordance with the septage and grease trap waste disposal program.
No wastes shall be delivered from an animal confinement facility.
No wastes shall be delivered from a vehicle also used to transport hazardous or toxic wastes detrimental to the POTW or mudpit waste disposal area.

Sec. 28-67. Discharge prohibitions.
No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance or pass through of the POTW. In addition, the following pollutants shall not be introduced into the POTW:
Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and in no case pollutants with a flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius).
Solid or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as but not limited to animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, diapers, rags, spent grains, spent hops,
wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes. Discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through is prohibited.
Any wastewater having a pH less than 5.5 or greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process or to constitute a hazard to humans or animals.
Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life.
Any substance that may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
Any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process or which will constitute a hazard to humans.
Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
Any wastewater that causes a hazard to human life or creates a public nuisance.
Any wastewater containing any medical or infectious wastes.
Any trucked or handled pollutants except at discharge points designated by the POTW director in accordance with this division.
Any wastewater causing the treatment plant's effluent to fail a toxicity test.
(Ord. No. 14461, § 1, 5-23-1994)

Sec. 28-68. Disposal fee.
When wastes are disposed of at the city treatment facilities, a treatment and disposal fee shall be set per unit of volume of hauled waste. This fee shall be equal to the cost of treatment and disposal. The fees shall be as follows:

Septage waste.
Effective April 1, 2009: A minimum charge of $0.111 per gallon will be placed on all septage wastes collected.
Effective April 1, 2010: A minimum charge of $0.114 per gallon will be placed on all septage
Effective April 1, 2011: A minimum charge of $0.118 per gallon will be placed on all septage wastes collected.

All rates are based on and charged for a FULL truckload of waste, unless the collection vehicle has a calibrated electronic volume meter approved by the City of Marshalltown Water Pollution Control Department. Vehicles with an electronic volume meter shall either be charged by the gallon shown on the meter plus a ten dollar ($10.00) meter reading fee per load or a full tank load volume fee.

Grease Trap Wastes
Effective April 1, 2009: A minimum charge of $.127 per gallon will be placed on all grease trap wastes collected from within the City and 2.0 times the rate or $0.254 per gallon for disposal and treatment of grease trap wastes collected outside the City.

Effective April 1, 2010: A minimum charge of $.131 per gallon will be placed on all grease trap wastes collected from within the City and 2.0 times the rate or $0.262 per gallon for disposal and treatment of grease trap wastes collected outside the City.

Effective April 1, 2011: A minimum charge of $.135 per gallon will be placed on all grease trap wastes collected from within the City and 2.0 times the rate or $0.270 per gallon for disposal and treatment of grease trap wastes collected outside the City.

All rates are based on and charged for a FULL truckload of waste, unless the collection vehicle has a calibrated electronic volume meter approved by the City of Marshalltown Water Pollution Control Department. Vehicles with an electronic volume meter shall either be charged by the gallon shown on the meter plus a ten dollar ($10.00) meter reading fee per load or a full tank load volume fee.

If grease trap waste is co-mingled with septage, the full load or metered load will be charged at the higher rate for grease trap waste.

Mudpit facility registration. Any owner of a mudpit wishing to dispose of the mudpit waste at the city mudpit waste disposal facility shall pay a registration fee of $100.00 per calendar year and shall provide cleaning of the pit at least once per year.

Mudpit waste. A minimum charge of $50.00 per vehicle load will be placed on all mudpit wastes collected from within the City, and an additional $25.00 per cubic yard in excess of two yards per vehicle load. Mudpit wastes shall not be accepted from outside the City limits.

Other wastes. The Water Pollution Control Plant Superintendent may accept other large volumes of trucked waste if he/she feels the treatment plant can handle the waste loading. The charge for such waste would be twice the current rate charged per the city's sewer use ordinance, but at no time less than $0.03 per gallon. The trucked waste discharger is responsible for all costs associated with the sampling and testing of the waste as required by the Director.

(Ord. No. 14461, § 1, 5-23-1994; Ord. No. 14564, § 1, 4-14-1997; Ord. No. 14690, § 1, 4-22-2002; Ord. No. 14852 §1, 2-9-2009; Ord. No. 14870 3-8-2010)

Sec. 28-69. Enforcement action.
Any person, firm or corporation who violates or resists the enforcement of any provision of this division shall be guilty of a municipal infraction, punishable as provided in Sec. 1-10 of the Code. Each violation constitutes a separate offense. Any person, firm, or corporation who violates a provision of this division after previously being found guilty of violating the same provision of this division at the same location or at a different location shall be guilty of a repeat offense.

Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including injunctive relief, suits for monetary damages, or enforcement action.
provisions under the city's industrial pretreatment ordinance.
(Ord. No. 14461, § 1, 5-23-1994, Ord 14933 §4, 9-8-2014)

Secs. 28-70 – 28-75. Reserved.

DIVISION 4. NONRESIDENTIAL TREATMENT REGULATIONS*

Sec. 28-76. Purpose and policy.
This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws including the Clean Water Act and the General Pretreatment Regulations, 40 CFR 403.
The objectives of this division are to:
Prevent the introduction of pollutants into the city's wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
Prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
Provide for equitable distribution of the cost of the municipal wastewater system.
This division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this division.
This division shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided in this division, the director of the city POTW shall administer, implement, and enforce the provisions of this division.
(Ord. No. 14438, § 1.1, 8-23-1993)

Sec. 28-77. Definitions and abbreviations.
Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Act or the act means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC 1251 et seq., as amended.
Approval authority means the director of the department of natural resources, who is the pretreatment program approval authority.
Authorized representative of the industrial user means as follows:
If the industrial user is a corporation:
The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation.
The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00, in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the
manager in accordance with corporate procedures.
If the industrial user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
If the industrial user is a federal, state or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
The individuals described in subsections (i) and (ii) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
Building sewer means the extension from the building drain to the public sewer or other place of disposal.
Categorical standards mean national categorical pretreatment standards or pretreatment standards.
City means the City of Marshalltown or the city council of Marshalltown.
Cooling water means the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
Control authority means the director of the POTW.
Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.
Director means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.
Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.
Grab sample means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
Indirect discharge means the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317) into the POTW, including holding tank waste discharged into the system.
Industrial user (I.U.) means a source of non-domestic waste; any non-domestic source discharging pollutants to a POTW.
Interference means a discharge which, alone or in conjunction with a discharge from other sources: inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under or more stringent state or local regulations: section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state
sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

National Pollution Discharge Elimination System permit or NPDES permit means a permit issued pursuant to section 402 of the act (33 USC 1342).

National pretreatment standard, pretreatment standard or standard means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5 of the article.

New source means:
Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
The building, structure, facility or installation is constructed at a site at which no other source is located;
The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:
Begun or caused to begin as part of a continuous on-site construction program:
Any placement, assembly, or installation of facilities or equipment; or
Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Pass through means a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and is a measurement of the intensity of the acidity or alkalinity of the solution.

Pollutant means any dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or
discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.
Pollution means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.
Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).
Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the act (33 USC 1292) that is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this division, the acronym "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
Shall is mandatory. May is permissive.
Significant industrial user or major contributing industries applies to the following:
Industrial users subject to categorical pretreatment standards; and
Any other industrial user that:
Discharges an average of 25,000 gpd or more of process wastewater;
Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
Is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits). The approval authority may choose to review deletions and/or require additional facilities to be listed.
Significant noncompliance means:
Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass
Through (including endangering the health of POTW personnel or the general public).
Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or
to the environment or has resulted in the POTW's exercise of its emergency authority under
paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge.
Failure to meet, within 90 days after the schedule date, a compliance schedule milestone
contained in a local control mechanism or enforcement order for starting construction,
completing construction, or attaining final compliance.
Failure to provide, within 45 days after the due date, required reports such as baseline monitoring
reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance
with compliance schedules.
Failure to accurately report noncompliance.
Any other violation or group of violations, which may include a violation of Best Management
Practices, which the POTW determines will adversely affect the operation or implementation of
the local Pretreatment program.
Slug load means any pollutant, including BOD, released in a discharge at a flow rate or
concentration sufficient to cause a violation of the specific discharge prohibitions in 40 CFR
403.5(b) to 403.12(f).
Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial
Classification Manual issued by the Executive Office of the President, Office of Management
and Budget, 1972.
Stormwater means any flow occurring during or following any form of natural precipitation and
resulting therefrom.
Suspended solids mean the total suspended matter that floats on the surface of or is suspended in
water, wastewater or other liquids and which is removable by laboratory filtering.
Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations
promulgated by the administrator of the Environmental Protection Agency under the provision of
CWA 307(a) or other acts.
User means any person who contributes, causes or permits the contribution of wastewater into
the city's POTW.
Wastewater contribution permit means as set forth in section 28-88 of this division.
Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells,
springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or
accumulations of water, surface or underground, natural or artificial, public or private, which are
contained within, flow through, or border upon the state or any portion thereof.
Abbreviations. The following abbreviations shall have the designated meanings:
BOD Biochemical oxygen demand
CFR Code of Federal Regulations
COD Chemical oxygen demand
EPA Environmental Protection Agency
L Liter
Mg Milligrams
mg/l Milligrams per liter
NPDES National Pollutant Discharge Elimination System
POTW Publicly owned treatment works
SIC Standard industrial classification
SWDA Solid Waste Disposal Act, 42 USC 6901 et seq.
USC United States Code
TSS Total suspended solids
Sec. 28-78. General discharge prohibitions.
No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance or pass through of the POTW. The general prohibitions and specific prohibitions listed in this section apply to all such users or a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standard or requirements. Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system that might alter the nature, quality or volume of its wastewater at least 30 days before the change.

The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 28-88(b).

The director may issue a wastewater discharge permit under section 28-88 or modify an existing wastewater discharge permit under subsection 28-88(c).

No industrial user shall implement the planned changes until and unless the director has responded to the industrial user's notice.

For purposes of this section, flow increases of ten percent or greater and the discharge of any previously unreported pollutants shall be deemed significant.

(Ord. No. 14438, § 2.1, 8-23-1993)

Sec. 28-79. Specific prohibitions.
In addition to the general discharge prohibitions in section 28-78, the following pollutants shall not be introduced into the POTW:

Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any portion in the system, be more than five percent or any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and in no case pollutants with a flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius).

Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the wastewater treatment facilities such as but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, diaplers, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes. Discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through is prohibited.

Any wastewater having a pH less than 5.5 or greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create the limitation set forth in a categorical pretreatment
standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

Any substance that may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Wastes Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

Any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater with a temperature which will cause the treatment plant headworks wastewater temperature to exceed 40 degrees Celsius (104 degrees Fahrenheit).

Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process or which will constitute a hazard to humans or animals.

Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

Any wastewater that causes a hazard to human life or creates a public nuisance.

Any wastewater containing any medical or infectious wastes.

Any trucked or handled pollutants except at discharge points designated by the POTW director in accordance with the city's trucked waste ordinance.

Any wastewater causing the treatment plant's effluent to fail a toxicity test.

When the director determines that a user is contributing to the POTW any of the substances enumerated in subsection (a) of this section in such amounts as to interfere with the operation of the POTW, the director shall:

Advise the user of the impact of the contribution on the POTW; and

Develop effluent limitations for such user to correct the interference with the POTW.

(Ord. No. 14438, § 2.1.1, 8-23-1993; Ord. No. 14446, § 1, 11-8-1993)

**Sec. 28-80. Federal categorical pretreatment standards.**

The national categorical pretreatment standards found in 40 CFR chapter I, subchapter N, parts 405-471 are incorporated into this division by reference. Upon the promulgation of new federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(Ord. No. 14438, § 2.2, 8-23-1993)
Sec. 28-81. State requirements.
State requirements and limitations on dischargers shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.
(Ord. No. 14438, § 2.3, 8-23-1993)

Sec. 28-82. City's rights of revision.
The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 28-76.
(Ord. No. 14438, § 2.4, 8-23-1993)

Sec. 28-83. Excessive discharge.
Under this division, no user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the city or state. (Comment: This dilution is an acceptable means of complying with the pH prohibition.)
(Ord. No. 14438, § 2.5, 8-23-1993)

Sec. 28-84. Accidental discharges (slug loads).
Generally. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility. No user who commences contribution to the POTW after the effective date of the ordinance from which this division derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. If an accidental discharge (slug load) occurs, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, the type of waste, the concentration and volume, and corrective actions.
Written notice. Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. No such notification shall relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the use of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.
Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call if a slug or accidental discharge occurs. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
(Ord. No. 14438, § 2.6, 8-23-1993)

Sec. 28-85. Accidental discharge/slug control plans.
For the purpose of this division, the director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the director
shall evaluate whether each significant industrial user needs a plan. Any industrial user required
to develop and implement an accidental discharge/control slug plan shall submit a plan that
addresses, at a minimum, the following:
Description of discharge practices, including nonroutine batch discharges.
Description of stored chemicals.
Procedures for immediately notifying the POTW of any accidental or slug discharge. Such
notification must also be given for any discharge that would violate any of the prohibited
discharges in section 28-78.
Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures
include but are not limited to inspection and maintenance of storage areas, handling and transfer
of materials, loading and unloading operations, control of plant site runoff, worker training,
building of containment structures or equipment, measures for containing toxic organic
pollutants including solvents, and/or measures and equipment for emergency response.
(Ord. No. 14438, § 2.7, 8-23-1993)

Sec. 28-86. Fees.
Purpose. It is the purpose of this division to provide for the recovery of costs from users of the
city's wastewater disposal system for the implementation of the program established in this
division. The applicable charges or fees shall be set forth by resolution in the city's schedule of
charges and fees.
Adoption. The city may adopt charges and fees that may include the following:
Fees for reimbursement of costs of setting up and operating the city pretreatment program.
Fees for monitoring, inspections and surveillance procedures.
Fees for reviewing accidental discharge procedures and construction.
Fees for permit applications.
Fees for filing appeals.
Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment
standards.
Other fees as the city may deem necessary to carry out the requirements contained in this
division.
The fees relate solely to the matters covered by this division and are separate from all other fees
chargeable by the city.
City's scheduling of charges and fees.
The cost of setting up and operating the city's pretreatment program shall be absorbed in the
administrative costs of the operation of the POTW.
Fees for monitoring, sample equipment, sample handling and laboratory testing, are set by
council resolution and are reviewed periodically to ensure the fee covers the cost of performing
the work.
A wastewater discharge permit application fee shall be assessed each wastewater discharge
permit holder, as well as a renewal fee as set by council resolution. An additional fee shall be
assessed in the amount of $50.00 per month past the time due as required by this division.
An appeal filing fee shall be assessed in the amount of $100.00.
(Ord. No. 14438, § 3, 8-23-1993)

Sec. 28-87. Wastewater discharger permits.
It shall be unlawful to discharge without a city permit and/or department of natural resource
permit to any natural outlet within the city or in any area under the jurisdiction of the city and/or
to the POTW any wastewater except as authorized by the director in accordance with the
provisions of this division.
Sec. 28-88. Wastewater contribution permits.
General permits. All significant users or major contributors proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall maintain their existing wastewater contribution permits.

Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the city and accompanied by the permit application fee. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. Each existing user shall submit an application for a permit renewal 90 days prior to the expiration date of the current permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
Name, address, and location, if different from the address.
SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended.
Wastewater constituents and characteristics, including but not limited to those mentioned in sections 28-78-28-85 as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the Environmental Protection Agency pursuant to section 304(g) of the act and contained in 40 CFR 135, as amended.
Time and duration of the contribution.
Average daily and 15-minute peak wastewater flow rates, including daily, monthly and seasonably variations, if any.
Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
Description of activities, facilities and plant processes on the premises including all materials that are or could be discharged.
Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment shall be established. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard (see subsection 28-89(3)). The following conditions shall apply to this schedule:
The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).
No increment referred to in subsection (b)(9)a of this section shall exceed nine months, nor shall the total compliance period exceed 18 months.
Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken
by the user to return the construction to the schedule established. In no event shall more than
nine months elapse between such progress reports to the director.
Each product produced by type, amount, process and rate of production.
Type and amount of raw materials processed, average and maximum per day.
Number and type of employees and hours of operation of the plant and proposed or actual hours
of operation of the pretreatment system.
Any other information as may be deemed by the city to be necessary to evaluate the permit
application.
All plans required in this subsection must be certified for accuracy by a state-registered
professional engineer.
The city will evaluate the data furnished by the user and any required additional information.
After evaluation and acceptance of the data furnished, the city may issue a wastewater
contribution permit subject to terms and conditions provided in this division.
Permit modification. This permit may be modified for good cause, including but not limited to
the following:
To incorporate any new or revised federal, state, or local pretreatment standards or requirements.
Material or substantial alterations or additions to the discharger's operation processes, or
discharge volume or character which were not considered in drafting the effective permit.
A change in any condition in either the industrial user or the POTW that requires either a
temporary or permanent reduction or elimination of the authorized discharge.
Information indicating that the permitted discharge poses a threat to the control authority's
collection and treatment systems, POTW personnel or the receiving waters.
Violation of any terms or conditions of the permit.
Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any
required reporting.
To correct typographical or other errors in the permit.
To reflect transfer of the facility ownership and/or operation to a new owner/operator.
Upon request of the permittee, provided such request does not create a violation of any
applicable requirements, standards, laws, or rules and regulations.
Under promulgation of a national categorical pretreatment standard, the wastewater contribution
permit of users subject to such standards shall be revised to require compliance with such
standard within the timeframe prescribed by such standard. Where a user, subject to a national
categorical pretreatment standard, has not previously submitted an application for a wastewater
contribution permit as required by subsection (b) of this section, the user shall apply for a
wastewater contribution permit within 90 days after the promulgation of the applicable national
categorical pretreatment standard. In addition, the user with an existing wastewater contribution
permit shall submit to the director, within 90 days after the promulgation of an applicable federal
categorical pretreatment standard, the information required by subsections (b)(8) and (b)(9) of
this section.
Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of
this division and all other applicable regulations, user charges and fees established by the city.
Permits may contain the following as determined by the director:
Limits on the average and maximum wastewater constituents and characteristics.
Limits on average and maximum rate and time of discharge or requirements for flow regulations
and equalization.
Requirements for installation and maintenance of inspection and sampling facilities.
Specifications for monitoring programs that may include sampling locations, frequency of
sampling, number, types and standards for tests and reporting schedule.
Compliance schedules.
Requirements for submission of technical reports or discharge reports (see section 28-89) and including monthly monitoring reports.
Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto. Industrial users must keep records of monitoring activities and results for a minimum of three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this division, or where the industrial user has been specifically notified of a longer retention period by the director and/or approval authority.
Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
Requirements for notification of slug discharges as per section 28-84.
Other conditions as deemed appropriate by the city to ensure compliance with this division.
Permit duration. Permits shall be issued for a specified time period, not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific day.
The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements, as identified in sections 28-78-28-85, are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
Report of changed conditions. Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system that might alter the nature, quality or volume of its wastewater at least 30 days before the change in accordance with the following:
The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection (b) of this section.
The director may issue a wastewater discharge permit under subsection (a) of this section or modify an existing wastewater discharge permit under subsection (c) of this section.
No industrial user shall implement the planned changed conditions until and unless the director has responded to the industrial user's notice.
For purposes of this subsection, flow increases of ten percent or greater and the discharge of any previously unreported pollutants shall be deemed significant.
(Ord. No. 14438, § 4.2, 8-23-1993)

Sec. 28-89. Reporting requirements for permittee.
General pretreatment regulations at 40 CFR 403.12 set forth five basic reporting requirements that apply to industrial users subject to specific categorical pretreatment standards. Categorical industrial users must comply with these federal reporting requirements, even if the control authority has determined that the local limit requirement is more stringent than the categorical standard. These requirements are as follows:
Baseline monitoring report (403.12(b)). A baseline monitoring report is required, including a compliance schedule, when necessary, for meeting categorical standards (403.12(c)). Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the director a report which contains the information listed in 40 CFR 403.12(b)1-7. At least 90 days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the director a report which contains the information listed in 40 CFR 403.12(b)1-7. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

Report on compliance with categorical pretreatment standard deadline (403.12(d)). Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

Compliance schedule for meeting categorical pretreatment standards. (See subsection 28.88(b)(9).) The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards.

Periodic report on continued compliance (403.12(e)). Categorical and noncategorical industrial users are required to report on their regulated waste discharges to the control authority at least semiannually. The regulations (section 403.12(e)(1)) state that the reports are to contain information indicating the nature and concentration of pollutants in the effluent that are limited by such categorical pretreatment standards. For some categorical TTO standards, the categorical regulation provides for the use of a certification as a substitute for sampling and analysis results. In addition, this report shall include a record of measured or estimated average daily flows for the reporting period. If the city performs all of the monitoring and sampling requirements of the industrial user's permit, every six months the city will send all permitted industrial users a standard six-month compliance form for the industrial user to certify compliance.

Signatory requirements. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine for knowing violations.”

Notice of slug loading (403.12(f)). (See section 28-84.) All industrial users must notify the control authority immediately of any slug loading. Slug loading is defined as any pollutant, including biochemical oxygen demand (BOD), released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works.

Notification of discharge of hazardous waste.

Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the Environmental Protection Agency Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the Environmental Protection Agency hazardous waste number, and the type of discharge (continuous batch, or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection 28-88(c)(3). The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements.

Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

If any new regulations under section 3001 of RCRA identify additional characteristics of hazardous waste or list any additional substance as a hazardous waste, the industrial user must notify the POTW, the Environmental Protection Agency Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations. For any notification made under this subsection, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.


Sec. 28-90. Analyses.

All analyses required under this division shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and contained in 40 CFR 136 and amendments. Where 40 CFR 136 does not include a sampling or analytical technique for
the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the Environmental Protection Agency publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.  
(Ord. No. 14438, § 4.4, 8-23-1993)

Sec. 28-91. Monitoring facilities.  
The city may require an industrial user of the POTW to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that landscaping or parked vehicles will not obstruct it. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.  
Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.  
(Ord. No. 14438, § 4.5, 8-23-1993)

Sec. 28-92. Inspection and sampling.  
The city shall inspect the facilities of any user to ascertain whether the purpose of this division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination/copying or in the performance of any of their duties. The city, approval authority and Environmental Protection Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and Environmental Protection Agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.  
(Ord. No. 14438, § 4.6, 8-23-1993)

Sec. 28-93. Pretreatment.  
Users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this division. Any subsequent changes in the pretreatment facilities
or method of operation shall be reported to and be acceptable to the city prior to the user’s initiation of the changes.
(Ord. No. 14438, § 4.7, 8-23-1993)

Sec. 28-94. Record keeping.
Industrial users shall retain and make available for inspection and copying all records and information required to be retained under this division. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this division or where the industrial user has been specifically notified of a longer retention period by the director and/or approval authority.
(Ord. No. 14438, § 4.7.1, 8-23-1993)

Sec. 28-95. Publication of industrial users in significant noncompliance.
The city shall publish annually, in the largest daily newspaper published in the city, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with any standard or requirement of this division (see section 28-77 defining the term "significant noncompliance").
(Ord. No. 14438, § 4.8, 8-23-1993)

Sec. 28-96. Confidential information.
Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from city inspection and sampling activities pursuant to this division shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
(Ord. No. 14438, § 4.9, 8-23-1993)

Sec. 28-97. Enforcement.
Emergency suspensions. Under this division, the director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.
Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a user fails to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the user...
has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in subsection (b) of this section are initiated against the user.
A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director, prior to the date of any show cause or termination hearing under subsections (b) and (d) of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
Revocation of permit. Any user who violates the following conditions of this division or applicable state and federal regulation is subject to having his permit revoked in accordance with the procedure of this section:
Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
Violation of conditions of the permit;
Supplying any false information or statement, representation or certification in any application, report, plan or other document filed or required to be maintained pursuant to this division; or
Violation of any of the provisions and/or requirements of this division.
Notification of violation; compliance scheduling.
Whenever the city finds that any user has violated or is violating this division, wastewater contribution permit, or any prohibition, limitation or requirements contained in this division, the water pollution control plant shall serve upon such person a written notice stating the nature of the violation. The notification shall require the industry to reply to the city in writing, within ten days of notification, the cause for the violation and the action the industry plans to take to achieve compliance. A notice of violation to an industry in significant noncompliance shall require the industry to submit a compliance schedule to the city within 30 days of notification. The director may require a compliance schedule be required as part of the notice of violation if any single violation warrants immediate action. Whenever discharge permit renewals or reports are not submitted as required, a notice of violation shall be issued requiring submission within seven days of notification.
Any industry found in significant noncompliance of its discharge permit or any single violation of an industrial permit or pretreatment ordinance provision deemed significant by the director shall within 30 days of notification submit to the city a schedule of compliance to correct the violation. Any plan for corrective action submitted after notification shall include a timetable for completion of the required tasks. The plan must be approved and accepted by the city and will represent an agreement which will allow any available enforcement procedure to apply. Any schedule of compliance that exceeds 60 days shall be submitted to the district courts for purposes of a court order approving the compliance schedule making it enforceable against each party thereto as a court order.
Show cause hearing.
The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the
proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The city council shall itself conduct the hearing and take the evidence. After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued. If the user certifies that proper modifications have been made to meet discharge requirements, the sewer disconnect order may be cancelled. Further orders and directives as are necessary and appropriate may be issued. Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this division, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the district court of this county. (Ord. No. 14438, § 5, 8-23-1993)

Sec. 28-98. Judicial enforcement remedies. Injunctive relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this division, wastewater discharge permits or orders issued under this division or any other pretreatment requirement, the director may petition the courts through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user. Civil penalties. Civil penalties, including municipal infractions pursuant to city ordinance (see I.C.A. § 364.22), may be imposed as follows: Any industrial user who violates any pretreatment standard or requirement, as referred to in 40 CFR 403.8, may be punished by a civil penalty of not more than $1,000.00 for each day a violation exists or continues. Any user who commits any environmental violation of I.C.A. ch. 455B or a violation of a standard established by the city in consultation with the state department of natural resources, or both, may be punished by a civil penalty of not more than $1,000.00 for each occurrence. A person committing an environmental violation is not subject to a civil penalty, if all of the following conditions are satisfied: The violation results solely from the person conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation. The person notifies the city of the violation within 24 hours from the time that the violation begins. The violation does not continue in existence for more than eight hours. The city shall not enforce this subsection against a person committing an environmental violation until the city offers to participate in informal negotiations with the person. If the person accepts the offer, the city and the person shall participate in good faith negotiations to resolve issues alleged to be the basis of the violation. The director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
In determining the amount of civil liability, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user’s violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

Violation of this division shall, in addition to this subsection, be a municipal infraction.

c.) Criminal prosecution. Any person who violates any provision of this division shall, in addition to the civil penalties in this section, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code.

d.) Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or the wastewater contribution permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a Penalty as provided in Sec. 1-8 of the Code.

Remedies nonexclusive. The provisions in this section are not exclusive remedies. Additional remedies shall include but not be limited to injunctive relief, suits for monetary damage and suits for court orders directing compliance. The city reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.


**Sec. 28-99. Affirmative defenses to discharge violations.**

Upset. Upset used as an affirmative defense to a discharge violation under this division shall be in accordance with the following:

For the purposes of this subsection, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) of this section are met.

An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

- An upset occurred and the industrial user can identify the cause of the upset.
- The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five days:
  - A description of the indirect discharge and cause of noncompliance.
  - The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This subsection applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
General/specific prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in sections 28-78 and 28-79 if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:
A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to and during the pass through or interference; or
No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city WPCP was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.
Bypass. Bypass used as an affirmative defense to a discharge violation under this division shall be in accordance with the following:
The following words, terms and phrases, when used in this subsection, shall have the following meanings, except where the context clearly indicates a different meaning:
Bypass means the intentional diversion of waste streams from any portion of a industrial user's treatment facility.
Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this section.
Notice of bypass shall be submitted as follows:
If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten days before the date of the bypass, if possible.
An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent occurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
Enforcement actions and approval of an anticipated bypass shall be as follows:
Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.
This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
The industrial user submitted notices as required under subsection (c)(3) of this section.
The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (c)(4)a of this section.

(Ord. No. 14438, § 7, 8-23-1993; Ord. 14711, 3-24-2003)

Secs. 28-101 – 119. Reserved.

ARTICLE IV. STORM WATER UTILITY

Sec. 28-120. Purpose and Objective.

a) The purpose of this Article is to establish a policy and procedure for managing and controlling the quantity and quality of storm water runoff, within the city limits of Marshalltown, Iowa. The management shall include the establishment of a storm water utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.
b) The city finds, determines and declares that the storm water drainage system provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of storm water for quality and quantity management that minimize impacts on receiving waters.
c) In order to manage additions and improvements to the city storm water systems, the City must have adequate and stable funding for its storm water management program operating and capital investment needs.

(Ord. No. 14713, §1, 7-14-2003, Ord. No. 14918, §1, 4/22/2013)

Sec. 28-121. Creation of a Storm Water Management and Drainage Systems Utility.

a) The function of the Storm Water Management and Drainage Systems Utility [hereinafter referred to as “storm water utility”] within the Department of Public Works is to provide for the safe and efficient capture of storm water runoff, mitigate the damaging effects of storm water runoff, correction of storm water problems, to fund activities of storm water management, and include design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.
b) There is hereby established a storm water utility within the City of Marshalltown, Iowa which shall be responsible for creating revenue for storm water management throughout the City’s corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of storm water systems and facilities. Such utility shall be under the operational direction of the Public Works Director. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the storm water utility district.
c) The City shall establish a Storm Water Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding
Sec. 28-122. Definitions.

“City” means City of Marshalltown.
“Adjustment” means a modification in a nonresidential customer’s storm water rate for certain activities that impact storm water runoff or impact the City’s costs of providing storm water management.
“Director” means the director of the Storm Water Utility.
“Detached Dwelling Unit” means developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.
“Developed Agricultural Properties” means a lot or parcel of real estate used as a “farm,” which may contain one or greater dwelling units and/or other building structures but does not include undeveloped properties.
“Developed Property” means property altered from its natural state by the construction or installation of a structure equaling more than 150 square feet of impervious surface thus increasing the amount of rainwater or surface water runoff.
“Exempt Property” includes public streets, alleys and sidewalks; all undeveloped properties.
“Ground Water” means sub-surface water or water stored in pores, cracks, and crevices in the ground below the water table.
“Impervious Area” means the number of square feet of hard-surfac ed areas that either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or that cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property. This includes but is not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.
“Nonresidential properties” means all properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential properties shall include: single-family and duplex properties with gross area greater than 2 acres; apartment building properties; condominium properties; mobile home parks; developed agricultural properties; commercial property; industrial property; institutional property; governmental property; churches; hospitals; schools; transient rentals; parking lots; federal, state, county and local properties; and any other property not mentioned in the lists of properties.
“Occupant” means the person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.
“Owner” means the legal owner(s) of record as shown on the tax rolls of the City of Marshalltown, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.
“Residential Property” means all single-family and duplex properties located within the corporate limits of the City of Marshalltown with gross area less than or equal to 2 acres.
“Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.
“Storm Sewer” means a sewer, which carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted
discharges.

“Storm Water Drainage System” means all man-made facilities, structures, and natural watercourses owned by the City of Marshalltown, used for collection and conveying storm water to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

“Storm Water Facilities” means various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.

“Storm Water Management” means the tasks required to control storm water runoff using storm water management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

“Storm Water Management Systems” address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of storm water or surface water drainage.

“Storm Water Rate” means the periodic rate applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Marshalltown Storm Water Utility. Storm water rates are based on measurable parameters which influence the storm water utility’s cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed land.

“Storm Water Utility” means the utility established under this Section for the purpose of managing storm water and imposing charges for the recovery of costs connected with such storm water management.

“Surface Water” means water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

“Undeveloped Property” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

“User” means the owner and/or occupant of any developed property within the corporate limits of the City of Marshalltown, and shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

“Water Course” A natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-123. Storm Water Utility Fund.
a) Funding for the storm water utility’s activities may include, but are not limited to: storm water rate charges; storm water permits and inspection fees; other funds or income obtained from federal, state, local, and private grants, bonds or loans.
b) All rate charges and all sources of revenue generated by or on behalf of the storm water utility shall be deposited in a storm water utility fund and used exclusively for management of the storm water utility.
Sec. 28-124. Storm Water Utility Budget.
The City shall adopt an operating and capital budget for the storm water utility each fiscal year. The budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement and debt service.

Sec. 28-125. Rate Structure and Storm Water Rate.
Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the storm water system of the city, shall be subject to a rate based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area of at least 150 square feet within the corporate limits of the City of Marshalltown will be assigned the rate.

A unit of impervious surface area on an average single-family, residential property, or “equivalent residential unit (ERU),” is the quantity used for assessing storm water charges. One ERU equals two thousand, eight hundred (2,800) square feet of impervious area for the City of Marshalltown.

Establishment of Storm Water Utility Rate

g.) The Storm Water Utility charge is calculated based on the following method:
   i. Single-family residential customers and duplexes with gross property area less or equal to two (2) acres will be assigned one ERU and assessed a storm water charge that is equivalent to one ERU unit rate per month.
   ii. All other developed properties shall be assigned a number of ERUs based upon the property’s individually measured impervious area (in square feet) divided by one ERU, or 2,800 square feet, and rounding up to the nearest integer. The monthly storm water charge assessed to each of these properties in the number of ERUs times the ERU unit rate.
   iii. Storm water charges for new residential customers with gross property area greater than two (2) acres or non-residential developments shall be based on field measurements of impervious areas.

Actual impervious area measurements shall be maintained by the city’s engineering department for all residential customers with parcels greater than two acres and nonresidential customers to determine their share of the storm water management costs. In no event shall any owner specified herein pay less than the rate required for one ERU per month. As part of the building permit process, property owners shall coordinate with the city’s building inspection and engineering staff to ensure that, as impervious areas change on the owner’s property due to construction or demolition, the engineering department maintains up to date records of impervious areas for use in determining property storm water utility billing.

h.) Commencing on July 1, 2017, and continuing thereafter, the monthly unit rate shall be $400 per “equivalent residential unit (ERU).”

i.) The rates shall become effective on the first day in July in each year, with rates being effective upon publication of the ordinance as required by law.

Sec. 28-126. Powers of Director of the Storm Water Utility.
Storm water service charges incurred pursuant to this ordinance may be collected by the storm water utility director or designee who is also responsible for the regulation, collection, rebating
and refunding of such storm water charges.
(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-127. Powers and Duties of the City.
The City shall have the following powers, duties, and responsibilities with respect to the storm water utility:

a) Administer the design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.
b) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a storm water management system.
c) The City shall separately account for the storm water utility finances. The storm water utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for storm water utility expenses in subsequent years. Storm water utility fees collected shall be deposited in the storm water utility fund and shall be used for no other purpose.

(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-128. Responsibility for Storm Water Management and Drainage System.

a) The City storm water management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City of Marshalltown which control and/or convey storm water and through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which
1) are located within public streets, rights-of-way, and easements;
2) are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or
3) are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of storm water systems and facilities which are located on private property or public property not owned by the City of Marshalltown and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.
b) It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of Marshalltown. The City of Marshalltown expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

(Ord. No. 14918, §1, 4/22/2013)
Sec. 28-129. Requirements for Onsite Storm Water Systems, Enforcement and Inspections.
a) All property owners and developers of developed real property within the City of Marshalltown shall provide, manage, maintain, and operate onsite storm water systems sufficient to collect, convey, detain, and discharge storm water in a safe manner consistent with all City, State, and Federal laws and regulations.
b) Pursuant Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.
(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-130. Right to Appeal.
Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:
a) An appeal must be filed in writing with the City of Marshalltown City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
b) Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
c) In response to an appeal, the City Administrator may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.
d) A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
e) All decisions of the City Council shall be final.
(Ord. No. 14918, §1, 4/22/2013)

a) A storm water service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, liability for payment of the storm water management charge attributable to that property shall be joint and several as to the owner and occupant.
b) All comprehensive storm water service charges are due and payable thirty days after the date of billing.
c) A penalty of five percent shall be added to a comprehensive storm water service charge when the charge is not paid in said thirty days.
OR A one and one-half percent (1.5%) per month late charge shall be billed based on the unpaid balance of any storm water utility service charge that becomes delinquent.

OR Each storm water service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the storm water system of the city, and, if the same is not paid within sixty days of invoice date, it shall be certified to the county treasurer, who shall place a lien on said property as allowed by law and be collected in the same manner as property taxes.

d) The storm water utility charges in this division shall constitute a lien upon the premises served by the storm water management and drainage system utility. Quarterly, the director of public works may furnish to the city clerk a list of all storm water utility charges that have remained unpaid and delinquent for a period of 60 days prior to the end of that quarter, together with the name of the owner and the legal description of the property or premises for each separate bill, and this list may be certified to the county auditor by the city clerk for collection in the same manner as taxes, and when so collected the proceeds shall become a part of the storm water utility fund of the city. Failure to send or receive a bill for comprehensive storm water service charge is not a defense to the collection of the service charges.

e) Suits for collection shall be commenced by the City in the Iowa District Court for Marshall County. No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction. The City may employ any lawful means to collect funds owed, and is not restricted to filing a lawsuit.

f) The storm water utility service charge may be billed on a common statement and collected along with other city utility services.

(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-132. Adjustments to Storm Water Service Charges.
Increase adjustments (debit) will be made to nonresidential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways.

(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-133. Exemptions and Credits Applicable to Storm Water Rate Charges.
All public or private property shall be subject to storm water utility rate charges except as provided in this Ordinance below. The following areas are exempt from storm water utility rate charges:

a) Undeveloped property as defined in this Ordinance.

b) Streets, alley ways, and highways in the public and private domain are exempt from utility service charges or connection fees. Railroad rights-of-way (tracks) shall be exempt from storm water rate charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

Decrease adjustments (credit) can be made to nonresidential property rates for performing activities that reduce the impact of storm water runoff to the storm water system or lessen the burden in accordance with the City of Marshalltown Storm Water Utility Rate Credit Policy as set by Council Resolution.

(Ord. No. 14918, §1, 4/22/2013)

Sec. 28-134. Statewide Urban Designs and Specifications.
The City of Marshalltown adopts the Statewide Urban Designs and Specifications (SUDAS) standards prepared by the Center of Transportation Research and Education at Iowa State University, for Storm water Management and Drainage as set out in its 2004 Design Manual and Specifications, Sections 1, 2, 3, and 8 of Chapter 2 of said Manual.
Sec. 28-135. Detention Required
Storm water runoff detention shall be required on Low Density Single or Two Family Residential subdivisions of four (4) or more lots and all Medium and High Density Multifamily Residential, Commercial and Industrial development in the City of Marshalltown.

Sec. 28-136. Storm Runoff Design Requirements
a) Design of storm water detention in the City of Marshalltown and as regulated in Section 8.4 of the Iowa Statewide Urban Design Standards Manual shall be based on the following detention requirements:
b) Runoff shall be detained from a 100 year storm event with the property in a developed state.  
c) The Release Rate from detention shall be based on a rate not to exceed a 5 year storm event on the property undeveloped.

Sec. 28-137. When Detention Required
On any development of one (1) acre or more, storm water detention shall be planned and installed as part of the required Pollution Prevention Plan and as an erosion control device. At no time shall occupancy be granted prior to completion of the detention facility.

Sec. 28-138A. Detention Requirements for Redevelopment
Any redevelopment of a lot to repair, replace or add-on to the existing improvements, that generate runoff greater that that discharged prior to redevelopment shall require detention. Said detention facilities shall at a minimum, provide for the increased volume of runoff generated by the redevelopment (preferably for runoff from the whole development), unless the original detention facility was designed for the proposed new redevelopment.

Sec. 28-138B. Fee in Lieu of Detention
If a developer can demonstrate that detention facilities are unfeasible to construct, the City of Marshalltown may grant exception to the detention requirement and said developer shall pay a fee in lieu of constructing storm water detention facilities. The fee shall be based on the type of development/zoning, the runoff coefficient set by the City, and a fee of $15,000 per acre prorated by the runoff coefficient. The fee is calculated as follows:
a) Category Runoff Coefficient
   1) Low Density – Single & two family residential 0.40
      i) $6,000 per acre or fraction thereof to be developed.
   2) Medium-High Density – Multifamily Residential 0.80
      i) $12,000 per acre or fraction thereof to be developed.
   3) Commercial 0.90
      i) $13,500 per acre or fraction thereof to be developed.
   4) Industrial 0.80
      i) $12,000 per acre or fraction thereof to be developed.

(Ord. No. 14918, §1, 4/22/2013)
Sec. 28-139. Detention Requirement Effective Date
All new Medium and High Density Residential, Commercial or Industrial development shall be required to have storm water detention, unless a building permit was issued prior to this ordinance passage and publication. Low Density Single and Two Family Residential subdivisions of four (4) lots or more shall also have detention requirements unless a preliminary plat was approved by the City Council prior to passage and publication of this ordinance.
(Ord. No. 14746, §1, 9-13-2004, Ord. No. 14918, §1, 4/22/2013)

ARTICLE V. ILLICIT DISCHARGE TO STORM SEWER SYSTEM

Sec. 28-140. Purpose.
The purpose of the following article to Chapter 28 of the Code of Ordinances is to provide for the health, safety, and general welfare of the citizens of Marshalltown through the regulation of non-stormwater discharges to the City of Marshalltown’s separate storm sewer system to the maximum extent practicable, as required by Federal law. This article establishes methods for controlling the introduction of pollutants into the City of Marshalltown’s separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit.
(Ord. 14800, § 1, 2-26-2007)

Sec. 28-141. Definitions.
The following terms are defined for use in this article, unless the context specifically indicates otherwise:
Accidental Discharge. Accidental Discharge means a discharge prohibited by this article, which occurs by chance and without planning or consideration prior to occurrence.
Hazardous Materials. Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
Illegal Connection. Illegal Connection means either of the following:
Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
Illicit Discharge. Illicit Discharge means any direct or indirect non-stormwater discharge to the City of Marshalltown’s separate storm sewer system, except as exempted in Sec. 28-142 of this article.
Industrial Activity. Industrial Activity means activities subject to NPDES Industrial Permits as
Municipal Separate Storm Sewer System. Municipal Separate Storm Sewer System (MS4) means any facility designed or used for collecting or conveying stormwater or both, including inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, or other drainage structures which are owned or maintained by the City of Marshalltown. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit” means a permit issued by Iowa Department of Natural Resources (IDNR) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. Non-Stormwater Discharge. Non-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater. Pollutant. Pollutant means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects or accumulations, so that same may cause or contribute to pollution; floatables; hazardous substances and wastes; sewage; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. Pollution. Pollution means the contamination or other alteration of any water’s physical, chemical or biological properties, including change in color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare. Premises. Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. Responsible Party. For purposes of this ordinance, is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this ordinance and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this article, “property” includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate. Stormwater Runoff” or “Stormwater. Stormwater Runoff or Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation. Structural Stormwater Control. Structural Stormwater Control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow. Section 28-142. Allowable Non-Storm Water. Discharges from fire fighting activities, fire hydrant flushings, potable water sources, waterline flushings, uncontaminated groundwater, foundation or footing drains, springs, riparian habitats, wetlands, irrigation water, air conditioning condensate, exterior building wash water when no detergents or other surfactants are used and pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and when no detergents or other surfactants are used. (Ord. No. 14800, §1, 2-26-2007)
Sec. 28-143. Illicit Discharges Prohibited
Nothing in this article shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or city permit, statute, ordinance or rule, from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this article.
Any discharge into the City’s storm sewer system prohibited by the City’s MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an “illicit discharge” in violation of this article.
Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City’s Construction Site Erosion and Sediment Control Ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this article.
(Ord. No. 14800, §1, 2-26-2007)

Sec. 28-144. Illicit Connections Prohibited
The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this article.
This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
(Ord. No. 14800, §1, 2-26-2007)

Sec. 28-145. Industrial Discharges
Any responsible party subject an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.
Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.
(Ord. No. 14800, §1, 2-26-2007)

Sec. 28-146. Illicit Discharge Detection And Reporting; Cost Recovery
All detection activities permitted under this article shall be conducted by the Superintendent of Water Pollution Control, or his or her designee, hereinbefore and after referred to as the “enforcement officer.”
The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, detected or undetected by the City.
Every responsible party has a duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges, which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this article is a violation of this article.
Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party’s sole cost.
If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.
If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the
actions taken to prevent its recurrence. Such records shall be retained for at least three years. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.

Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge. Upon receiving a report pursuant to the previous provisions of this section, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.

The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.

The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

The enforcement officer shall have the right to require any responsible party at responsible party’s sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party’s sole expense. All devices shall be calibrated to ensure their accuracy. Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

An unreasonable delay in allowing the enforcement officer access to a property is a violation of this ordinance.

If the enforcement officer has been refused access to any part of the property from an illicit connection or illicit discharge, or both to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect or sample, or both as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this article shall be recovered from the
responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the city for the enforcement activities undertaken. Failure to pay charges invoiced under this article within thirty (30) days of billing shall constitute a violation of this article.
(Ord. No. 14800, §1, 2-26-2007; Ord. No. 14870 3-8-2010)

Sec. 28-147. Suspension Of Access To The City’s Storm Sewer System
Emergency suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.
Non-emergency suspension. If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this article provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided in this article. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this article. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by law.
(Ord. No. 14800, §1, 2-26-2007)

Sec. 28-148. Watercourse Protection.
Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property below the elevation of the 100 year flood free of trash, debris, grass clippings or other organic wastes and other obstacles that would pollute, contaminate, or significantly alter the quality or quantity of water flowing through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. No. 14800, §1, 2-26-2007)

Sec. 28-149. Enforcement
Violation of any provision of this article may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys’ fees and costs from a person who is determined by a court of competent jurisdiction to have violated this article. Violation of any provision of this article may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City’s municipal infraction ordinance.
Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.
(Ord. No. 14800, §1, 2-26-2007)

**Sec. 28-150. Appeal**
Administrative decisions by city staff and enforcement actions of the enforcement officer may be appealed by the applicant to the city council pursuant to the following rules:
The appeal must be filed in writing with the city clerk within five (5) business days of the decision or enforcement action.
The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
The city clerk shall notify the applicant and the enforcement officer by ordinary mail, and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the city council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) nor more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant’s expense. The enforcement officer may be represented by the city attorney or by an attorney designated by the city council at City expense.
The decision of the city council shall be rendered in writing and may be appealed to the Iowa District Court.
(Ord. No. 14800, §1, 2-26-2007)

**Secs. 28-151 – 28-159. Reserved.**

**ARTICLE VI. EROSION AND SEDIMENT CONTROL FOR CONSTRUCTION SITES**

**Sec. 28-160. General.**
Soil erosion contributes to the impairment of drainageways, increases road and storm sewer maintenance costs, contributes to the destruction and obstruction to traveled roadways creating a potential hazard for vehicular traffic, and contributes to contamination and degradation of land surfaces and streams, flooding and dusty conditions. This article establishes requirements in an effort to control erosion and sediment transport.
Owners of certain construction sites are required, under rules contained in General Permit No. 2, Storm Water Discharge Associated with Industrial Activity for Construction Activities (“General Permit No. 2”), to obtain coverage through the Iowa DNR under that permit.
Under its Municipal Stormwater National Pollution Discharge Elimination System permit, which permit is on file at the offices of the City Clerk and the City Engineer and is available for public inspection during regular office hours, the City is required to regulate, treat, and control stormwater discharges into the City’s stormwater drainage system. One provision of that permit
requires the City to enforce the requirements of General Permit No. 2 jointly with the Iowa DNR. General Permit No. 2 and the document entitled “Summary Guidance, A Brief Guide to Developing Pollution Prevention Plans and Best Management Practices”, issued and administered by the Iowa DNR, are hereby adopted and by reference made part of this Section as if fully set forth herein. Any act these documents require or prohibit, is required or prohibited by this Section. Any future amendments, revisions, or modifications to these documents, incorporated herein, are intended to be made a part of this Section.

This article also establishes requirements for grading, filling, fill material, and for obtaining Erosion Control Permits. These requirements include use of suitable fill material, stable slope construction, proper site drainage, and usability of public and private easements.

Except as provided in Section 28-163, Minor Erosion Control Permit Required, no person shall engage in land-disturbing activities within the city unless they have received an Erosion Control Permit from the City.

(Ord. No. 14824, 2-11-2008)

Sec. 28-161. Definitions.
Wherever used in this article the terms listed below will have the meanings indicated. Words using the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; the masculine gender shall include the feminine; the term “shall” is always mandatory, and the term “may” is permissive.

Applicant. Applicant means any individual, firm, corporation, association or partnership, or proprietor of land to undergo land-disturbing activities.

Building Official. Building Official means the Director of Community Development, or Building Trades Manager, or their designee.

Certified professional erosion and sediment control specialist. Certified professional erosion and sediment control specialist means a specialist in the area of soil erosion and sediment control as certified by the Soil and Water Conservation Society and the International Erosion Control Association.

City. City means the City of Marshalltown, Iowa.

City Council. City Council means the City Council of the City of Marshalltown, Iowa.

City Engineer. City Engineer means the official holding the position established by Section 2-34(a) of the Marshalltown Municipal Code or designee.

Civil engineer. Civil engineer means a professional engineer licensed in the state of Iowa to practice civil engineering.

Clearing and grubbing. Clearing and grubbing means removal of unwanted growth, in the form of trees, wood, shrubs, brush, or stumps on a site.

Design professional. Design professional means a licensed civil engineer or certified professional erosion and sediment control specialist.


Development. Development means the alteration of land from its existing state.

Disturbed area. Disturbed area means the part of a site on which land-disturbing activities take place. All land area that is to be disturbed at any time during the project is to be counted in determining the disturbed area, even if part of the land will be stabilized before another part is disturbed.

Erosion. Erosion means the wearing away of the land surface by running water, wind, ice, gravity, or other geological, natural, or man made agents.

Erosion Control Officer. Erosion Control Officer means the City Engineer, Building Official, or
designee.
Erosion Control Permit. Erosion Control Permit means a Major Erosion Control Permit or a
Minor Erosion Control Permit.
Filling. Filling means placing materials to effectively change the site contours. This shall include
placing materials from the site itself, or from off site.
Fill material. Fill material means soil, stone, rock, brick, portland cement or asphaltic concrete,
or sand.
Fill site. Fill site means land upon which fill materials are placed and which placement does not
require a Sanitary Disposal Permit issued by the State of Iowa.
Final stabilization. Final stabilization means that all land-disturbing activities at the site have
been completed, and that a uniform perennial vegetative cover with a density of 70 percent for
the area has been established or equivalent stabilization measures have been employed.
General Permit No 2. General Permit No. 2 means General Permit No. 2, Storm Water Discharge
Associated with Industrial Activity for Construction Activities, as authored and administered by
the Iowa DNR.
Iowa DNR. Iowa DNR means the Iowa Department of Natural Resources.
Land-disturbing activities. Land-disturbing activities means clearing, grading, excavating, filling,
or removal of vegetation, paving, or buildings, exposing earthen material on a site.
Major Erosion Control Permit. Major Erosion Control Permit means a permit issued by the City
of Marshalltown to engage in land-disturbing activities on a site with one acre or greater
disturbed area.
Minor Erosion Control Permit. Minor Erosion Control Permit means a permit issued by the City
of Marshalltown to engage in land-disturbing activities on a site of greater than one-quarter acre
and less than one acre disturbed area.
Ordinance. Ordinance means the portion of the City Municipal Code entitled, ‘Erosion and
Sediment Control for Construction Sites’.
Responsible party. Responsible party means one or more persons who have applied for or hold a
City Erosion Control Permit, or who own, control, or perform work on a site.
Sediment. Sediment means solid material, both natural and manmade, that is in suspension, has
been transported, or has been moved from its origin by air, water, gravity, or ice and has been
deposited by the action of water or wind.
Site. Site means property where land-disturbing activities take place.
Stabilization or stabilized means vegetative cover with a density of 70 percent has been
established, or equivalent stabilization measures have been employed.
Urban Standard Specifications For Public Improvements (SUDAS).
Stormwater drainage system. Stormwater drainage system means all manmade facilities and
structures and all natural watercourses that are owned by the City, or that are within a drainage
easement owned by the City, and that are used for collection, storage, treatment, and conveyance
of stormwater from any area, through any area. This includes without limitation all stormwater
facilities, canals, creeks, curb and gutter, dams, ditches, floodwalls, flumes, gulches, gullies,
levees, ravines, siphons, streams, streets, and swales. For the purpose of illicit discharge
regulation, any discharge to an area tributary to the stormwater drainage system shall be treated
as a discharge to the stormwater drainage system. The stormwater drainage system does not
include the Iowa River.
Stormwater facilities. Stormwater facilities means anything built or used for the control of
stormwater, including without limitation catch basins, channels, culverts, detention basins,
energy dissipation structures, inlets, manholes, outlets, pipes and other conduits, retention basins,
and roadways and gutters.

Stormwater Pollution Prevention Plan. Stormwater Pollution Prevention Plan means a document conforming to the requirements therefore contained in General Permit No. 2 and this ordinance, prepared and certified by a design professional as defined herein.

SWPPP. SWPPP means Stormwater Pollution Prevention Plan.

(Ord. No. 14824, 2-11-2008)

Sec. 28-162. Major Erosion Control Permit Required.
Sites or common plans of development or sale that will result in a total disturbed area of one or more acres shall obtain a Major Erosion Control Permit prior to any land-disturbing activities.

All Major Erosion Control Permits shall be issued by the City of Marshalltown Engineering Department upon approval of a completed Application for Erosion Control Permit on a form provided by the City. The application shall be signed by the title holder of the site, together with the applicant, if different from the title holder.

Sites required to obtain an Erosion Control Permit shall comply with Section 28-169, requirements for Sites Covered by the Iowa DNR General Permit No. 2, herein.

A Major Erosion Control Permit Application shall include the following:

- A completed Application for Erosion Control Permit on a form provided by the City Engineering Department.
- SWPPP conforming to the requirements of this article, and the requirements of General Permit No. If a SWPPP for the site has previously been submitted to the City and has not been modified, the applicant shall submit a signed and dated statement that the SWPPP has not been modified, in which case the SWPPP need not be resubmitted.
- Payment of the permit fee.

The permittee shall provide the Erosion Control Officer with all material submitted as part of a Notice of Discontinuation when such a notice is filed with the Iowa DNR.

(Ord. No. 14824, 2-11-2008)

Sec. 28-163. Minor Erosion Control Permit Required.
Sites or common plans of development or sale that will result in a disturbed area of greater than one-quarter of an acre but less than one acre shall obtain a Minor Erosion Control Permit prior to any land-disturbing activity, except:

- Filling or construction within floodplain limits as established by the Federal Emergency Management Agency and in the Marshalltown Floodplain Management Ordinance will require a separate additional permit under that ordinance, in addition to the permits required by this article.
- For work that is specifically covered by a City Demolition Permit, Building Permit, NPDES Permit, or approved plan of improvements containing a SWPPP, a Minor Erosion Control Permit is not required. However, site filling and grading done pursuant to these approved permits and plans shall meet the requirements of this article.

The following activities are exempt from the requirements of this article:

- Crop production activities;
- Cemetery graves;
- Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;
- Total fill quantity of less than twenty-five cubic yards in a twelve month time period;
- Public improvements.

All Minor Erosion Control Permits shall be issued by the City of Marshalltown Building Official upon approval of a completed Application for Erosion Control Permit on a form provided by the City. The application shall be signed by the title holder(s) of the site, together with the applicant,
if different from the title holder(s).
A Minor Erosion Control Permit Application shall include the following:
A completed Application for Erosion Control Permit on a form provided by the City.
A dimensioned drawing including the following:
Property address and legal description;
Property lines and any existing easements of record;
Limits of area of land-disturbing activities;
Existing and proposed ground elevations (two-foot maximum interval);
A SWPPP if required under section 28-166, SWPPP Required.
Other information as required by the City Building Official or City Engineer.
(Ord. No. 14824, 2-11-2008)

Sec. 28-164. Permit Renewals.
Erosion Control Permits shall be valid for a period of one year from the date of issuance and may
be renewed as provided for herein. A renewal application shall include the following:
A completed Application for Erosion Control Permit Renewal on a form provided by the City.
Payment of the renewal fee;
Any information required in 28-162 (d) 2 (for a Major permit) or 28-163 (c) 2 (for a Minor
permit) if it has changed. A Major permit renewal shall include a certification by the design
professional (as defined herein) that all changed conditions are included in the renewal
application.
The City shall revoke an Erosion Control Permit or decline renewal if unacceptable materials are
being deposited at the site, or if the permittee has failed to comply with any of the regulations set
forth in this article, or any requirement of law, statute or regulation.
(Ord. No. 14824, 2-11-2008)

Sec. 28-165. Filling Requirements.
Clearing and grubbing shall be performed according to Part 3 of Section 2010 of the Standard
Specifications, except as provided in this article.
Fill material shall be placed according to the SWPPP as accepted by the city.
Interim filling during construction shall be placed in a safe manner. Slope stabilization,
inspection and maintenance of erosion control, and soil stabilization where work has been
suspended shall be according to the Design Standards Manual.
Finish grading shall be according to Part 3 of Section 2010 of the Standard Specifications.
Finish slopes shall not exceed a 3:1 ratio on any slope facing and terminating within 15 feet of a
property line.
Unacceptable Fill Materials.
Fill materials shall not include hazardous waste, synthetic material, metal, and organic material
other than natural topsoil incidental to excavation except as noted below. Concrete, brick, tile,
and other manufactured inert material shall not be greater than 18” in its greatest dimension.
Asphalt paving material shall not be used for bank stabilization or where the final location will
be below the known water table.
Trees may be buried within the site they originate from, provided they are not buried within
structural footprints or in earthwork providing structural support, such as for building
foundations and roadways. Trees shall not be placed in the trench backfill for sewers, culverts,
and other underground utilities. Trees shall not be imported onsite from offsite for use as fill.
(Ord. No. 14824, 2-11-2008)
Sec. 28-166. SWPPP Required.
Sites with land-disturbing activities shall fall into one of two categories as determined by the City Engineer as set forth herein below:
Sites with a disturbed area less than one acre shall not require submittal of a SWPPP. However, the owner of a site is required to plan and implement erosion control measures as described in the brochure “Erosion Control for Small Site Development”. The City Engineering and Building Departments shall make this brochure available. The City Engineer may require an acceptable SWPPP for sites with a disturbed area less than one acre in cases warranted by site conditions. Such site conditions may include, but are not limited to:
Site contains slopes of 9 percent or greater;
Site is adjacent to a water body or open drainage channel;
The site has been identified as having severe erosion or as creating a significant impact on adjacent properties, water bodies, or open drainage channels due to erosion and sediment deposition.
Sites with a disturbed area greater than or equal to one acre shall require an acceptable SWPPP meeting the requirements of this article, certified by a design professional, and approved by the City Engineer.
The SWPPP must be reviewed and approved by the City Engineer prior to the commencement of land-disturbing activities.
The City’s acceptance of a SWPPP does not constitute approval of Design Standards Manual exceptions unless specifically requested and approved by the City Engineer.
(Ord. No. 14824, 2-11-2008)

Sec. 28-167. SWPPP Requirements.
Every SWPPP submitted to the City in support of an application for a Major Erosion Control Permit:
shall contain complete 24-hour contact information for the site owner and the person in responsible charge of providing and maintaining sedimentation and erosion control for the site. The permittee shall inform the Erosion Control Officer within seven calendar days of any change in this contact information.
shall comply with all current minimum mandatory requirements for SWPPPs promulgated by the Iowa DNR in connection with General Permit No. 2, including those published as Summary Guidance for General Permit No. 2 by the Iowa DNR. The City Engineer may develop policies modifying these requirements for sites with a disturbed area less than one acre.
shall comply with all other applicable state or federal permit requirements in existence at the time of application.
shall include a drainage plan prepared according to the Design Standards Manual. The drainage plan shall be accompanied by a drainage report prepared according to the City Code Chapter 28 Article IV Storm Water. This Code shall be available in the City Engineering Department. The drainage report shall at a minimum demonstrate the design of proposed grading, erosion, and sediment control if constructed per plan is not expected to adversely impact adjacent properties. shall be prepared by a design professional as defined herein; and
shall include within the SWPPP a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all requirements of this Section. The SWPPP shall be modified by a design professional (as defined herein) as required in General Permit No. 2. Any modification of a SWPPP shall meet the requirements above.
(Ord. No. 14824, 2-11-2008)
Sec. 28-168. SWPPP Review and Approval Procedure.
The applicant shall submit a SWPPP for the site, meeting the requirements established in the
Design Standards Manual, to the City Engineer for review and approval, as follows:
The City Engineer shall review the submittal for compliance with the requirements of a SWPPP
as set forth in the Design Standards Manual. Following the review, the City Engineer may return
comments to the design professional.
Following receipt of comments from the City Engineer, the applicant shall provide a revised
submittal to the City Engineer in accordance with any requested revisions.
The City Engineer or Building Official may require supporting documentation as needed to
demonstrate conformance with these requirements. Issuance of an Erosion Control Permit may
be delayed pending receipt of the documentation.
If the submittal is complete, and meets the requirements as set forth herein, the City Engineer
shall approve the plan.
(Ord. No. 14824, 2-11-2008)

Sec. 28-169. Requirements for Sites Covered by Iowa DNR General Permit No. 2.
The City shall not allow any land-disturbing activity on a site for which coverage under General
Permit No. 2 is required, nor shall the City issue any permit, authorization, or license allowing
such activity, until the site owner has obtained coverage for the site under General Permit No. 2
from the Iowa DNR.
Any responsible party who is required to obtain, or has obtained, coverage under General Permit
No. 2 shall comply with all the requirements of General Permit No. 2. Failure to do so is a
violation of this Section.
Completion of work shown in a Stormwater Pollution Prevention Plan submitted under the
provisions of General Permit No. 2 is a requirement of General Permit No. 2 and failure to
complete such work is a violation of this Section.
For sites covered under General Permit No. 2 where the ownership changes, the Enforcement
Officer must be notified of the title transfer within 30 days, except in the case of single-lot sales,
which shall be recorded on the SWPPP. The new owner shall be subject to all terms and
conditions of the Erosion Control Permit. A copy of the notice of transfer that was sent to the
Enforcement Officer shall be included in the SWPPP. For sites that are part of a larger common
plan of development such as a housing or commercial development project, if a permittee
transfers ownership of all or any part of property subject to an Erosion Control Permit, both the
permittee and transferee shall be responsible for compliance with the provisions of General
Permit No. 2 and the Erosion Control Permit for that portion of the project which has been
transferred including when the transferred property is less than one acre in area. If the new owner
agrees in writing to be solely responsible for compliance with the provisions of General Permit
No. 2 and the Erosion Control Permit for the property which has been transferred, then the
existing permittee shall be relieved of responsibility for compliance with General Permit No. 2
and the Erosion Control Permit for the transferred property, from and after the date the transfer
of responsibility is attached to the SWPPP.
(Ord. No. 14824, 2-11-2008)

Sec. 28-170. Inspection, Notice to Comply, and Notice of Violation.
The Erosion Control Officer may inspect the site in response to reports from third parties or at
other times, at the Erosion Control Officer’s discretion.
The Erosion Control Officer may issue a Notice to Comply to the responsible party or parties,
describing any problems and specifying a date and time by which compliance must be achieved.
The Erosion Control Officer may modify a Notice to Comply and may authorize, in writing, an
extension to the specified date and time by which compliance must be achieved. Failure to achieve compliance by the specified date and time is a violation of this Section. The Erosion Control Officer shall, upon determination of any violation of this Section, issue a Notice of Violation in writing to the responsible party or parties, indicating the nature of the violation and ordering the action necessary to correct it.

The Notice of Violation may:

order the discontinuance of any illegal work, specifying a date and time for such discontinuance; and
require the repair and cleanup of any damage done due to failure to comply with General Permit No. 2, specifying a date and time for completion of repair and cleanup; and
order the withholding of any building or occupancy permits for the site, and
order the discontinuance of any or all work at the site, including at the Erosion Control Officer’s discretion work not directly related to the cause and prevention of erosion and sedimentation, except work necessary to achieve compliance and to repair and clean up damage, specifying a date and time for such discontinuance to commence and conditions for such discontinuance to cease.

Failure to comply with any order in a Notice of Violation is an additional violation. Each day of such failure constitutes a separate violation.

The Erosion Control Officer may modify a Notice of Violation and may authorize, in writing, an extension to the specified dates and times therein.

The Notice of Violation shall, where necessary or appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required for the enforcement of this Section.

Communication to a responsible party’s employee, partner, attorney, agent, contractor, or subcontractor shall be regarded as communication to the responsible party for the purpose of this section.

Communication to one responsible party shall be regarded as communication to each responsible party for the purpose of this section.

(Ord. No. 14824, 2-11-2008)

Sec. 28-171. Powers of Authority for Inspection.

Right of Entry. The City Engineer orBuilding Official and authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The applicant, owner, or titleholder shall be deemed to have consented to such entry by submission of an application for any permit or plan contemplated in this article. Barring or delaying such inspection is a violation of this section.

The Erosion Control Officer shall have access to and be able to copy any records that must be kept under the conditions of General Permit No. 2 within three business hours, where a business hour is any hour between 8:00 AM and 3:30 PM on a non-holiday weekday.

(Ord. No. 14824, 2-11-2008)

Sec. 28-172. Repair and Clean-up of Damage.

For any site, whether or not covered by an Erosion Control Permit or other stormwater discharge permit, the City may clean up eroded sediment or tracked soil deposited on public property if:
corrective action has not been completed within 24 hours or within an extended deadline granted in writing by the City; or
in the judgment of the City Engineer, damage to the environment is ongoing and prompt corrective action would be intended to reduce such damage.
If the City cleans up such material deposited off site, the City Engineer will invoice the responsible party or parties for the City’s actual costs including overhead, which may be recorded as an assessment against the property and constitute a lien thereon. Failure to pay an invoice under this section within 30 days shall constitute a violation of this Section.
(Ord. No. 14824, 2-11-2008)

**Sec. 28-173. Enforcement.**
Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief.
In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys’ fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.
Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of Iowa Code 364.22, pursuant to Article 1, General Provisions of the Marshalltown Municipal Code.
(Ord. No. 14824, 2-11-2008)

**Sec. 28-174. Appeals.**
Anyone claiming to be aggrieved by any determination made by the Erosion Control Officer may within 20 days of the date of such determination appeal to the City Manager or designee and in writing state his or her reasons for requesting such order to be rescinded or modified. The City Manager or designee shall review the determination of the Erosion Control Officer, and if reasonable grounds exist, shall modify, withdraw or order compliance with said determination. Anyone claiming to be aggrieved by the determination made by the City Manager or designee shall have such rights of appeal as provided by the law.

**Sec. 28-175. Fees Established.**
The City Council may establish fees by resolution for permit applications, permit renewal applications, inspections, and for the review and processing of documents necessitated by this article. When such fees are established a submittal shall not be considered unless the appropriate fee has been submitted to the City.
(Ord. No. 14824, 2-11-2008)

**Secs. 28-176 – 28-200. Reserved.**

**ARTICLE VII. POST CONSTRUCTION STORM WATER MANAGEMENT**

**Sec. 28-201. Title.**
This Article shall be known as the “Marshalltown Post Construction Storm Water Management Ordinance,” and may be cited as such and will be referred to herein as “this Article”.
(Ord. No. 14853, 2-23-2009)

**Sec. 28-202. Purpose.**
The U.S. EPA's National Pollutant Discharge Elimination System (NPDES) permit program administered by the Iowa Department of Natural Resources (IDNR) requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4}
Permit). The City of Marshalltown (City) is subject to the Program and is required to obtain, and has obtained, an MS4 Permit. The City’s MS4 Permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

The purpose of this Article is to comply with the MS4 Permit requirements and establish a set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. The regulation of storm water runoff discharged from land development and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion and non-point source pollution associated with storm water runoff, is in the public interest and will prevent threats to public health and safety.

(Ord. No. 14853, 2-23-2009)

Sec. 28-203. Definitions.
For the purpose of this Article, the following terms have or include the following meanings:

“Applicant” means person, firm or entity applying for a permit or development approval to develop, grade or construct any improvement within the corporate limits of the City of Marshalltown.

“Approval” means formal, written consent by the City Council, or authorized representative of the City of Marshalltown.

“Best Management Practices (BMP’s)” means schedules of activities prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPS are described in the Iowa Stormwater Management Manual and SUDAS. The BMPs covered by are not meant to be a comprehensive list of acceptable BMPs.

“Drainage Detention or Overland Flowage Easement” means a legal right granted by a land owner to a grantee allowing the use of private land for storm water management.

“National Pollutant Discharge Elimination System (NPDES)” is the program for issuing, modifying, revoking, terminating, monitoring and enforcing permits under the Clean Water Act (sections 301, 318, 402 and 405) and United States Code of Federal Regulations Title 33, Section 1317, 1328, 1342 and 1345.

“Post Construction Storm Water Management Plan” means a set of plans and specifications approved by the City Council during the approval of the Site Plan, Construction Drawing, Plat that defines the system of BMPs that are to be constructed and maintained on the site.

“Property” means land located in the City of Marshalltown, whether or not improved with buildings or other structures.

“Property Owner” means a person who alone or with another person or other persons, holds the legal title to property; except, however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the construct any improvement within the corporate limits of the City of Marshalltown.

“Approval” means formal, written consent by the City Council, or authorized representative of the City of Marshalltown.

“Best Management Practices (BMP’s)” means schedules of activities prohibitions of practice, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPS are described in the Iowa Stormwater Management Manual and SUDAS. The BMPs covered by are not meant to be a comprehensive list of acceptable BMPs.

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“Post Construction Storm Water Management Plan” means a set of plans and specifications approved by the City Council during the approval of the Site Plan, Construction Drawing, Plat that defines the system of BMPs that are to be constructed and maintained on the site.

“Property” means land located in the City, whether or not improved with buildings or other structures.

“Property Owner” means a person who alone or with another person or other persons, holds the legal title to property; except, however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the Office of the County Recorder, the person so purchasing the property, whether alone or with another person or other persons, is the “property owner” and the person retaining bare legal title to the property as security for the balance of the purchase price.

“Regional Detention Facility” means a wet or dry detention basin or basins which are designed to accept storm water runoff from two or more sites that are required to obtain a NPDES General Permit Number 2 and that otherwise complies with all city, state or federal permit requirements as they apply to storm water management requirements for those sites.

“Storm water” means storm water runoff, snow melt runoff and surface runoff and drainage.

“Storm water Pollution Prevention Plan (SWPPP)” is a plan as defined in the Iowa NPDES storm water general permit.

“SUDAS” means the current Standard Urban Design and Specifications Manual, as locally amended, that specifies the storm water guidelines and storm water controls deemed by SUDAS to meet the goals of the U.S. Environmental Protection Agencies NPDES permit program administered by the Iowa Department of Natural Resources.

(Ord. No. 14853, 2-23-2009)

Sec. 28-204. Post Construction Storm Water Management Plan.

Every property owner or applicant required to have coverage under NPDES General Permit Number 2, shall design, install and maintain Post Construction Storm Water Management Plan (PCSWMP) facilities as approved by the City Council during the Site Plan, Construction Drawing or Platting Process.

An Iowa licensed Professional Engineer or Landscape Architect shall design PCSWMP facilities in conformance with the guidelines established in the Iowa Stormwater Management Manual and SUDAS. PCSWMP facilities shall be designed with appropriate BMPs, such as detention and retention basins, grass swales, buffer strips, bio-retention and other similar types of infiltration basins and riparian areas, that will convey drainage through the property to one or more treatment areas such that no development shall cause downstream property owners, water courses, channels or conduits to receive storm water runoff from the proposed development site at a flow greater than the rate allowed.

In order to ensure that the PCSWMP facilities are constructed in accordance with the approved design, the property owner or applicant shall provide to the City an as-built plan detailing dimensions and elevations as well as certification that the approved facilities were installed and properly working. The as-built plan shall be completed by an Iowa licensed Professional Engineer or Landscape Architect and submitted to the City prior to the acceptance of any improvements or issuance of any Certificate of Occupancy.
At the discretion of the City, the property owner or applicant may satisfy the PCSWMP requirements by ensuring the conveyance of storm water discharge from the property to a regional detention facility.
(Ord. No. 14853, 2-23-2009)

Sec. 28-205. Maintenance.
The property owner’s duty to ensure that the site is periodically inspected and maintained in accordance with the approved Post Construction Storm Water Management Plan (PCSWMP). Periodic inspections shall be completed as needed and in no case less than one time per calendar year. Inspections shall be documented and shall be retained for at least three years. Copies of the inspection documentation shall be made available to the City upon request.
(Ord. No. 14853, 2-23-2009)

Sec. 28-206. Inspections.
The City shall be permitted to enter and inspect any property subject to regulation as often and as necessary to determine compliance with this Chapter, after the City has first made a reasonable attempt to contact the property owner or representative of the owner. The City may conduct site visits at any time to determine compliance with the approved Post Construction Storm Water Management Plan (PCSWMP). Additionally, the City may request that a property owner verify, through the preparation of an as-built plan completed by an Iowa licensed Professional Engineer or Landscape Architect, that the PCSWMP facilities contain appropriate capacities and operational characteristics as originally designed and approved. In the event that a site is found not to be in compliance with the PCSWMP, the City will communicate in writing, with the property owner a list of deficiencies that identifies the area or incident of non-compliance. The property owner shall have fourteen (14) days from the date of notice to provide a written response outlining the steps and implementation timelines for corrective action. The property owner shall have thirty (30) days from the date of notice to complete the corrective action necessary to bring the site back into compliance with the approved PCSWMP. Following the review of the property owner’s written response, if extenuating circumstances exist which makes implementation of the necessary corrective action difficult to complete within the specified time period, the City may grant, at its sole discretion, a reasonable extension of time to complete the corrective action. Failure to allow access to the property, provide a written response or undertake corrective action shall constitute a violation of this Article.
(Ord. No. 14853, 2-23-2009)

Sec. 28-207. Corrective Action by City.
If the property owner fails to take corrective action in the time period prescribed in Section 28-206 of this Article, the City may do so by its own crews or by persons under its hire and assess against the property owner the City’s cost therefore. Said costs shall include the salaries and benefits earned by City employees during such corrective action, a charge for City machinery used and such other costs and expenses as the city actually incurred. To the extent allowed by Iowa law, such costs and expenses may be assessed against the property owner and collected in the same manner as a property tax.
(Ord. No. 14853, 2-23-2009)

Sec. 28-208. Responsibility.
The failure of City officials to observe or foresee hazardous or unsightly conditions, or to impose
other additional conditions or requirements, or to deny or revoke permits or approvals, or to stop work in violation of this Article shall not relieve the property owners of the consequences of their actions or inactions or result in the City, its officers or agents being liable therefore or on account thereof. Notwithstanding any provision of this Article, every applicant bears final and complete responsibility for compliance with the NPDES General Permit Number 2 and any other requirements of the state or federal law or administrative rule.
(Ord. No. 14853, 2-23-2009)

Sec. 28-209. Violations.
Unless another penalty is expressly provided by this Article for any particular provision or section, any person violating any provision of this Article or any rule or regulation adopted herein by reference shall be subject to a municipal infraction. Each day that a municipal infraction occurs and continues to exist constitutes a separate offense and by punished by a Penalty as provided in Sec. 1-8 of the Code.

Sec. 28-210. Appeal.
Any person affected by a decision of the City of Marshalltown’s appointed Construction Official or Public Works Director may request in writing a hearing on such decision within five days of receipt of notification of deficiencies or non-compliance. The request shall be made to the City Administrator who shall conduct the hearing or who shall designate a hearing officer.
(Ord. No. 14853, 2-23-2009)

Sec. 28-211. Statewide Urban Design and Specifications and Iowa Stormwater Management Manual.
The City of Marshalltown adopts the Iowa Stormwater Management Manual.
(Ord. No. 14853, 2-23-2009)

Sec. 28-212 – 28-300. Reserved.