

CITY OF FAIRFIELD, IOWA

CODE OF ORDINANCES

2010 S-2 Supplement contains:
Local legislation current through Ord. 1055, passed 6-28-10

AMERICAN LEGAL PUBLISHING CORPORATION
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PREFACE

The Fairfield Municipal Code, originally published by Book Publishing Company in 1981, is now kept current by regular supplementation by American Legal Publishing.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of the city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter and section. Thus, Section 17.08.050 is Section .050, located in Chapter 17.08 of Title 17. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

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

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

This supplement brings the code up to date through Ordinance 1055, passed June 28, 2010.

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Title 1

GENERAL PROVISIONS

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- 1.02 Form of Government
- 1.04 Council Procedure
- 1.08 Datum Plane
- 1.12 Precincts and Wards
- 1.20 Nomination of Candidates for Municipal Office
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Chapter 1.01

CODE ADOPTION

Sections:

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- 1.01.040 Distribution.
- 1.01.050 Repeal of 1965 Municipal Code.
- 1.01.060 Amendments.
- 1.01.070 Effect of code on past actions and obligations.
- 1.01.080 Effective date.
- 1.01.100 Penalties for violations.

1.01.010 Adoption.

Pursuant to published notice in accordance with state law and public hearing held November 3, 1980 hereon, the city council does hereby adopt the First Revised Ordinances of 1980 as the Municipal Code of the Municipal Corporation of the City of Fairfield, Iowa. (Ord. 626 § 1, 1980).

1.01.020 Official copy.

An official copy, bearing the signature of the mayor and certificate of the city clerk, together with standard codes adopted by reference in this code. (Ord. 626 § 2, 1980).

1.01.030 Public copies.

Loose-leaf copies of this code shall be kept in the city clerk's office available for public inspection and for sale at cost to the public. (Ord. 626 § 3, 1980).

1.01.040 Distribution.

Copies of this code shall be distributed as follows: one copy with the State Law Library, one copy in the Fairfield Public Library, one copy with the Fairfield Daily Ledger and one copy with KMCD-KBCT radio station. (Ord. 626 § 4, 1980).

1.01.050 Repeal of 1965 Municipal Code.

All the provisions of the Municipal Code of Fairfield, 1980, shall be in full force and effect on and after the effective date of the ordinance codified in this chapter. (Ord. 626 § 5, 1980).

1.01.060 Amendments.

All general ordinances of the city council passed hereafter shall be in the form of an addition or amendment to the First Revised Ordinances of 1980 and shall include proper references to chapter and section to maintain the orderly codification of ordinances. (Ord. 626 § 6, 1980).

1.01.070 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 626 § 7, 1980).

1.01.080 Effective date.

The ordinance codified in this chapter and adopted code shall be in full force and effect from and after passage and approval and publication of the ordinance codified in this chapter, as provided by law. (Ord. 626 § 8, 1980).

1.01.100 Penalties for violations.

Any person, firm or corporation, their agents or servants, upon whom a duty is placed by the provisions of the Fairfield Municipal Code, who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this code for which a penalty is not otherwise specifically provided, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in a sum not to exceed one hundred dollars and costs of prosecution, or to be imprisoned for a term not to exceed thirty days, and each day that a violation of the Fairfield Municipal Code herein adopted continues, shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 752 § 2, 1988).

Chapter 1.02

FORM OF GOVERNMENT

Sections:

- 1.02.010 Purpose.
- 1.02.020 Charter citation.
- 1.02.030 Form of government designated.
- 1.02.040 Powers and duties.
- 1.02.050 Number and term of council.
- 1.02.060 Term of mayor.

1.02.010 Purpose.

The purpose of this chapter is to provide for a charter embodying the form of government existing on July 1, 1974. (Ord. 574 § 1, 1975).

1.02.020 Charter citation.

This chapter may be cited as the Charter of the City of Fairfield, Iowa. (Ord. 574 § 2, 1975).

1.02.030 Form of government designated.

The form of government of the city of Fairfield, Iowa, is the mayor-council form of government. (Ord. 574 § 3, 1975).

1.02.040 Powers and duties.

The council and mayor (and manager) and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the city. (Ord. 574 § 4, 1975).

1.02.050 Number and term of council.

The council consists of two councilmen elected at large and one councilman from each of five wards as established by ordinance, elected for terms of four years. (Ord. 574 § 5, 1975).

1.02.060 Term of mayor.

The mayor is elected for a term of two years. (Ord. 574 § 6, 1975).

Chapter 1.04

COUNCIL PROCEDURE

Sections:

1.04.010 Contracts of the city.

1.04.020 Enacting clause of ordinances.

1.04.030 Repealing ordinances.

1.04.010 Contracts of the city.

Every resolution authorizing any person or committee to make contracts for the city shall be adopted by a vote of ayes and nays and shall be binding upon the city and may be enforced against or in favor of the city. (Ord. 58 § 2, 1904).

1.04.020 Enacting clause of ordinances.

The enacting clause of ordinances shall be "Be it ordained by the city council of the city of Fairfield." (Ord. 58 § 3, 1904).

1.04.030 Repealing ordinances.

An ordinance repealing a former ordinance, being it-self repealed, does not thereby

revive the former ordinance so repealed. (Ord. 58 § 4, 1904).

Chapter 1.08

DATUM PLANE

Sections:

1.08.010 Official level datum.

1.08.020 Penalty for disturbing bench mark.

1.08.010 Official level datum.

The official city of Fairfield, Iowa level datum shall be the sea level datum of 1929, as evidenced by the current Fairfield engineering department bench mark map, which said official city bench mark map shall show the locations and elevations of the city bench marks. (Ord. 435 § 1, 1961).

1.08.020 Penalty for disturbing bench mark.

Any person moving or disturbing any bench mark shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both. (Ord. 435 § 2, 1961).

Chapter 1.12

PRECINCTS AND WARDS

Sections:

- 1.12.010 Definitions.
- 1.12.020 Precincts established.
- 1.12.030 Wards established.

1.12.010 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

(1) "Annexed Territory" means territory annexed to the city after Census Day.

(2) "Census Day" means April 1, 2000, the official date of the 2000 United States Decennial Census.

(3) "City" means and includes all territory within the corporate limits of the city of Fairfield and all an-nexed territories.

(4) "Commissioner of elections" means the county auditor of Jefferson County.

(5) "Corporate limits" means the corporate limits of the city on Census Day.

The corporate limits do not embrace the annexed territories.

(6) "Legislative district" means a district represented by a member of the House of Representatives of the General Assembly of the state of Iowa, as established by House File 758 of the seventy-ninth general assembly, as an amendment to the 2001 Code of Iowa, Section 41.1.

(7) Names, boundaries, lines, features, and fixtures are to be construed as they existed on Census Day.

(8) Points of the compass are approximate unless otherwise stated.

(9) "Precinct" means a confined district (election district) within limited boundaries specified by the city council consistent with Iowa Code Sections 49.3, 49.5 and 49.7 to permit ease of description and identification for voters and ease of access to polling places by reasonably direct routes of travel available to voters.

(10) "Street" or similar language means the center-line of the right-of-way, and a straight extension of that centerline.

(11) "Ward" means a division or district within the city, comprised of one or more precincts. (Ord. 956 § 1, 2001).

1.12.020 Precincts established.

The city is hereby divided into five precincts as follows:

(1) The First Precinct. The First Precinct includes all territory within the Walton Lake Addition to the city, as well as that territory bounded by a line as follows:

Commencing at the intersection of the north right-of-way line of the Burlington Northern Railroad right-of-way and the west boundary line of Walton Lake Addition (point of beginning); thence west along the north railroad right-of-way line to its intersection with the centerline of D Street; thence south along the centerline of D Street to its intersection with the centerline of Jefferson Avenue; thence west along the centerline of Jefferson Avenue to the intersection with the centerline of C Street; thence south along the centerline of C Street to its intersection with the centerline of Madison Avenue; thence west along the centerline of Madison Avenue to its intersection with the centerline of Main Street; thence south along Main Street to its intersection with the centerline of Fillmore Avenue; thence east along Fillmore Avenue to its intersection with the centerline of South D Street; thence south along the centerline of D Street to the centerline of Buchanan Avenue; thence east along the centerline of Buchanan Avenue to the centerline of Maple Street; thence north along the centerline of Maple Street to the centerline of Fillmore Avenue; thence east to the intersection of the centerline of Fillmore Avenue with easternmost city limit as an extension of Fillmore Avenue; thence northward and northeast along the eastern city limit to its intersection with the Burlington Northern Railroad right-of-way and the point of beginning, all of which is part of the Ninetieth Legislative District.

(2) The Second Precinct. The Second Precinct shall consist of that territory lying north of the Burlington Northern right-of-way and east of North Fourth Street within the city limits (except for Walton Lake Addition) as bounded by the northern city limits, the north boundary line of the precinct and the eastern city limits as the eastern boundary line of the precinct; and also that territory bounded by a line commencing at the intersection of the Burlington Northern right-of-way northern line and D Street, and then proceeding south along D Street centerline to its intersection with the centerline of Grimes Avenue; thence west along the centerline of Grimes Avenue to its intersection with the centerline of Court Street; thence north along the centerline of Court Street to its intersection with the north

right-of-way of the Burlington Northern Railroad; thence east along that right-of-way boundary to the point of commencement; all of which is part of the Ninetieth Legislative District.

(3) The Third Precinct. The Third Precinct shall consist of all territory within the city limits lying north and/or west of a line commencing at the intersection of South Twelfth Street with the centerline of Jackson Avenue; thence east along the centerline of Jackson Avenue to its intersection with the centerline of South Seventh Street; thence north along the centerline of Seventh Street to the intersection of Seventh Street with the centerline of Burlington Avenue; thence east along the centerline of Burlington Avenue to its intersection with the centerline of Fifth Street; thence north along the centerline of Fifth Street to its intersection with the centerline of Broadway Avenue; thence east along the centerline of Broadway Avenue to its intersection with the centerline of North Fourth Street; thence north along the centerline of North Fourth Street to its intersection with the north boundary line of the Fairfield city limits; all as bounded by the northern city limits as the north boundary line of the precinct and by the western city limits as the western boundary of the precinct; all of which is part of the Ninetieth Legislative District.

(4) The Fourth Precinct. The Fourth Precinct includes all territory bounded by a line as follows:

Commencing at the intersection of the centerline of Grimes Avenue with the centerline of North D Street; thence south along the centerline of D to its intersection with the centerline of Jefferson Avenue; thence west along the centerline of Jefferson Avenue to its intersection with C Street; thence south along the centerline of C Street to its intersection with the centerline of Madison Avenue; thence west along the centerline of Madison Avenue to its intersection with the centerline of South Main Street; thence south along the centerline of Main Street to its intersection with the centerline of Fillmore Avenue; thence west along the centerline of Fillmore Avenue to its intersection with the centerline of Second Street; thence north along the centerline of Second Street to its intersection with the centerline of Van Buren Avenue; thence west along the centerline of Van Buren Avenue to its intersection with the centerline of South Seventh Street; thence north along the centerline of Seventh Street to its intersection with the centerline of

Burlington Avenue; thence east along the centerline of Burlington Avenue to its intersection with the centerline of Fifth Avenue; thence north along the centerline of Fifth Avenue to its intersection with the centerline of Broadway Avenue; thence east along the centerline of Broadway Avenue to its intersection with the centerline of North Fourth Street; thence north along the centerline of North Fourth Street to its intersection with the northern right-of-way boundary line of the railroad right-of-way; thence east along the northern right-of-way line of the Burlington Northern Railroad right-of-way to its intersection with the centerline of Court Street; thence south along the centerline of Court Street to its intersection with the centerline of Grimes Avenue; thence east along the centerline of Grimes Avenue to its intersection with the centerline of D Street, the point of beginning; all of which is part of the Ninetieth Legislative District.

(5) The Fifth Precinct. The Fifth Precinct shall consist of all that territory within and annexed to the city, bounded by and south of a line described as follows:

Beginning at the intersection of the centerline of Park Street with the centerline of East Fillmore Avenue at the Northwest Corner of Lamson Woods; thence west along the centerline of Fillmore Avenue to its intersection with the centerline of Maple Street; thence south along the centerline of Maple Street to its intersection with the centerline of Buchanan Avenue; thence west along the centerline of Buchanan Avenue to its intersection with the centerline of South D Street; thence north along the centerline of North D Street to its intersection with the centerline of Fillmore Avenue; thence west along the centerline of Fillmore Avenue to its intersection with the centerline of Second Street; thence north along the centerline of Second Street to its intersection with the centerline of Van Buren Avenue; thence west along Van Buren Avenue to its intersection with the centerline of South Seventh Street; thence north along the centerline of Seventh Street to its intersection with the centerline of Jackson Avenue; thence west along the centerline of Jackson Avenue to its intersection with the western city limits boundary approximately five hundred feet west of the intersection of Jackson Avenue with the extension of South Twelfth Street; thence southwest along the city limits boundary line to the abandoned Chicago Rock Island and Pacific Railroad right-of-way; the western corporate city limits boundary line immediately south thereof constituting the western boundary of the precinct

and the southern corporate city limits boundary east thereof constituting the southern boundary of the precinct, with the western right-of-way line for Mint Boulevard constituting the eastern boundary of the precinct until its intersection with East Fillmore Avenue, which is the point of beginning; all of which precinct is part of the Ninetieth Legislative District. (Ord. 956 § 2, 2001).

1.12.030 Wards established.

The city is divided into five wards as follows:

- (1) The First Ward shall consist of the First Precinct.
- (2) The Second Ward shall consist of the Second Precinct.
- (3) The Third Ward shall consist of the Third Precinct.
- (4) The Fourth Ward shall consist of the Fourth Precinct.
- (5) The Fifth Ward shall consist of the Fifth Precinct. (Ord. 956 § 3, 2001).

Chapter 1.20

NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICE

Sections:

1.20.010 Purpose.

1.20.020 Nominating method to be used.

1.20.010 Purpose.

The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the city of Fairfield, Iowa, shall be nominated. (Ord. 492 § 1, 1966).

1.20.020 Nominating method to be used.

In municipal elections of the city of Fairfield, Iowa, all candidates for elective

municipal offices shall be nominated by the procedures set forth in Chapters 44 and/or 45 of the 1962 Iowa Code.

The method prescribed herein for nominating candidates shall remain in effect until or unless changed by ordinance. (Ord. 492 § 2, 1966).

Chapter 1.24

RUNOFF ELECTION IN LIEU OF PRIMARY*

Sections:

1.24.010 Purpose.

1.24.020 Runoff election adopted.

* Prior history: Ord. 577

1.24.010 Purpose.

The purpose of this chapter is to adopt the alternative of using a runoff election in lieu of a primary election for the choosing of persons for elective municipal offices, and prescribing the procedure to be followed therein. (Ord. 626-1-4 § 1, 1980).

1.24.020 Runoff election adopted.

The provisions of Section 376.9, Code of Iowa, 1977, are adopted in lieu of the requirements for a primary election indicated in Sections 376.7 and 376.8 thereof. (Ord. 626-1-4 § 2, 1980).

ADMINISTRATION AND PERSONNEL

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- 2.04 Mayor
- 2.08 Solicitor
- 2.10 City Administrator
- 2.12 Clerk-Finance Officer
- 2.20 Director of Public Works
- 2.24 Officers Generally
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Chapter 2.04

MAYOR

Sections:

- 2.04.010 Executive functions exclusive.

- 2.04.020 City council meetings.
- 2.04.030 Duty and conservator of peace.
- 2.04.040 Office and corporate seal.
- 2.04.050 Appointment of certain officers.
- 2.04.060 Certification of documents.
- 2.04.070 Report and recommendation to city council.
- 2.04.080 Salary.

2.04.010 Executive functions exclusive.

All executive functions and powers shall be exercised by the mayor and other officers and boards, and neither the council nor the members thereof shall exercise any executive functions unless expressly conferred by law. (Ord. 465 § 1, 1964).

2.04.020 City council meetings.

The mayor shall be the presiding officer at all meetings of the city council, but he is not a member of the council and may not vote as a member of the council, even in case of a tie vote of the members of the council present. (Ord. 626-2-1 § 2, 1980: Ord. 465 § 2, 1964).

2.04.030 Duty and conservator of peace.

The mayor shall be a conservator of the peace within the limits of the city; and as such chief executive officer, it shall be his duty to the conduct of all corporate officers, examine any grounds of complaint made against them, and cause all neglect or violation of duty to be corrected, and/or to report the same to the proper tribunal. (Ord. 465 § 3, 1964).

2.04.040 Office and corporate seal.

The mayor shall keep an office at some convenient place in the city to be provided by council, and keep the corporate seal thereof in his charge. (Ord. 465 § 4, 1964).

2.04.050 Appointment of certain officers.

The mayor shall appoint the following officers: councilman as a mayor pro tem, a chief of police, and such other officers, including police matrons, as may be further provided by ordinance; such other officers as the council may, by ordinance, direct him to appoint.

The council shall elect all other officers and prior civil service rights of any person appointed to any position under this section shall not be abridged by such appointment. (Ord. 626-2-2 § 1, 1980; Ord. 465 § 5, 1964).

2.04.060 Certification of documents.

The mayor shall sign all commissions, licenses and permits granted by the authority of the council, and do such other acts as by law or ordinance may require his signature or certificate. (Ord. 465 § 6, 1964).

2.04.070 Report and recommendation to city council.

The mayor shall at the first regular meeting of the newly elected council, and at such other times as he may deem expedient, report to the council concerning the municipal affairs of the city and recommend such measures as to him may seem advisable. (Ord. 465 § 7, 1964).

2.04.080 Salary.

The mayor shall receive an annual salary of five thousand one hundred dollars to be paid in equal monthly installments. (Ord. 961 § 2, 2003; Ord. 870 § 2, 1995).

Chapter 2.08

SOLICITOR

Sections:

2.08.010 Powers and duties.

2.08.020 Legal proceedings and papers.

2.08.010 Powers and duties.

It shall be the duty of the city solicitor to attend each regular meeting of the council, and also any special meetings when requested to do so by the mayor or council; to prosecute and defend all suits to which the city is a party in city and state courts; to prosecute all appeals when the interest of the city requires appeals to be taken; to prosecute all suits for the violation of city ordinances; to give his advice to the city council, or any of its committees or city officers, on legal questions arising in relation to the business of the city; to give his opinion in writing to the city council whenever so directed which shall be preserved among the city records by the city clerk; to draw all contracts to which the city is a party; to revise all ordinances prior to the final passage, whenever the same are presented to him for that purpose; and to perform such other duties pertaining to his office as the interest of the city shall require. He may collect fines and penalties and receipt therefor upon the docket, and shall pay over the same to the city clerk, and take his receipt therefor, and report the same to the council. (Ord. 123-B, 1911: Ord. 54 § 13, 1904).

2.08.020 Legal proceedings and papers.

The city solicitor is authorized to sign the name of the city to appeal bonds, and to all other bonds or papers of whatsoever kind necessary in legal proceedings, or for the prosecution of any cause in any court, and the same shall be legal and binding on the city.

At the expiration of the term of his office the city solicitor shall transmit to his successor a docket of all cases wherein the city is a party then pending, and all books, papers and documents belonging to the city and in his hands. (Ord. 54 § 14, 1904).

CITY ADMINISTRATOR

Sections:

- 2.10.010 Purpose.
- 2.10.020 Office created.
- 2.10.030 Compensation.
- 2.10.040 Appointment and term.
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- 2.10.100 Administrator's bond.
- 2.10.110 Repealer.
- 2.10.120 Severability clause.
- 2.10.130 When effective.

2.10.010 Purpose.

The purpose of this chapter is to provide for a city administrator for the city of Fairfield, Iowa, an office not previously provided for in the Fairfield municipal code. (Ord. 983 § 1, 2003).

2.10.020 Office created.

There is hereby created the office of city administrator for the city, also known as, and may also be herein referred to as operations manager, public works director, personnel manager, or finance director. The qualifications for the office created shall include competency through education and/or experience to perform the duties imposed and exercise the powers granted to the administrator by this chapter. (Ord. 983 § 2, 2003).

2.10.030 Compensation.

The city administrator shall receive such annual salary as the council shall from time to time determine, shall include allowance for expenses, and payment shall be made monthly from the treasury of the city, in the manner provided for paying other officers and employees. The city council is hereby authorized, in its discretion, to enter into employment agreements or contracts with the administrator as may be necessary for his or her employment. (Ord. 983 § 3, 2003).

2.10.040 Appointment and term.

The city administrator is appointed by a majority vote of the council, and shall serve at the direction of the council, and shall be subject to removal by majority vote of the council, subject to terms of such officer's contract with the city. (Ord. 983 § 4, 2003).

2.10.050 Duties.

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

- (1) Supervises the enforcement of city laws and assures resolutions, ordinances, laws and council directives and operational policies are enforced and executed or referred to the proper official for compliance.
- (2) Attends meetings of the city council unless excused by the mayor or council.

(3) Recommends to the council measures necessary or expedient for good government and the welfare of the city.

(4) Provides general supervision and direction for the administration of city government to expedite the efficient administration of city's business. This includes direct responsibility to the city council for the proper functioning of the following departments and offices of city government:

- A. City of Fairfield administrative offices, including office of city clerk;
- B. Street department and public works department;
- C. Water department and waste water department;
- D. Fire department;
- E. Planning department and planning and zoning commission;
- F. Airport commission;
- G. Park and recreation department (subject to board);
- H. Housing authority (subject to board);
- I. Public access TV (FPAC) (subject to board); and
- J. Civil service commission.

(5) Cooperates with and advises and assists the police department and present or future administrative agencies, boards or commissions which are responsible to the mayor and the city council, including but not limited to the public library board, parks and recreation board, housing authority board, public access TV board, civil service commission, planning and zoning commission and board of adjustment, museum board and historic preservation commission.

(6) Supervises and coordinates the performance of contracts for work to be done for the city and all purchases of material and supplies; ensures that material and supplies are received and are of the quality and specification called for by the contract; and consults with department heads with reference to said contracts.

(7) Coordinates with the city clerk and communicates and keeps the council fully informed of city department conditions, finances, financial management, progress, budgets, background or historical information, future needs, goals and objectives in language and format for public consumption.

(8) Introduces new and approved methods for the elimination of wasteful practices following modern municipal procedures and law requirements.

(9) Compiles and maintains current and up-to-date information regarding all funding sources of the city; including state and federal grant and loan programs; plans, develops, prepares and submits, with the approval and at the direction of the city council, applications for grants, loans and other funding sources and to administer all such fundings.

(10) Advises the council on participation in programs and policies with another government political subdivision, including a city, county, state or federal entity, and/or which may be affected by court decisions, liability or other related matters and suggests and coordinates city grant proposals and shared participation.

(11) Recommends and participates in projects and endeavors to support and promote economic growth and development in the city.

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

(13) Upon order of the city council, obtains for the city such specialized and professional services deemed necessary by the city council and not already available to the city.

(14) In conjunction with department heads and the city council personnel committee, oversees the review, evaluation and interview of applicants for city employment and make recommendations to the city council for approval; recommends to the city council employment, promotion, or reclassification of city employee(s).

(15) Disciplines employees in a manner consistent with the city of Fairfield personnel policy manual, subject to requirements of state law and city ordinance.

(16) Coordinates and implements a comprehensive safety and training plan, ensuring compliance with applicable state and federal regulations.

(17) Formulates and recommends employment and personnel policies, compensation schedules and benefits for the approval of the city council.

(18) Represents the city, as directed by the council, in all negotiations and relations with employees, contractors, consultants, other governmental units, and civic organizations in which the city may have an interest, and cooperates with, assists and advises all administrative agencies, city boards and commissions, and acts as the council's liaison and representative to such entities.

(19) Ensures that all business affairs of the city of Fairfield are conducted by approved methods and in an efficient manner.

(20) Provides administrative support and assistance to the mayor, and performs duties in coordination of all phases of municipal activity as directed by the mayor and city council.

(21) Assists and supervises the city clerk in regard to the issuance of all licenses and permits and provides for and causes the records to be kept of the issuance and revocation of such licenses and permits.

(22) Administers or assists in administering orders to abate cited nuisance(s) at city expense.

(23) Is responsible, in conjunction with the city clerk, for the maintenance of accurate and current records of all affairs of the city.

(24) Assists the mayor, city council and all department heads in preparing the annual budget in the manner as prescribed by law, and shall also render budgetary assistance to the city clerk; assembles the department heads' proposed annual departmental budgets, which proposals shall include projected revenues, proposed expenditures and salary requests and thereafter, submits said proposed budget on prescribed forms to the city council.

(25) Supervises the management of all buildings, structures and land under the jurisdiction of the city council, and shall also be charged with the care and supervision of departmental management's preservation of all city-owned equipment, tools, machinery, appliances, supplies and commodities allocated to the respective department; provided, however, city hall administrative offices shall be directly managed by the city administrator.

(26) Designates one or more city employees to discharge the duties of the office of city administrator when the city administrator is absent from his or her position or when

the position is vacant. Said designation shall be subject to city council approval.

(27) Performs such other duties as the mayor or city council may direct, including:

(A) Assists all city departments as necessary.

(B) Performs other duties or assumes other re-sponsibilities as apparent or assigned. (Ord. 983 § 5, 2003).

2.10.060 Powers.

The city administrator, or any person appointed by the city administrator for this purpose, may summarily and without notice, investigate the affairs and conduct of any department, agency, officer or employee under such person's supervision. The city administrator shall further have the following powers:

(1) To appoint, with approval of the council, such administrative assistants as deemed advisable.

(2) To employ, reclassify or discharge all city employees under such officer's supervision, subject to the provisions of the Veterans Preference Law (Chapter 35C of the Code of Iowa) and the Civil Service Law (Chapter 400 of the Code of Iowa).

(3) To appoint or employ persons to fill all places for which no other mode of appointment is provided, and to have power to administer oaths of office.

(4) To have such other powers as may be prescribed by ordinance.

(5) All other duties and responsibilities as assigned by the council related to services as operations manager.

(6) The city administrator may delegate his power(s) and authority to subordinate officers and department heads to such extent that the administrator deems appropriate.

(7) The powers and duties of the city administrator, as provided for herein, whenever they conflict with the powers and duties granted herein to any other officer(s) or employee(s), shall supercede and have precedence over those powers and duties granted to other municipal of-fice(s) or employee(s). (Ord. 983 § 6, 2003).

2.10.070 Additional duties of city administrator.

The administrator shall assume all duties of the following appointive officers of the city: public works director; planning director. (Ord. 983 § 7, 2003).

2.10.080 Offices vacated.

So long as the duties of the officers designated in the preceding section are to be wholly performed by the administrator, there shall be no appointment of such officers. (Ord. 983 § 8, 2003).

2.10.090 Discharge and removal.

The city council may, subject to the provisions of Chapter 2.24, at any time, for good cause shown, act to discharge and remove the administrator without severance pay.

Good cause shown is sufficient cause to believe any of the following acts have been committed by the administrator:

(A) Violation of the residency requirement specific to the employment agreement (for anything other than in-terim or temporary service);

(B) A willful breach of the employment agreement or the willful and repeated neglect by the employee to perform duties that he or she is required to perform;

(C) Conviction of any criminal act relating to employment with the city;

(D) Conduct, relating to city employment, which, while not necessarily criminal in nature, violates the city's established work rules or standards of conduct in some substantial manner. City personnel policies provide definition;

(E) Intoxication;

(F) Neglect of duty and habitual neglect of duties;

(G) Inefficiency;

(H) Refusal to perform duties;

(I) Willful misconduct;

(J) Maladministration;

(K) Corruption;

(L) Extortion;

(M) Felony;

(N) Conviction of violation of election/campaign finance laws;

(O) Any disability to perform duties;

(This must be tempered to accommodate, if appropriate under A.D.A., or other legal requirement or policy).

(P) Gross partiality;

(Q) Oppression;

(R) Failure to produce and fully account for all public funds and property; and

(S) Becoming ineligible to hold the office.

(Ord. 983 § 9, 2003).

2.10.100 Administrator's bond.

The city administrator shall be bonded for the faithful performance of his duties, and in favor of the city of Fairfield, Iowa, in the sum established by council resolution, but not less than ten thousand dollars. The city shall pay the cost of this bond. (Ord. 983 § 10, 2003).

2.10.110 Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed. (Ord. 983 § 11, 2003).

2.10.120 Severability clause.

If any section, provision or part of the ordinance codified in this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance codified in this chapter as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. (Ord. 983 § 12, 2003).

2.10.130 When effective.

The ordinance codified in this chapter shall be in effect after its final passage, approval and publication as provided by law. (Ord. 983 § 13, 2003).

Chapter 2.12

CLERK-FINANCE OFFICER

Sections:

- 2.12.010 Office created.
- 2.12.020 Duties generally.
- 2.12.030 Administration of oaths.
- 2.12.040 Secretarial functions.
- 2.12.050 Accounting.
- 2.12.060 Custody of funds.
- 2.12.070 Debt service.
- 2.12.080 Records.
- 2.12.090 Seal.
- 2.12.100 Petitions and communications.
- 2.12.110 Licenses and permits.
- 2.12.120 Appointments.
- 2.12.130 Other duties.
- 2.12.140 Compensation.

- 2.12.010 Office created.

There is created the office of city clerk-finance officer which shall be filled by appointment by the council at the first meeting after its organization or as soon thereafter as may be, for a two-year term and continuing until a successor is appointed and qualified. (Ord. 626-2-4 § 1, 1980).

- 2.12.020 Duties generally.

The city clerk-finance officer shall have the duties set forth in Sections 2.12.030

through 2.12.130. (Ord. 626-2-4 § 2(part), 1980).

2.12.030 Administration of oaths.

The clerk-finance officer shall administer oaths of office to any city officer who is required to give an oath. (Ord. 626-2-4 § 2(1), 1980).

2.12.040 Secretarial functions.

The clerk-finance officer shall attend all meetings of the council and its committees. He shall record and preserve a correct record of the minutes of the proceedings of such meetings and post a summary of council proceedings immediately after each regular or special meeting in the manner required by law. He shall post all ordinances immediately after passage and approval by the council, and he shall keep an ordinance book, authenticating each ordinance and certifying as to the time and manner of publication. (Ord. 626-2-4 § 2(2), 1980).

2.12.050 Accounting.

The clerk-finance officer shall be the chief accounting officer of the city, and he shall:

- (1) Keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by law;
- (2) Keep an account of all cash, investments, accounts receivable and property received by, due to, or in the custody of the city and shall give a receipt immediately upon cash coming into his hands, specifying the date, from whom, and for what account, and he shall record each transaction in the correct fund account as required by law or by council direction where not specified by law;
- (3) Keep accounts for cash disbursed, purchase and contract commitments, and property disposed of or sold by the city, specifying the date and to whom the money was paid and record each transaction in the correct fund account as required by law or by council direction where not specified by law;
- (4) Maintain the budgetary accounts required by law or rules of the city finance

committee of the state, and as further directed by the council as permitted by law. (Ord. 626-2-4 § 2(3), 1980).

2.12.060 Custody of funds.

(a) Immediately upon receipt of moneys to be held in his custody and belonging to the municipality, the clerk-finance officer shall deposit the same in banks selected by the council in amounts not to exceed the monetary limits authorized by the council.

(b) He shall file the council's depository declaration with the county and state treasurers in January each year and at other times when necessary.

(c) He shall reconcile the bank statements with his books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.

(d) He shall invest all idle funds and other funds as directed by the council in accordance with law and make reports to the state auditor as required by law.

(e) He shall pay claims against the city only upon council order.

(f) He shall be treasurer of all city boards and commissions. (Ord. 626-2-4 § 2(4), 1980).

2.12.070 Debt service.

(a) The clerk-finance officer shall sign all evidences of indebtedness, coupons, or certificates as required by law of a city clerk or treasurer.

(b) He shall keep a register of all bonds outstanding and record all payments made of interest and principal. (Ord. 626-2-4 § 2(5), 1980).

2.12.080 Records.

(a) The clerk-finance officer shall have custody and be responsible for the safekeeping of all records or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance. He shall file and preserve all receipts, vouchers, and other documents kept or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having

any beneficial relation thereto. He shall, upon the order of the council, destroy all vouchers and records when over ten years of age, except the permanent records specified for retention by law.

(b) He shall furnish upon request to any municipal officer a copy of any record, paper, or public document under his control when it may be necessary to such officer in the discharge of his duty. He shall furnish a copy to any citizen when requested upon payment of the allowable charge set by law or resolution of the council. (Ord. 626-2-4 § 2(6), 1980).

2.12.090 Seal.

The clerk-finance officer shall affix the seal of the corporation to those public documents or instruments which by law or ordinance are required to be attested by the affixing of the seal, or as directed by the mayor or the council. (Ord. 626-2-4 § 2(7), 1980).

2.12.100 Petitions and communications.

The clerk-finance officer shall keep and file by number and date all communications and petitions directed to the council or to the city generally. He shall endorse thereon the actions of the council taken on the matters presented in such communications and petitions. (Ord. 626-2-4 § 2(8), 1980).

2.12.110 Licenses and permits.

The clerk-finance officer shall issue all licenses and permits approved by the council and keep a record thereof which shall show the date, number, to whom issued, and for what purpose. (Ord. 626-2-4 § 2(9), 1980).

2.12.120 Appointments.

The clerk-finance officer shall keep a record of all appointments, and he shall notify all persons appointed by the mayor or council to office of such appointments and the time of taking office. (Ord. 626-2-4 § 2(10), 1980).

2.12.130 Other duties.

The clerk-finance officer shall perform such other duties as may be specified by resolution or ordinance. (Ord. 626-2-4 § 2(11), 1980).

2.12.140 Compensation.

The clerk-finance officer shall be paid such compensation as is specified by council resolution. (Ord. 626-2-4 § 3, 1980).

Chapter 2.20

DIRECTOR OF PUBLIC WORKS

Sections:

- 2.20.010 Appointment--Term--Removal.
- 2.20.020 Compensation.
- 2.20.030 Bond.
- 2.20.040 Powers and duties generally.
- 2.20.050 Physical plant responsibilities.
- 2.20.060 Construction and maintenance duties.
- 2.20.070 Engineering functions.
- 2.20.080 Garbage and refuse collection responsibility.
- 2.20.090 Equipment maintenance.
- 2.20.100 Sewers and disposal plants.
- 2.20.110 Supervision of contracts.
- 2.20.120 Budget preparation.
- 2.20.130 Personnel.
- 2.20.140 Purchasing.
- 2.20.150 Maintenance of public ways.

- 2.20.160 Street maintenance and safety.
- 2.20.170 Recordkeeping duties.
- 2.20.180 Report of violations.
- 2.20.190 Transfer of funds to city clerk.
- 2.20.200 Attendance at meetings.
- 2.20.210 Transfer of records and property to successor.
- 2.20.220 Other duties.
- 2.20.230 Authority.

2.20.010 Appointment--Term--Removal.

The director of public works shall be appointed by a majority vote of the council, shall hold office during the pleasure of the council, and shall be subject to removal by a majority vote of the council. (Ord. 466 § 2, 1964).

2.20.020 Compensation.

The compensation of the director of public works shall be such amount as may from time to time be fixed by the council. (Ord. 466 § 3, 1964).

2.20.030 Bond.

Upon entering into the duties of director of public works, the appointee shall post fidelity bond of one thousand dollars, with surety to be approved by the council, but the premium shall be paid from the general fund of the city. (Ord. 466 § 4, 1964).

2.20.040 Powers and duties generally.

The powers and duties of the director of public works shall be as set forth in Sections 2.20.050 through 2.20.230. (Ord. 466 § 5(part), 1964).

2.20.050 Physical plant responsibilities.

The director of public works shall maintain, super-vised and operate in an efficient manner the physical prop-erties of the city, including the sidewalks, alleys, bridges, streets,

city hall building, fire station building, swimming pool, city dump, cemetery, all sewer lines, lift stations and sewage treatment plant. (Ord. 466 § 5(a), 1964).

2.20.060 Construction and maintenance duties.

The director of public works shall supervise and manage all public works, undertakings, improvements and buildings and have charge of their construction, improvement, repair and maintenance, except those under the jurisdiction of the water board, park board, library board or similar boards or commissions. (Ord. 466 § 5(b), 1964).

2.20.070 Engineering functions.

The director of public works shall have charge of the engineering functions of the city and have charge of making and preserving all surveys, maps, plans, drawings and specifications, except those under the jurisdiction of the water board, park board, library board or similar boards or commissions. (Ord. 466 § 5(c), 1964).

2.20.080 Garbage and refuse collection responsibility.

The director of public works shall have charge of the collection and disposal of waste, trash and garbage within the city. (Ord. 466 § 5(d), 1964).

2.20.090 Equipment maintenance.

The director of public works shall have charge of the maintenance of all equipment, tools, vehicles, appliances or any other personal property owned by the city, except those under the jurisdiction of the water board, park board, library board, and similar boards and commissions, and keep an accurate inventory of same at all times. (Ord. 466 § 5(e), 1964).

2.20.100 Sewers and disposal plants.

The director of public works shall have charge of the construction, operation and maintenance of all sewers, sewage disposal plants and drainage facilities of the city. (Ord.

466 § 5(f), 1964).

2.20.110 Supervision of contracts.

The director of public works shall supervise the performance of all contracts for work contracted to be done for the city, except those under the jurisdiction of the water board, park board, library board or similar boards or commissions. (Ord. 466 55(g), 1964).

2.20.120 Budget preparation.

The director of public works shall assist in the preparation of the annual budget of the city to be submitted to the council. (Ord. 466 § 5(h), 1964).

2.20.130 Personnel.

The director of public works shall coordinate and direct the city work force, including employees of the street department, cemetery department, sanitation and sewage treatment plant department, city dump employees, all city inspectors, and fire department employees (in connection with the maintenance of the fire department building only) with a view toward obtaining the most efficient economical, and effective use of the services of the personnel. He shall have charge of all the employees of the city, except police, firemen or those directly responsible to the city council or mayor, such as city clerk, police court, attorney and health physician and employees of the water board, park board, library board and any similar boards or commissions. He shall have authority to employ such numbers of employees as fixed by the council at wages fixed by the council and shall have full authority to suspend or discharge any employee under his jurisdiction. (Ord. 466 § 5(i), 1964).

2.20.140 Purchasing.

The director of public works shall perform the duty of purchasing all goods, materials and supplies needed by the city in the maintenance and operation of the physical plant assigned to his responsibility, formulate the technical and financial aspects of bids to

be drawn up by the city attorney and enforce quality standards for goods purchased. (Ord. 466 § 5(j), 1964).

2.20.150 Maintenance of public ways.

The director of public works shall be the head of the street department and maintain and repair the side-walks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. He shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass, or overpass, and is charged with the duty of correcting unsafe defects existing in them. (Ord. 466 § 5(k), 1964).

2.20.160 Street maintenance and safety.

Whenever snow or ice imperil travel upon streets and alleys in the city of Fairfield, the director of public works shall be in charge of removing the snow and ice from the streets and alleys. He shall do whatever else is necessary and reasonable to make travel upon streets, side-walks, and alleys of the city safe. (Ord. 466 § 5(1), 1964).

2.20.170 Recordkeeping duties.

The director of public works shall compile written records of the purchases, accomplishments, disposition of equipment and manpower, up-to-date inventory, and activities contemplated by the street department. He shall make a monthly oral and written report of the activities of the street department to the council on or before the second regular meeting of the council of each month. (Ord. 466 § 5(m), 1964).

2.20.180 Report of violations.

The director of public works shall report to the mayor all persons refusing to comply with or violating this code or any ordinance in relation to streets, alleys, sewers, public grounds or any other part of the physical plant of the city assigned to his responsibility. (Ord. 466 § 5(n), 1964).

2.20.190 Transfer of funds to city clerk.

The director of public works shall deposit all funds received by him on behalf of the municipal corporation with the city clerk upon receipt thereof, and take the city clerk's receipt therefor. (Ord. 466 § 5(o), 1964).

2.20.200 Attendance at meetings.

The director of public works shall attend every regular meeting of the council and attend only those special meetings of the council at which he is required to be present. (Ord. 466 § 5(p), 1964).

2.20.210 Transfer of records and property to successor.

The director of public works shall transmit to his successor in office all books, papers, records, documents and property, together with an invoice of the same, in his custody and appertaining to his office. (Ord. 466 § 5(q), 1964).

2.20.220 Other duties.

The director of public works shall perform all other duties of a public nature which are not specifically assigned to other municipal officials or employees. (Ord. 466 § 5(r), 1964).

2.20.230 Authority.

The director of public works shall have all authority commensurate with the duties set forth in this chapter, subject to the direction and control of the council. (Ord. 466 § 5(s), 1964).

Chapter 2.24

OFFICERS GENERALLY

Sections:

2.24.010 Appointments.

2.24.020 Preferring and hearing charges.

2.24.030 Oath required.

2.24.040 Bonds.

2.24.010 Appointments.

At the first regular meeting after its organization or as soon thereafter as it may determine, the council shall appoint a city clerk-finance officer, a city solicitor, and a director of public works. (Ord. 626-2-7 § 1, 1980: Ord. 54 § 15, 1904).

2.24.020 Preferring and hearing charges.

The council shall have the power to remove from office any elected or appointed city official for any of the reasons set forth in Chapter 66 of the Code of Iowa, 1977. Before any officer is removed from office, charges shall be preferred against the officer in writing and filed with the city clerk-finance officer. Should the accused officer be the city clerk-finance officer, the charges shall be filed with the city solicitor. Notice of the charges and of the hearing shall be served on the accused officer at least ten clear days before the date set for the hearing. He shall have the right to be heard in person, to be represented by council, and to produce testimony in his behalf. The hearing shall be conducted by the council and, insofar as practicable, shall conform to the practice in civil cases in the district court. Upon the final issue the question shall be: Shall the accused be removed from his office? The council shall have power and jurisdiction to proceed with and conclude any such hearing, and to decide the case, but it may remove any official from office only by a two-thirds vote of the entire council. (Ord. 626-2-9 § 2, 1980).

2.24.030 Oath required.

It shall be the duty of the city clerk-finance officer, city solicitor, and the director of

public works, before entering upon the duties of the respective offices, to take the oath prescribed by the statutes of the state of Iowa for all civil officers, and to give bond in the form required by law conditioned upon the faithful performance of his duties in such sums as the council shall fix by ordinance. The premiums for the bonds shall be paid by the city. (Ord. 626-2-8 § 1, 1980: Ord. 54 § 45, 1904).

2.24.040 Bonds.

Bonds given to the city by its officers or employees shall be filed with the city clerk-finance officer, except the bond given by the city clerk-finance officer, which shall be filed with the mayor. Such bonds shall run to the state and be for the use or benefit of any corporation, public or private, or person injured or sustaining loss, with the right of action in the name of the state for its or his use. (Ord. 626-2-10 § 1, 1980: Ord. 54 § 46, 1904).

Chapter 2.28

COUNCIL

Sections:

2.28.010 Powers and duties.

2.28.020 Compensation.

2.28.030 Compensation for other officers and employees.

2.28.010 Powers and duties.

The city council shall have all the authority and power granted it under laws of the state of Iowa; a majority shall constitute a quorum to do business, but a lesser number may meet from time to time and is authorized to compel the attendance of absent members in such manner and under such rules and penalties as the council may by

resolution provide; and it shall have the power to punish its members for disorderly behavior and malfeasance. The council shall have the right at all times to determine its own course of action, act upon its own adjournments, fix by resolution or motion the time and place of its sessions, and protect itself from interruption by spectators; and no person not a member shall participate in its deliberations or be allowed to address the council except upon special permission granted by the council. (Ord. 626-2-11 § 1, 1980: Ord. 54 § 47, 1904).

2.28.020 Compensation.

The salary of each council member shall be one hundred fifty dollars per month, but in no event shall the salary exceed one thousand eight hundred dollars in any one year. (Ord. 961 § 1, 2001: Ord. 870 § 1, 1995).

2.28.030 Compensation for other officers and employees.

The compensation of all other officers and employees shall be set by resolution of the council. (Ord. 961 § 3, 2001: Ord. 870 § 3, 1995).

Chapter 2.40

FIRE DEPARTMENT

Sections:

- 2.40.010 Organization and officers.
- 2.40.020 Membership requirements.
- 2.40.030 Compensation.
- 2.40.040 Duty and powers of fire chief.
- 2.40.050 Authority of fire chief at fires.
- 2.40.060 Responsibility and report of buildings and equipment.

- 2.40.070 Suspension of members for cause.
- 2.40.080 Emergency authority of officer in charge.
- 2.40.090 Order of authority.
- 2.40.100 Member responsibility--Care of equipment.
- 2.40.110 Use of intoxicating liquors prohibited.
- 2.40.120 Duties of squad foreman.
- 2.40.130 Report of equipment condition--Repairs.
- 2.40.140 Storage of apparatus.
- 2.40.160 Wrecking or removal of building.
- 2.40.180 Right-of-way--Penalty for interference.
- 2.40.190 Control of unauthorized persons.
- 2.40.200 Loitering prohibited.
- 2.40.210 Fire calls outside city limits.
- 2.40.230 Removal or discharge.
- 2.40.240 Authority to regulate and control.
- 2.40.250 Full-time paid drivers.

2.40.010 Organization and officers.

The fire department shall consist of a fire inspector and sixteen members or as many additional members as the council shall deem necessary or desirable, of which the positional categories shall be (1) a fire chief, (2) an assistant fire chief, (3) two captains, and (4) twelve firefighters. The council may make such changes in the above categories as may be needed or desirable by ordinance or by resolution as it deems appropriate. (Ord. 626-2-13 § 1, 1980: Ord. 525 § 1, 1968: Ord. 360 § 1, 1949).

2.40.020 Membership requirements.

The residence of a member of the fire department may be outside of the city of Fairfield, so long as such residence does not interfere with his duties. His occupation shall be such as to make him free to respond to any fire call, day or night. Every member of the department, except the fire inspector, shall make prompt response to every fire call

unless advance arrangements, approved by the fire chief, have been made to be absent from the city for vacation or temporary leave of absence from his regular occupation. Unavoidable accidents or emergencies affecting any member shall also excuse a member from responding to a fire call if the fire chief deems the circumstances warrant such absence. (Ord. 626-2-13 § 2, 1980).

2.40.030 Compensation.

The compensation of the members of the fire department shall be fixed annually by resolution of the city council. (Ord. 360 § 3, 1949).

2.40.040 Duty and powers of fire chief.

The fire chief shall be the chief executive officer of the department, subject to the rules, regulations and orders made from time to time by the city council and shall have under such conditions sole charge and command of all property of the fire department and of all property and appliances rented or hired by the city and used in the proper discharge of the duties of the department. He shall on all occasions see that the laws of the state and ordinances of the city, applicable to this department, are faithfully observed; and he shall promulgate and enforce all orders of the city council to this department. (Ord. 360 § 4, 1949).

2.40.050 Authority of fire chief at fires.

The fire chief shall have sole command of all officers and members of the fire department, all members of the auxiliary, all members of the city police force, and of all other persons who may be present at fires and shall use all proper methods for the extinguishment of fires, protection of life and property, preservation of order and observance of law. (Ord. 360 § 5, 1949).

2.40.060 Responsibility and report of buildings and equipment.

It shall be the duty of the fire chief to examine the condition of the fire apparatus, building or buildings and all other property belonging to the city in the use of the fire department and the fixtures and furniture thereof, as often as may be necessary, or

whenever directed by the city council; and whenever the same may require altering or repairing or additions thereto, he shall, under the direction of the city council, cause the same to be made and shall report his doing so as often as may be necessary in order to obtain directions from the city council. (Ord. 360 § 6, 1949).

2.40.070 Suspension of members for cause.

The fire chief may, in his discretion, suspend from the service any member of his department who, either from the personal knowledge of the chief or from reasonably reliable information conveyed to him by others, is chargeable with a violation of any of the rules and regulations pertaining to the department, and he shall report in writing at the first ensuing meeting of the council the fact of the suspension, the name of the person suspended, and the facts upon which the suspension was based, and the council shall take such action with respect to the case as investigation of the facts may require; provided, however, that nothing set out hereinbefore shall be construed as a denial of the right of appeal to the Civil Service Commission by the member being disciplined as provided by the laws of the state of Iowa; provided, that the member was employed prior to July 1, 1995 or is full-time employed. (Ord. 868 § 1(part), 1995; Ord. 626-2-14 § 1, 1980: Ord. 525 § 3, 1968: Ord. 360 § 7, 1949).

2.40.080 Emergency authority of officer in charge.

When any offense under this chapter has been committed by any member of the department, in cases of great extremity, when the interests of the department would suffer by the delay necessary to report the case in the first instance to the chief, or for other sufficient cause, the officer in charge shall immediately suspend the offender, and himself prefer the charges, subject to the same modifications provided for in Section 2.40.070, and shall present the charges in writing to the chief. He shall perform such other duties as the city council may direct through the fire chief. (Ord. 360 § 8, 1949).

2.40.090 Order of authority.

Whenever the fire department has responded to a fire call, the highest ranking

officer present shall have general charge of the department in the discharge of the work of extinguishing the fire; the second highest officer present shall be in charge of one of the squads, and the third highest officer present shall be in charge of the other squad, all according to the order of rank and organizing of squads as set out in Section 2.40.010. (Ord. 360 § 9, 1949).

2.40.100 Member responsibility--Care of equipment.

(a) The fire chief, together with the city council, shall have unlimited authority to require of the members of the department that the fire station and apparatus directly appertaining thereto be kept in an orderly and clean condition; that on the return of the company from a fire, the members be required to assist immediately in putting the apparatus and equipment in condition to respond to the next call; that all property in the nature of personal equipment for the members, which has been paid for by the city, be made a matter of record in a book kept for that purpose, and that each member, as well as the chief, make a satisfactory accounting for all items for which he may apply for use as a part of his personal equipment; that when, after a fire call, the trucks return to the fire station and are again pronounced in condition to respond to a call, there shall be a roll call by the chief of the members of the company and a record made showing those in attendance at the roll call, which shall be conclusive as to whom attended the fire; and that it shall be the duty of the paid fire truck drivers to keep the premises clean, to keep the surplus and waste grease and dirt removed from all fire vehicles, and keep them in a presentable condition.

(b) The membership of the company shall be able-bodied persons, who at all times will be ready to respond when an alarm is turned in, or to furnish satisfactory explanation for nonattendance. (Ord. 626-2-15 § 1, 1980: Ord. 360 § 10, 1949).

2.40.110 Use of intoxicating liquors prohibited.

No alcoholic liquors of any kind, including beer, ale, wine, gin, et cetera, shall be drunk by any member of the fire department in or about any building used by the fire department, nor while such member is present at, going to or returning from any fire call;

also, no member shall answer alarms or loiter around the fire station while under the influence of any form of alcoholic liquors. (Ord. 360 § 11, 1949).

2.40.120 Duties of squad foreman.

The captains of each squad shall, upon the alarm of fire, go promptly to the place of the fire apparatus as shall be designated for use and shall place and work the personnel of their respective squads in obedience to the directions of the ranking officer of the department pre-sent. (Ord. 626-2-16 § 1, 1980: Ord. 630 § 12, 1949).

2.40.130 Report of equipment condition--Repairs.

It shall be the duty of the fire chief to report to the city council in writing, at one of their regular meetings in April and one of their regular meetings in September of each year, the condition of the hose, the hooks and ladders and other fire apparatus belonging to the city, and of the buildings in which such apparatus is kept, also to recommend such improvements as he may deem necessary. Whenever any fire apparatus needs repairing, he shall cause same to be done without delay. (Ord. 360 § 13, 1949).

2.40.140 Storage of apparatus.

The fire apparatus owned, employed or hired by the city shall be kept in such places as the city council shall provide or direct. (Ord. 360 § 14, 1949).

2.40.160 Wrecking or removal of building.

The fire chief, with the consent and approval of two or more members of the city council, may direct the pulling down or removal of any building, or blow up with approved explosives, any building or superstructure; during the progress of a fire, for the purpose of extinguishing or checking the fire. In the absence of the fire chief, the mayor and two or more councilmen may direct the action herein provided for and in the absence of both the mayor and the fire chief, then any three members of the city council may direct such action. (Ord. 360 § 16, 1949).

2.40.180 Right-of-way--Penalty for interference.

The fire department of this city shall have full right-of-way on all streets, avenues or alleys thereof in responding to a fire alarm or at a fire over any dray, wagon, truck, automobile, car, locomotive, train of cars or any other vehicle or conveyance of any kind whatsoever, and any person who wilfully hinders or interferes with any city officer or fireman in the performance of their duty, at, or going to, or returning from any fire, or while at-tending to their duties as members of the fire department, or wilfully or negligently or carelessly drives or runs any dray, wagon, truck, automobile, car, locomotive, train of cars or any other vehicle or conveyance across, along, over or upon any hose, or wilfully cuts, defaces, destroys or injures any fire apparatus owned or hired by the city, 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 wilfully gives or makes or causes to be made or gives any false alarm of fire, or rings or causes to be rung any fire bell or gong, by which a false alarm may be given, upon conviction thereof, shall be fined not less than one dollar nor more than one hundred dollars and all costs, or imprisoned in the county jail not more than thirty days and shall be liable for all damages done to any such property. (Ord. 360 § 18, 1949).

2.40.190 Control of unauthorized persons.

The officers in command at any fire may prescribe the limits within which no person shall be admitted excepting those residing therein, and members of the fire department, and those admitted by order of the mayor, marshal or some officer of the police force to aid in the carrying out of the provisions of this chapter. (Ord. 360 § 19, 1949).

2.40.200 Loitering prohibited.

It shall be the duty of all members of the fire department to prevent all persons from loitering in or about any house or building belonging to or used by the department and all persons not members of the department and not connected with or employed by the city government are hereby prohibited from loitering about said buildings. (Ord. 360 § 20, 1949).

2.40.210 Fire calls outside city limits.

By authority granted to cities under House File No. 121 of the 53rd, General Assembly, amending Section 368.30 of the 1946 Code of Iowa, the fire department, under direction of its duly constituted officers, is authorized to respond to fire calls from without the limits of the city of Fairfield, if in the judgment of the fire chief or other officers in charge at the time of such call, the fire is within a reasonable distance of Fairfield, and the road and weather conditions are such that the answering of such fire call may be without undue jeopardy to the safety of property located within the city limits. After a call from without the city limits has been answered, the fire chief shall cause a statement to be issued to the property owner for whose benefit the service was rendered, at a rate which shall be from time to time determined by resolution of the city council, upon recommendation of the fire chief. (Ord. 499, 1966: Ord. 360 § 21, 1949).

2.40.230 Removal or discharge.

The city council may at any time for sufficient cause, including but not limited to, intoxication, neglect of duty, or inefficiency, remove the chief or any other member of the department from office; provided, however, that nothing set out herein shall be construed as a denial of the right to appeal of the person being disciplined to the Civil Service Commission as provided by the laws of the state of Iowa; provided, that the member was employed prior to July 1, 1995 or is full-time employed. (Ord. 868 § 1(part), 1995; Ord. 626-2-17 § 1, 1980: Ord. 525 § 7, 1968: Ord. 360 § 23, 1949).

2.40.240 Authority to regulate and control.

The fire department may adopt such constitutions, by-laws and rules for their own regulation and government as they deem best calculated to accomplish the objects of their organization; provided, that such regulations set up by the fire department are subordinate to, and not in any way in conflict with, this code, any ordinances of the city, nor any regulations made by the city council by resolution or otherwise. The fire department, consistent with this authority, with respect to new non-full-time fire department employees,

shall undertake procedures concerning hiring of such new members, including conduct of interviews with prospective members, administration of pre-employment tests, and forwarding of recommendations for hire to the city council. Any regulations set up by the fire department found to be in conflict with any of the provisions of this code or any city ordinance, or in conflict with any rule or regulation of the city council relating to the fire department, shall be null and void, and no member or officer of either the auxiliary or regular department shall be required to observe same. (Ord. 868 § 1(part), 1995; Ord. 360 § 26, 1949).

2.40.250 Full-time paid drivers.

The city council shall from time to time appoint, from among the firefighters in the fire department, such full-time drivers of fire trucks as the council deems needed and the council shall fix their salaries. Said appointment shall be made from the eligibility list for appointment as certified by the civil service commission under Chapter 2.68 of this code.

Such drivers shall be under the direction and control of the fire department officers as directed by the chief of the fire department. (Ord. 868 § 1(part), 1995; Ord. 525 § 8, 1968; Ord. 360 § 25, 1949).

Chapter 2.44

POLICE DEPARTMENT

Sections:

- 2.44.010 Organization and officers.
- 2.44.020 Membership requirements.
- 2.44.030 Compensation.
- 2.44.040 Duties and powers of the chief of police.
- 2.44.050 Suspension of members for cause.
- 2.44.060 Emergency authority of officer in charge.

2.44.070 Duties and qualifications of the membership of the department.

2.44.080 Use of intoxicating liquors prohibited.

2.44.090 Removal or discharge.

2.44.010 Organization and officers.

The police department shall consist of eleven members or as many additional members as the council shall deem necessary or desirable, of which the positional categories shall be: (1) a chief of police; (2) a lieutenant; (3) two sergeants; and (4) seven policemen. The council may make such changes in the above categories as may be needed or desirable by ordinance or resolution as it deems appropriate. (Ord. 626-2-12 § 1, 1980).

2.44.020 Membership requirements.

The residence of a member of the police department may be outside of the city of Fairfield, so long as such residence does not interfere with his duties. A member's principal occupation shall be a member of the police department. (Ord. 626-2-12 § 2, 1980).

2.44.030 Compensation.

The compensation of the members of the police department shall be fixed annually by resolution of the council. (Ord. 626-2-12 § 3, 1980).

2.44.040 Duties and powers of the chief of police.

The chief of police shall be the chief executive officer of the department, subject to the rules, regulations, and orders made from time to time by the council, and he shall have sole charge and command of all property of the police department and of all property or appliances rented or leased by the city and used in the proper discharge of the duties of the department. He shall on all occasions see that the laws of the state and ordinances of the city applicable to the department are faithfully observed and he shall promulgate and enforce all orders of the council to the department. He shall promulgate rules and

regulations governing the conduct of the department and of the personnel thereof. (Ord. 626-2-12 § 4, 1980).

2.44.050 Suspension of members for cause.

The chief of police may, in his discretion, suspend from the service any member of his department who, either from the personal knowledge of the chief or from reasonably reliable information conveyed to him by others, is chargeable with a violation of any of the rules and regulations of the department or laws of the state of Iowa; and he shall report in writing at the first ensuing meeting of the council the fact of the suspension, the name of the person suspended, and the facts upon which the suspension was based, and the council shall take such action with respect to the case as investigation of the facts may require; provided, however, that nothing set out hereinbefore shall be construed as a denial of the right of appeal to the Civil Service Commission by the member being disciplined as provided by the laws of the state of Iowa. (Ord. 626-2-12 § 5, 1980).

2.44.060 Emergency authority of officer in charge.

When an offense under this chapter has been committed by any member of the department under circumstances when the interests of the department would suffer by the delay necessary to report the facts in the first instance to the chief, or for other sufficient cause, the officer in charge shall immediately suspend the offender, subject to the same proviso which appears in Section 2.44.050, and himself prefer the charges and present them in writing to the chief. (Ord. 626-2-12 § 6, 1980).

2.44.070 Duties and qualifications of the membership of the department.

It shall be the duty of each and every member of the police department to enforce the ordinances of the city of Fairfield and the laws of the state of Iowa, and to cooperate with the city fire department, the law enforcement authorities of other cities, of the state of Iowa, and of the United States in the enforcement of the laws of such jurisdictions. The membership of the department shall be composed of able-bodied persons at least twenty-one years of age. (Ord. 626-2-12 § 7, 1980).

2.44.080 Use of intoxicating liquors prohibited.

No alcoholic liquors shall be drunk by any member of the police department in or about any building used by the department nor while such member is in the performance of his duties. Supervisory personnel shall immediately suspend any member of the department who reports for duty in an intoxicated condition. (Ord. 626-2-12 § 8, 1980).

2.44.090 Removal or discharge.

The council may at any time for sufficient cause, including, but not limited to, intoxication, neglect of duty, or inefficiency, remove the chief or any other officer from office; provided, however, that nothing set out herein shall be construed as a denial of the right to appeal of the person being disciplined to the Civil Service Commission as provided by the laws of the state of Iowa. (Ord. 626-2-12 § 9, 1980).

Chapter 2.48

PLANNING AND ZONING COMMISSION

Sections:

- 2.48.010 Commission created.
- 2.48.020 Appointment--Term of office.
- 2.48.030 Unexpired vacancies.
- 2.48.040 Compensation.
- 2.48.050 Organization.
- 2.48.060 Powers and duties.

2.48.010 Commission created.

There is established a city planning and zoning commission, composed of seven

residents of the city, who shall be citizens of this municipality and who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning, none of whom shall hold any elective position to the city. (Ord. 498 § 1, 1966: Ord. 477, 1965: Ord. 400 § 1, 1954).

2.48.020 Appointment--Term of office.

Members of the commission shall be appointed by the mayor, subject to the approval of the city council. The term of office of the members shall be five years and the terms shall expire on December thirty-first. The members first named shall be named for the following terms: one member for a one-year term, two members for a two-year term, two members for a three-year term, two members for a four-year term and two members for a five-year term. Upon the expiration of the terms of less than five years, ap-pointments shall be made for the full five-year term. Any vacancy appearing on the commission, caused by resignation or otherwise, shall be filled by appointment of the mayor, subject to the approval of the council for the unexpired term. All members of the commission shall serve without compensation, except that actual expenses of the commis-sion shall be paid by the city of Fairfield, subject to the approval of the council. (Ord. 477, 1965: Ord. 400 § 2(part), 1954).

2.48.030 Unexpired vacancies.

Any vacancy appearing on the commission, caused by resignation or otherwise, shall be filled by appointment of the mayor, subject to approval of the council for the unexpired term. (Ord. 400 § 2(part), 1954).

2.48.040 Compensation.

All members of the commission shall serve without compensation, except that the actual expenses of the com-mission shall be paid by the city of Fairfield, subject to the approval of the council. (Ord. 400 § 2(part), 1954).

2.48.050 Organization.

The city planning commission shall choose annually at its first regular meeting one of its members to act as chairman of the commission; another of its members as vice-chairman, who shall perform all the duties of the chairman during the absence or disability thereof; and such other officers as may be necessary; and the commission shall adopt such rules and regulations governing its organization and procedure as may be deemed necessary by it. (Ord. 400 § 3, 1954).

2.48.060 Powers and duties.

The commission shall have all the authority and powers granted under the laws of the state of Iowa and shall be deemed to have such powers as may be necessary to carry out successfully a planning and zoning program for the city of Fairfield, specifically including the following:

(1) To make or cause to be made such surveys, studies, maps, plans or plats of the whole or any portion of the city, and of any land outside thereof which in the opinion of the commission bears relation to the comprehensive plan;

(2) To prepare a comprehensive plan regarding the growth and development of the city of Fairfield; to survey street and traffic problems, to study and plan for future changes in conditions insofar as the density of population and the requirements of the community are concerned; the plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality which will, in accordance with 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 developments;

(3) To approve the design and proposed location of all statuary, memorial, or work of art proposed for any public place, and to approve the design and location of all public buildings, bridges, viaducts, street fixtures, public structures, or appurtenances; provided, that any proposal for any of the above edifices, works of art, or memorials which have been submitted to the commission for a period of thirty days requesting recommendations relative thereto and concerning which the commission has failed to file its recommendations, the proposal may be carried out as proposed;

(4) To approve the plan for any street, park, park-way, boulevard, traffic-way, or other improvement affecting the city plan or the character or location thereof unless the plan has been first submitted to the commission and the commission has had thirty days in which to file its recommendations with respect thereto;

(5) To exercise full, complete, and exclusive authority to expend for and on behalf of the city all sums of money appropriated for such purposes by the council of the city;

(6) To make recommendations to the council concerning any substantial amendment or modification of any comprehensive plan which has been adopted for the city, and, if the commission disapproves the proposed change, the city council may adopt such amendment or modification only by an affirmative vote of at least three-fourths of its membership. (Ord. 626-2-19 § 1, 1980: Ord. 400 § 4, 1954).

Chapter 2.52

FAIRFIELD PUBLIC ACCESS TV

Sections:

2.52.010 Use of the Fairfield public access TV (FPAC TV) and the Fairfield public access committee.

2.52.020 Cablecast use restrictions.

2.52.030 Program material standards.

2.52.040 Program restrictions.

2.52.050 Sanctions and indemnity.

2.52.060 Grievance procedures.

2.52.010 Use of the Fairfield public access TV (FPAC TV) and the Fairfield public access committee.

(a) The Fairfield public access TV (FPAC TV) facilities and cablecasting on Fairfield's public access TV channel are available to any resident of the city of Fairfield and its surrounding cablecast areas. In addition, it is intended that the FPAC TV facilities and channel space on the FPAC TV channel be used by community groups and non-profit organizations.

(b) The FPAC TV facilities and equipment available at the FPAC TV are of use to the citizens of Fairfield and those persons within the surrounding cablecast area. The committee may set reasonable fees for the use of FPAC TV equipment, but no charge will be made for merely cable-casting a videotape.

(c) The Fairfield public access committee shall be composed of at least five members. The members will be nominated by the mayor and approved by the city council. The committee shall set policy and shall govern and guide the FPAC TV channel subject to this chapter and direction from the Fairfield city council.

(d) Definitions.

(1) "Committee" means the Fairfield public access committee.

(2) "Producer" means the person who submits a program for cablecasting or is otherwise responsible for creation of such program.

(3) "FPAC TV" means the Fairfield public access television channel. (Ord. 913 § 1, 1998).

2.52.020 Cablecast use restrictions.

(a) These restrictions will apply to the use of the FPAC TV channel by producers:

(1) The total amount of FPAC TV air time shall not normally exceed ten hours per month for any one producer, group or non-profit organization.

(2) Playback time on the FPAC TV channel will be made available on a first-come, first-served basis. The station manager governs scheduling of programs. Generally, first-time cablecasts will normally take scheduling precedence over repeat cablecasts. Reasonable time restrictions may be placed on programs containing violent, sexually explicit, or other material that is patently unsuitable for children.

(3) It will be within the discretion of the committee and the Fairfield city council to adjust hours as they deem necessary to continue to provide the most efficient and effective use of the FPAC TV channel.

(4) To have a program cablecast on the FPAC TV channel, a producer must request a FPAC TV cablecast request form. A copy is attached as Exhibit A to the ordinance codified in this chapter. These forms are available at the FPAC TV Broadcast Center or the Fairfield City Library. The completed FPAC TV cablecast request form and the program with appropriate labeling as set forth herein must be turned in to the FPAC TV Broadcast Center together, one week before the desired playback time.

(5) The copyright and ownership of any program produced by an individual producer, group, or non-profit organization is the property of that individual, group or organization. Such individual, group or organization must bear full responsibility for the content and material used in all programs produced and cablecast on the FPAC TV channel. Producers must be able to produce all copyright releases or clearances to the committee upon request. If producers have questions regarding copyright applications of statutes, they should consult appropriate legal counsel. The committee, Fairfield city council and the station manager shall not and cannot legally advise a producer on these issues.

(6) Program tapes must be supplied by the producers, and the producers are responsible for collecting their tapes after the program has been cablecast on the FPAC TV channel for the last time. If a program tape, belonging to an individual producer, group, or non-profit organization has been unclaimed for up to one month after the last cablecast on the FPAC TV channel, the tape will become the property of FPAC TV. A producer must maintain a tape for at least a month after the last cablecast in the event the committee needs to review the tape.

(7) It is within the discretion of the committee, Fairfield city council and their appointed designees to reschedule subsequent showings of programs submitted for cablecast on the FPAC TV channel beyond the playback time requested by the producer. The committee, Fairfield city council and their appointed designees may also use the program or portions of the program to promote FPAC TV programming on the local

channels and within the community without further clearance from the producer, unless a producer requests otherwise at the time of submitting the FPAC TV cable request form. When portions of the program are used in a montage sequence fashion, the producer, group or non-profit organization will be given a written credit. The committee, Fairfield city council and their designees do not have the right or privilege to sell or commercially distribute any locally produced programs without the written consent of the producer, group or non-profit organization.

(8) Legally qualified candidates for public office desiring to use the FPAC TV channel must adhere to the following:

(A) For municipal, state and county offices, material may be cablecast on the FPAC TV channel after the last official deadline for filing papers has passed and ending at six p.m. the Sunday before the election.

(B) For federal offices, the material may be cablecast on the FPAC TV channel beginning six months before the election and ending at six p.m. the Sunday before the election.

(C) The minimum length of any program in which a candidate appears is five minutes.

(D) The total amount of time allotted to any one candidate for public office to appear in any and all programs on the FPAC TV channel is five hours per month. This time limitation does not apply to broadcast of governmental bodies meetings.

(9) The committee has the authority to discontinue live cablecasts, but such decisions will not be based on hostility or objections to programs that comply with the content restrictions of these rules and regulations. If such decision is to be made, the committee shall give notice and hold a hearing concerning the issue.

(10) On all live cablecasts, a phone log of all callers by first and last name, address, and telephone number must be maintained and provided to the station manager at the conclusion of the cablecast.

(11) The station manager has the authority to adopt operating guidelines consistent with this chapter.

(12) The station manager and the committee may adopt time guidelines to

cablecast programs with violent, sexually explicit, other material that is patently unsuitable for children at times after ten p.m. (Ord. 913 § 2, 1998).

2.52.030 Program material standards.

(a) All tapes submitted to FPAC TV must meet the following technical standards:

(1) Video signal must be able to "stand up" and not break down or disintegrate during cablecast to the extent that this is controllable by the producer;

(2) Audio signal is clear and audible and does not break into static;

(3) The program disclaimer pursuant to subsection 2.52.040(c)(1) is included, when possible.

Failure to meet these technical standards is cause to refuse to schedule the tape being offered until the corrections to the videotape have been completed.

(b) All programs offered for cablecast must be accurately timed and labeled on the front of the tape and the spine of the tape storage case with the following information:

(1) Producer's or sponsor's name;

(2) Producer's or sponsor's address and telephone number, if available;

(3) Series or program title;

(4) Program record date;

(5) Total running length to nearest second of program, beginning at the first frame of video at the start of the program.

Failure to meet these standards is cause to refuse to schedule the tape being offered until the corrections to the videotape have been completed. (Ord. 913 § 3, 1998).

2.52.040 Program restrictions.

(a) Programs must comply with federal, state and local laws. It is the intent of this chapter that speech be restricted no further than that permitted by applicable precedent of the United States Supreme Court or other controlling courts. Violations of this chapter may be sanctionable under Section 2.52.050. The following cablecast material is prohibited:

(1) Gambling. Programming may not promote or conduct a lottery, raffle,

contest, or game involving prizes which are awarded in whole or in part by lot or by chance.

(2) Obscenity. Programming shall not contain speech which is obscene as defined by applicable federal or state law. The United States Supreme Court has defined a work to be obscene if:

(A) An average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(B) The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and

(C) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

It is the intent of this chapter that it be interpreted consistent with Miller v. California, 413 U.S. 15 (1972) and other controlling precedent of the United States Supreme Court, Iowa Supreme Court, or other controlling courts.

(3) Solicitation. Programming shall not solicit funds or other property of value from viewers for commercial purposes. A commercial purpose is generally an advertisement of a product or service for profit or business purpose. Any person or organization intending to solicit funds for a noncommercial purpose must notify the committee or station manager in writing at least two weeks prior to the solicitation.

(4) Advertising. Programming shall not contain commercial advertising. A program may, however, identify underwriters providing grants or contributions to defray the cost of programs. The identification format of any underwriter must be stated as follows:

This program has been made possible (in part) by a grant from/by support from the (THE SPONSOR'S FULL NAME).

(5) Misrepresentation. Programming shall not contain any material which is intended to defraud the viewer or designed to obtain money by false or fraudulent pretenses, representations, or promises.

(6) Illegality. Programming shall not constitute libel, slander, defamation,

invasion of privacy of an identifiable person or group, nor shall it violate trademark or copyright, or otherwise violate any local, state or federal law. It is the intent of this subsection that these types of proscribable speech or activities be defined by, and interpreted consistent with, the governing precedent of the United States Supreme Court, Iowa Supreme Court, and any other governing courts.

(7) In commercial advertising, users should not reference the FPAC TV in its organizational capacity in any manner that implies that FPAC TV has provided its endorsement, sponsorship, support or assumed responsibility for program content. Programmers are not prohibited from promotions that indicate their programs may be viewed on FPAC TV.

(b) Precablecast Injunctions. If the committee reasonably believes that a program contains obscene material under subsection (a)(2) of this section or libel, slander, defamation, invasion of privacy of an identifiable person or group under subsection (a)(6) of this section or other specific content that may be proscribed, the committee may postpone cablecasting a program and then file an action in state or federal court to enjoin cablecast. Such action in state or federal court must be taken within ten business days of notifying the producer that the program will not be cablecast or from the date of the committee's decision not to be cablecast, whichever is first. The burden of proof of showing that the program is obscene or otherwise proscribable is upon the committee. It is the intent of this chapter that this provision be interpreted consistent with *Freedman v. Maryland*, 380 U.S. 51 (1965), or other controlling precedent. This provision does not apply to programs that are not accepted due to noncompliance with technical or eligibility requirements including, but not limited to, commercial use of public access channel.

(c) Programs must conform to the following regulations:

(1) Program Disclaimer. The disclaimer set forth below must appear at the beginning of every program that is cablecast on the FPAC TV channel or must appear continuously on the FPAC TV scrolling. If the disclaimer does not appear on the program, or is not scrolled continuously, that program will be removed from the cablecasting schedule and the producer notified that the program will not be cablecast until the disclaimer appears. The disclaimer should read substantially as follows:

Fairfield Public Access TV and the Public Access TV Committee are not responsible for program content.

(2) Releases. Producers must obtain in writing, and be able to produce upon request by the committee, any and all necessary approvals, releases, or licenses for the use of any material contained in a program submitted to FPAC TV. This shall include, but not be limited to, approvals by broadcast stations, sponsors, music licensing organizations, copyright owners, performers' representatives, or any other approval required by law.

(d) Underwriting. The underwriting of programs to defray costs is permitted provided that such underwriting does not constitute commercial exploitation of the FPAC TV channel. Underwriting shall be governed by the following:

(1) Advertising as defined by subsection (a)(4) of this section is prohibited.

(2) Company or corporate logos with an accompanying slogan is permitted only at the opening and/or close of the program.

(3) Underwriters' phone numbers shall not be included in the identification statement.

(4) Underwriting acknowledgments may be spoken and/or written but are limited to ten seconds each at the beginning or the end of the program. (Ord. 913 § 4, 1998).

2.52.050 Sanctions and indemnity.

(a) The committee may impose sanctions on producers whose conduct violates Section 2.52.040. A grievance raising a violation of Section 2.52.040 may be submitted for consideration to the committee by either a member of the public or by a committee member. If a majority of the committee believes that an adequate basis exists to consider the grievance, the committee may vote to give notice of a hearing for possible sanctions.

(b) The committee shall give written notice to the producer of the grievance or charge which shall include:

(1) Citation to the portion of the chapter which was allegedly violated;

(2) The date and time of the alleged violation;

(3) Statement of how the program allegedly violated the chapter;

(4) The date, time, and place that a hearing will be held to consider the alleged violation;

(5) The producer must be given at least five days' notice of the hearing. Notice is effective after mailing to the producer's last known address.

(c) At the hearing, the producer shall be given a reasonable opportunity to respond to the grievance or charge, to call witnesses, offer exhibits, and to present any relevant evidence.

(d) After the hearing, the committee may by majority vote reject the grievance or charge or find a violation of the programming restrictions of this chapter. If a violation is found, the committee shall issue a written decision and finding. If a violation is found, the committee can issue a written warning or impose a fine. All fines are payable to the city of Fairfield. If a fine is imposed:

(1) A fine of fifty dollars is imposed for a first violation.

(2) A fine of seventy-five dollars is imposed for a second violation.

(3) A fine of one hundred dollars is imposed for a third violation.

(4) For a fourth offense within a two-year period, the committee may impose a fine of one hundred dollars and a six-month suspension from using FPAC TV facilities.

(e) A violation or a fine may be appealed to the city council within thirty days by filing a written appeal with the city clerk. The city council will decide the appeal on the record created before the committee, but may make a de novo determination as to whether a violation occurred and whether a fine should be imposed. Thereafter, an appeal may lie through certiorari or other proper manner to the district court of the state of Iowa.

(f) All producers must sign a cablecast request form and indemnity agreement prior to cablecasting any programs. A producer who is a minor must obtain a signature of a parent, guardian, or adult affiliated with the sponsoring organization on this document. A copy of the agreement is attached as Exhibit A to the ordinance codified in this chapter. (Ord. 913 § 5, 1998).

2.52.060 Grievance procedures.

Any person may present a written grievance by the following procedure:

(1) Present a written grievance to any member of the committee;

(2) All written grievances must contain the following information in order to be processed and considered:

(A) Names of all persons participating in the filing of the grievance, and identification of a single contact person to whom the response should be directed. A grievance will be considered as being presented by an individual in the event that a person claims to represent a group or organization,

(B) The current address of all persons participating in the filing of the grievance or of the designated contact person,

(C) Current home and work telephone numbers of all persons participating in the filing of the grievance or of the designated contact person and the time of day and location at which these persons can most likely be reached;

(3) Once the grievance is received, the committee or its designee will attempt to make an initial contact with the person(s) filing the grievance, or with the designated contact person, within ten working days. A final written response can be expected no later than five days following the next monthly meeting of the committee;

(4) Failure to follow the grievance policies and procedures as stated herein may result in a delayed re-sponse to a grievance by the committee or its designee. A continued failure to follow grievance policies and procedures will relieve the committee from any responsibility to respond to a grievance. (Ord. 913 § 6, 1998).

Chapter 2.56

BOARD OF LIBRARY TRUSTEES*

Sections:

- 2.56.010 Purpose.
- 2.56.020 Members.
- 2.56.030 Qualifications.
- 2.56.040 Organization.
- 2.56.050 Powers and duties.
- 2.56.060 Power to contract for library use.
- 2.56.070 Nonresident use of the library.
- 2.56.080 Library account.
- 2.56.090 Annual report.

* Prior ordinance history: 176.

2.56.010 Purpose.

The purpose of this chapter is to provide for the creation and appointment of a city library board of trustees and to specify that board's powers and duties. (Ord. 575 § 1, 1975).

2.56.020 Members.

The board of trustees of the Fairfield Public Library, hereinafter referred to as "the board," consists of nine members. All board members are to be appointed by the mayor with the approval of the council. (Ord. 575 § 2, 1975).

2.56.030 Qualifications.

Each member of the board shall be a bona fide citizen and resident of the city of Fairfield or of Jefferson County and shall be over the age of eighteen. (Ord. 626-2-20 § 1, 1980: Ord. 575 § 3, 1975).

2.56.040 Organization.

(a) Terms of Office. All appointments to the board shall be for a term of six years, except those to fill vacancies. Each regular term shall commence on July 1st. In order to stagger the terms, appointments shall be made every two years of one-third of the

total, as near as possible.

(b) Vacancies. The position of any trustee shall be vacant if he moves permanently from Jefferson County or if he is absent from six consecutive regular meetings of the board, except in the case his absence is the result of sickness or temporary absence from the county. Vacancies on the board shall be filled by appointment of the mayor, with the approval of the council, and a new trustee shall fill out the unexpired term if any, for which his appointment is made.

(c) Compensation. Trustees shall receive no compensation for their services. (Ord. 626-2-20 § 2, 1980: Ord. 575 § 4, 1975).

2.56.050 Powers and duties.

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

(1) To meet and elect from its members a president, treasurer, and a secretary, and such other officers as it deems necessary;

(2) To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same;

(3) To direct and control all the affairs of the library;

(4) To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof;

(5) To remove the librarian by a two-thirds vote of the board and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty; subject, however, to the provisions of Chapter 70, Code of Iowa;

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

(7) To authorize the use of the library by nonresidents of the city and to fix

charges therefor;

(8) To make and adopt, amend, modify or repeal rules and regulations not inconsistent with ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations;

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

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

(11) To keep a record of its proceedings;

(12) To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the city by action against the city council;

(13) To have authority to make agreements with the local county historical associations, where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are, in their judgment, of a historical and educational nature and pay for the same out of funds allocated for library purposes. (Ord. 575 § 5, 1975).

2.56.060 Power to contract for library use.

(a) Contracting. The board may contract with any other board of trustees of a free public library, 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 said party at the last general election. The petition must be presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract. (Ord. 575 § 6, 1975).

2.56.070 Nonresident use of the library.

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

(1) By lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee;

(2) By establishing depositories of library books or other materials to be loaned to nonresidents;

(3) By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents;

(4) By establishing branch libraries for lending books or other library materials to nonresidents. (Ord. 575 § 7, 1975).

2.56.080 Library account.

All money appropriated by the council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant-writing officer is the president and treasurer of said board. (Ord. 575 § 8, 1975).

2.56.090 Annual report.

The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected,

and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council. (Ord. 575 § 9, 1975).

Chapter 2.60

PARK AND RECREATION BOARD

Sections:

- 2.60.010 Creation.
- 2.60.020 Membership.
- 2.60.030 Qualifications.
- 2.60.040 Appointments.
- 2.60.050 Meetings and compensation.
- 2.60.060 Records.
- 2.60.070 Powers and duties.
- 2.60.080 Limitations.
- 2.60.090 Contracts.

2.60.010 Creation.

There is created a park and recreation board for the city of Fairfield, Iowa, effective January 2, 1973. (Ord. 559 § 2, 1972).

2.60.020 Membership.

The park and recreation board shall consist of five trustees, who shall be appointed by the council of the city of Fairfield, Iowa. (Ord. 571 § 1, 1975).

2.60.030 Qualifications.

Qualifications of the park and recreation board of trustees shall be a minimum age of eighteen years, and the trustees shall reside within the city limits of Fairfield, Jefferson

County, Iowa. (Ord. 559 § 4, 1972).

2.60.040 Appointments.

The terms of appointments under this chapter shall begin January 2, 1977. The first appointment hereunder shall be three trustees for a term of four years and two trustees for a term of two years with all appointments hereafter being for a four-year term. (Ord. 590 § 1, 1977: Ord. 559 § 5, 1972).

2.60.050 Meetings and compensation.

Meetings of the park and recreation board of trustees shall be at such intervals of time as the board determines necessary, but not less than once each month. Compensation of the trustees shall be for each regular or called meeting attended by the individual trustees, in such amount as shall be recommended by the trustees and approved by the city council. (Ord. 559 § 6, 1972).

2.60.060 Records.

A record of the minutes of each regular and called meeting of the trustees shall be kept, with a summary thereof filed in the office of city clerk not less than ten days after each such meeting. (Ord. 559 § 7, 1972).

2.60.070 Powers and duties.

The park and recreation board shall have all administrative powers in the adoption of policies, rules and regulations pertaining to the use and control of all parks, recreational buildings and facilities, including swimming pools belonging to the city of Fairfield, Iowa.

They shall hire, interview and employ such number of individuals at such compensation as they deem necessary, to carry out the programs, development and maintenance of those city facilities under their jurisdiction.

The trustees shall prepare an annual budget for their operation and submit the same to the city council for approval, at such times as designated by the council.

They shall approve all claims for expenditures that they make as a board of

trustees, and shall then submit the approved claims to the office of city clerk for payment.

They shall recommend to the council for action such legislative matters as they deem necessary to be in ordinance form for the orderly regulation and control of all parks and recreational buildings and facilities.

They shall designate the duties and responsibilities and programs of any recreational director, and shall have a direct control, supervision and responsibility for such director. (Ord. 559 § 8, 1972).

2.60.080 Limitations.

The park and recreation board shall not pledge the credit of or the taxing power of the city, this being specifically reserved to the city council. (Ord. 559 § 9, 1972).

2.60.090 Contracts.

The park and recreation board shall not contract or enter into agreements, payment of which is in excess of any amount budgeted therefor. All other contracts or agreements shall be recommended to and approved by the city council. (Ord. 559 § 10, 1972).

Chapter 2.64

WATERWORKS TRUSTEES

Sections:

- 2.64.010 Creation.
- 2.64.020 Membership.
- 2.64.030 Qualifications.
- 2.64.040 Terms of appointments.
- 2.64.050 Removal of members.
- 2.64.060 Meetings and compensation.

- 2.64.070 Records.
- 2.64.080 Powers and duties.
- 2.64.090 Limitations.
- 2.64.100 Contracts.

2.64.010 Creation.

There is created a waterworks board of trustees for the city of Fairfield, Iowa, effective January 1, 1992. (Ord. 821 (part), 1991).

2.64.020 Membership.

The waterworks board of trustees shall consist of five trustees, who shall be appointed by the mayor with the approval of the council of the city of Fairfield, Iowa. (Ord. 821 (part), 1991).

2.64.030 Qualifications.

Qualifications of the waterworks board of trustees shall be a minimum of eighteen years and the trustees shall reside within the city limits of Fairfield, Jefferson County, Iowa. (Ord. 821 (part), 1991).

2.64.040 Terms of appointments.

The terms of appointments under this section shall begin January 2, 1992. The first appointment hereunder shall be three trustees for a term of four years, and two trustees for a term of two years, with all appointments hereafter being for a four-year term. (Ord. 821 (part), 1991).

2.64.050 Removal of members.

In the event of circumstances such as frequent or prolonged absence or other just causes, water board members may be removed from their office by a majority vote of the city council. (Ord. 821 (part), 1991).

2.64.060 Meetings and compensation.

Meetings of the waterworks board of trustees shall be at such intervals of time as the board determines necessary but not less than once each month. The compensation of each member of the waterworks board of trustees shall be three hundred dollars per year, payable quarterly at the first regular meeting after the end of each quarter. (Ord. 821 (part), 1991).

2.64.070 Records.

A record of the minutes of each regular and called meeting of the trustees shall be kept with a summary thereof filed in the office of city clerk not less than ten days after each such meeting. (Ord. 821 (part), 1991).

2.64.080 Powers and duties.

(a) The waterworks board of trustees shall have all administrative powers in the adoption of policies, rules and regulations pertaining to the use and control of all water reservoirs and all buildings and appurtenances used in the distribution, purification, and other facilities pertaining to the purchase and/or sale and use of water belonging to the city of Fairfield, Iowa.

(b) The trustees shall hire, interview and employ such number of individuals, at such compensation, as they deem necessary to carry out the programs, development and the maintenance of these city facilities under their jurisdiction, all of which shall be subject to the approval of the Fairfield city council.

(c) The trustees shall prepare an annual budget for their operation and submit the same to the city council for approval at such times as designated by the council.

(d) The trustees shall approve all claims for expenditures that they make as a board of trustees, and shall then submit the approved claims to the office of city clerk for ratification and payment.

(e) The trustees shall recommend to the city council for action such legislative matters as they deem necessary to be in ordinance form for the orderly regulation and control of all city facilities used in the obtaining of water, its purification and distribution, in

carrying out the powers and duties of said board of trustees.

(f) The trustees shall designate the duties, responsibilities and programs of any water superintendent, and shall have direct control, supervision and responsibility for such superintendent. (Ord. 821 (part), 1991).

2.64.090 Limitations.

The waterworks board of trustees shall not pledge the credit or the taxing power of the city, this being specifically reserved to the city council. (Ord. 821 (part), 1991).

2.64.100 Contracts.

The waterworks board of trustees shall not contract or enter into agreements, payment of which is in excess of any amount budgeted therefor. All of the contracts or agreements shall be recommended to and approved by the city council. (Ord. 821 (part), 1991).

Chapter 2.68

CIVIL SERVICE COMMISSION

Sections:

- 2.68.010 Established for police and fire departments.
- 2.68.020 Membership--Appointment.
- 2.68.030 Effect.
- 2.68.040 Employment record.
- 2.68.050 Qualifications of policemen and firemen.
- 2.68.060 First aid and lifesaving tests.
- 2.68.080 Rules and regulations.
- 2.68.100 Seniority.

2.68.110 Reports of discipline or awards.

2.68.120 Members priority.

2.68.010 Established for police and fire departments.

A civil service commission is established, under provisions of the laws of the state of Iowa for the members of the police department and those members of the fire department qualified as full-time by the employment, or as employed prior to July 1, 1995. (Ord. 867 § 2, 1995).

2.68.020 Membership--Appointment.

(a) The mayor, with the approval of the city council, shall appoint three commissioners as directed by Section 365.1 of the Code of Iowa who shall serve on the civil service commission from date of appointment until the expiration of their respective term.

(b) The mayor at the time of appointment shall designate the term each commissioner will serve. Thereafter each appointment of a commissioner shall be for a six-year term to expire on the first day of April six years later. All vacancies occurring on the commission shall be filled for the unexpired term by appointment by the mayor and approval of the council. (Ord. 497 § 2, 1966).

2.68.030 Effect.

The civil service commission shall give effect to and in all its activities be governed by the provisions of Chapter 365 of the Code of Iowa that are applicable to cities in Iowa of the Fairfield class. (Ord. 497 § 3, 1966).

2.68.040 Employment record.

The employment record of any employee kept by the commission shall be confidential and shall be made available only to those persons having a direct interest in the information contained therein, including the grades received by such employee on an examination. (Ord. 497 § 4, 1966).

2.68.050 Qualifications of policemen and firemen.

No person shall be certified by the civil service commission for a position as full-time fire fighter, policeman, who is less than twenty-one years of age, nor more than thirty-five years of age. No person shall be certified for a position as policeman or full-time fire-fighter who does not meet state of Iowa physical requirements. These limitations shall not apply to any person who was a regular member of the police department or fire department before July 1, 1995, and shall not apply to any non-full-time voluntary fireman or a person serving only occasionally as a police officer; provided, however, that the city council may waive any or all of these limitations, upon the recommendation of the chief of the department involved, and of the civil service commission. (Ord. 867 § 4, 1995).

2.68.060 First aid and lifesaving tests.

Any person making application for an examination to come under civil service shall present evidence, satisfactory to the civil service commission, that he has passed the medical or physical examination prescribed by the board of trustees of the pension fund for his department at the time he files his application. All persons receiving an appointment to a position under civil service shall present evidence, during their probationary period, satisfactory to the civil service commission, that they have passed an examination in first aid (lifesaving) within one year of the time such evidence is presented. The civil service commission may require all members of the fire and police departments to take refresher courses in first aid at least once every two years thereafter. (Ord. 497 § 6, 1966).

2.68.080 Rules and regulations.

The civil service commission shall make such other rules and regulations pertaining to its functions that it may deem desirable not inconsistent with the provisions of Chapter 365 of the 1962 Code of Iowa or with this chapter. (Ord. 497 § 8, 1966).

2.68.100 Seniority.

All present members of the fire and police departments coming under civil service

shall be credited with seniority for the full time they have served continuously in their respective departments. (Ord. 497 § 10, 1966).

2.68.110 Reports of discipline or awards.

Any disciplinary action taken against a member of either the fire or police department who is under civil service and any award or honor merit won by him shall be promptly reported to the civil service commission in writing by the chief of his department.

The civil service commission shall make a notation thereof in the member's employment record and file the chief's written report in the personal record file of such member. (Ord. 497 § 11, 1966).

2.68.120 Members priority.

Any person who is a member of the fire or police department at the time the first entrance examination is offered by the civil service commission that passes such examination shall have preference for appointment over all those who pass such examination that are not then members of his department. (Ord. 497 § 12, 1966).

Chapter 2.72

SEARCH WARRANTS

Sections:

2.72.010 Purpose.

2.72.020 Authority.

2.72.030 Application of search warrant.

2.72.040 Approval for applications for search warrant.

2.72.050 Severability.

2.72.010 Purpose.

The purpose of this chapter is to provide a means for the proper enforcement of those ordinances of the city of Fairfield, Iowa, where an employee, agent, or administrative officer is charged with the duty of enforcement, or inspection of property, and the aid of search warrants will provide evidence of violations for enforcing compliance with the city's ordinances. (Ord. 707 § 1, 1985).

2.72.020 Authority.

The city of Fairfield, Iowa is provided with Home Rule authority for inspections to the extent necessary for the city to carry out such authority, to be executed or otherwise carried out by an officer, employee or agent of the city, all as provided in Senate File 318, Acts of the 71st General Assembly; to be a new Section 808.14 of the Code of Iowa. (Ord. 707 § 2, 1985).

2.72.030 Application of search warrant.

Applications for administrative search warrants for the right of inspections of property shall be made to the Magistrate Court as set forth in Chapter 808 of the Code of Iowa. Any department, board, officer, employee or agent of the city charged with administrative duties of inspection, or ordinance enforcement, or upon receiving notice or complaint of ordinance violations shall be authorized by the city to make applications for administrative search warrants in carrying out the duties of their board, department or individual job responsibilities. Application shall be made in the name of the city of Fairfield, Iowa. (Ord. 707 § 3, 1985).

2.72.040 Approval for applications for search warrant.

All applications for administrative search warrants shall be approved by the head of the department or board or by the mayor or mayor pro tem with their approval endorsed on the application before being presented to the Magistrate Court. (Ord. 707 § 4, 1985).

2.72.050 Severability.

The several sections of this chapter and each sentence or part thereof are declared severable, and in the event any part thereof shall be adjudged to be invalid for any reason, the balance of this chapter not specifically adjudged invalid, shall remain in full force and effect. (Ord. 707 § 5, 1985).

Chapter 2.74

THE GIVING AND REPORTING OF GIFTS

Sections:

- 2.74.010 Donee reporting of gifts.
- 2.74.020 Donor reporting of gifts.
- 2.74.030 Definition of gift.

2.74.010 Donee reporting of gifts.

(a) An elected or appointed official or employee of this city, or the spouse, or minor child of an elected or appointed official or employee of this city, or a firm of which the elected or appointed official or the employee of this city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State, the nature, date and the name of the donor, and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars in cumulative value in any one calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor.

(b) By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the Jefferson County auditor. (Ord. 746 § 1, 1987).

2.74.020 Donor reporting of gifts.

(a) A donor of a gift to an elected or appointed official or to an employee of the city, or to the spouse, or to minor child of an elected or appointed official or employee of this city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State, the nature, amount, date and name of the donor and the name of the donee of a gift or gifts exceeding fifteen dollars in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.

(b) By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor with the Jefferson County auditor. (Ord. 746 § 2, 1987).

2.74.030 Definition of gift.

For the purpose of this chapter gift is defined as follows:

(1) "Gift" means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

(A) Is doing or seeking to do business of any kind with the city. For the purpose of this chapter, "doing business with the city" means being a party to any one or any combination of sales, purchases, leases or contracts to, from or with the city;

(B) Is engaged in activities which are regulated or controlled by the city;

(C) Has interests which may be substantially and materially affected by the performance or nonperformance of the donee's official duty;

(D) Is a lobbyist with respect to matters within the donee's jurisdiction.

(2) "Gift" does not mean any of the following:

(A) Campaign contributions;

(B) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this subsection may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars;

(C) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;

(D) Any inheritance;

(E) Anything available to or distributed to the public generally without regard to official status of the recipient;

(F) Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the state of Iowa;

(G) Actual expenses for food, beverages, travel, lodging, registration and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting;

(H) Plaques or items of negligible resale value given as recognition for public services.

(3) The value of the gift is determined as follows:

(A) An individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of the persons on whose behalf the gift is made;

(B) The value of a gift to the donee is the value actually received;

(C) For the purposes of the reporting requirements of this chapter, a donor of a gift made by more than one individual to one or more donees, shall report the gift if the total value of the gift to the donee exceeds fifteen dollars. (Ord. 746 § 3, 1987).

Title 3

REVENUE AND FINANCE

Chapters:

3.04 Property Tax Exemptions

3.08 Amortization Periods

Chapter 3.04

PROPERTY TAX EXEMPTIONS

Sections:

- 3.04.010 Purpose.
 - 3.04.020 Definitions.
 - 3.04.030 Eligibility for exemption.
 - 3.04.040 Disqualification for eligibility.
 - 3.04.050 Revitalization area designated.
 - 3.04.060 Basis of tax exemption.
 - 3.04.070 Exemption allowed.
 - 3.04.080 Application and approval procedures.
 - 3.04.090 Prior approval.
 - 3.04.100 Effect of repeal on existing exemptions.
 - 3.04.110 Duration.
- 3.04.010 Purpose.

The purpose of this chapter is to provide for a partial exemption from property

taxation of the actual value added to real estate by the new construction of improvements and the acquisition of or improvement to machinery and equipment assessed as commercial or industrial real estate pursuant to the 2003 Code of Iowa, as amended. The program is established in order to encourage revitalization within the city; to stabilize and increase the tax base of the city; to improve the city through new construction and rehabilitation of existing commercial and industrial property; and to enhance the city by increasing land values and providing an overall aesthetic improvement. (Ord. 1001 § 2(part), 2004).

3.04.020 Definitions.

The words and terms contained in this section have the following meanings ascribed to them for the purposes of this chapter:

"Actual value added" means the actual value added as of the first year for which the exemption is granted or received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1st of each year for which the exemption is received.

"New construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures if the value of the addition is at least five thousand dollars. "New construction" shall not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence, and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture and process such products. (Ord. 1001 § 2(part), 2004).

3.04.030 Eligibility for exemption.

The following requirements must be met in order for an improvement to be eligible for an exemption:

- (1) The property being improved must be eligible as defined by this chapter;
- (2) Improvements must conform to the Fairfield zoning ordinance and a zoning permit issued prior to the start of the improvements;
- (3) The property owner(s) has submitted an application in a timely manner as set forth in Section 3.04.080 of this chapter. (Ord. 1001 § 2(part), 2004).

3.04.040 Disqualification for eligibility.

The following limitations to this program shall apply and no improvements made to commercial or industrial real estate in the following categories are eligible for an exemption:

- (1) Improvements or construction which does not result in an increase in value of at least five thousand dollars, or if the improvements are considered as repairs or minor in nature;
- (2) Any improvements to real estate that is located in an established tax increment financing district. Exemptions that are granted prior to the real estate being included in a tax increment financing district may continue until their expiration;
- (3) New construction constituting complete replacement of an existing building or structure that results in the assessed value of the real estate being reduced below the assessed value of the real estate prior to the replacement;
- (4) Any improvement made without a valid zoning permit or in violation of the Fairfield zoning ordinance;
- (5) Failure to apply within the allowable time period, as set forth in Section 3.04.080 of this chapter will result in disqualification. (Ord. 1001 § 2(part), 2004).

3.04.050 Revitalization area designated.

In accordance with Chapter 404 of the 2003 Code of Iowa, as amended, the area described as follows is designated as a revitalization area under the Act:

All property located within the corporate limits of the City of Fairfield at the time of passage of this Ordinance, except property that is located in Tax Increment Financing Districts at the time of passage of this Ordinance, and all property annexed into the

corporate limits of the City of Fairfield while this Ordinance is in effect.
(Ord. 1001 § 2(part), 2004).

3.04.060 Basis of tax exemption.

Improvements eligible for exemption include rehabilitation, renovation or improvements to existing structures that result in an increase in the assessed valuation of the property; additions to existing structures; and new construction on vacant land or land with existing structures when constructed in accordance with an approved zoning permit. Actual value added by eligible improvements, as defined by this chapter, has to be a minimum of five thousand dollars in order to be eligible for exemption under this chapter. No change can be made once an application for exemption is approved and granted.
(Ord. 1001 § 2(part), 2004).

3.04.070 Exemption allowed.

(a) Commercial Property. All qualified real estate assessed as commercial property, provided that after the improvements have been completed the property consists of three or more separate living quarters with at least seventy-five percent of the building space used for residential purposes, is eligible to receive an exemption from city taxation based on the actual value added by the improvements. The amount eligible for exemption is equal to one hundred percent of the actual value of the improvements not to exceed forty thousand dollars per dwelling unit.

(b) Commercial and Industrial Property. All qualified real estate assessed as commercial or industrial property is eligible to receive an exemption from city taxation based on the actual value added by the improvements. The amount of the exemption is equal to one hundred percent of the actual value of the improvements.

(c) Exemption Period. All qualified real estate as defined above will receive a full exemption from city property taxes for a period of three years. The exemption is equal to one hundred percent of the actual value of the improvements, subject to the limitations set forth in this section. (Ord. 1001 § 2(part), 2004).

3.04.080 Application and approval procedures.

An application for exemption shall be made on the forms provided by the finance office. A separate application will be required and filed for each new exemption claimed.

The application for an exemption shall be filed by the owner(s) of record of the eligible property with the city council through the finance office by the first day of January of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements are first assessed.

The city council shall approve applications submitted if:

(1) The improvements, as determined by the city council, are in full conformance with this chapter;

(2) The project is located within the area; and

(3) The improvements were made during the time the area was so designated.

All applications approved by the city council shall be forwarded to the Jefferson County assessor for review, pursuant to Chapter 404.5 of the 2003 Code of Iowa, as amended, no later than the first day of February of each year with a statement indicating the authorized exemption. The Jefferson County assessor shall make a physical review of all properties with approved applications. The Jefferson County assessor shall determine the increase in actual valuation for tax purposes, if any, due to the improvements and notify the applicant of that determination. The value assessed may be appealed to the Jefferson County board of review pursuant to Chapter 441.37 of the 2003 Code of Iowa, as amended. After the initial tax exemption is granted, the Jefferson County assessor shall continue to grant the tax exemption for the period specified on the approved application. The tax exemption for the succeeding years shall be granted without the owner(s) of record having to file an application for the succeeding years. (Ord. 1001 § 2(part), 2004).

3.04.090 Prior approval.

A person or party may submit to the city council to receive prior approval for eligibility for a tax exemption on new construction. The city council, by resolution, may give its prior approval of a tax exemption for the new construction if the new construction

is in conformance with the Fairfield zoning ordinance and the provisions of this chapter. The prior approval shall not be granted until a public hearing is held in accordance with Chapter 362.3 of the 2003 Code of Iowa, as amended.

Such prior approval shall not entitle the owner(s) to exemption from taxation until the new construction has been completed and found to be qualified real estate. If the tax exemption for new construction is not approved the person or party may submit an amended proposal to the city council to approve or reject. (Ord. 1001 § 2(part), 2004).

3.04.100 Effect of repeal on existing exemptions.

If this chapter is repealed, all existing exemptions granted under this chapter shall continue until their expiration. (Ord. 1001 § 2(part), 2004).

3.04.110 Duration.

This plan shall take effect on the effective date of the ordinance codified in this chapter designating the area and shall continue to be in effect until December 31, 2009, provided that:

(1) The city council may find, after review of the impact of the plan, that the plan need be extended and shall pass a resolution stating the number of years the plan is extended; and

(2) If the plan, as determined by the city council, is no longer of benefit to the city; the city council may repeal the ordinance designating the area prior to the expiration of the original or extended period. (Ord. 1001 § 2(part), 2004).

Chapter 3.08

AMORTIZATION PERIODS

Sections:

3.08.010 Purpose.

3.08.020 Period of amortization.

3.08.030 Change of amortization period.

3.08.010 Purpose.

The city council of the city of Fairfield, Iowa, is required by the Code of Iowa, Section 384.63 to establish, by ordinance, a period of amortization for public improvements for which there are special assessment conditional deficiencies, based upon the useful life of the public improvements, but not to exceed a ten-year period; and the city council has made a determination of the useful life of certain public improvements. (Ord. 601 § 1, 1978).

3.08.020 Period of amortization.

The period of amortization for public improvements projects for opening, establishing or grading streets, the construction of portland cement concrete or asphaltic concrete street improvements, storm sewers, sanitary sewers, watermains, pedestrian underpasses and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities, and appurtenant facilities, is established as ten years, to be calculated as commencing from the date of adoption by the city council of resolution accepting the completed public improvement. The period of amortization, to be computed in the same manner as described above, is established as seven years for sidewalks and three years for repair of street grading, street surfacing with oil, gravel, oil and gravel, or chloride, or for the removal of diseased or dead trees. (Ord. 601 § 2, 1978).

3.08.030 Change of amortization period.

In any instance where the city council determines that the useful life of a public improvement should be for a different time period than established in Section 3.08.020, the city 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. 601 § 3, 1978).

Title 4

(RESERVED)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.08 Cable Television
- 5.12 Shows and Exhibitions
- 5.16 Distribution of Advertising Matter
- 5.20 Taxicabs
- 5.24 Junkyards

Chapter 5.08

CABLE TELEVISION

Sections:

- 5.08.010 Definitions.
- 5.08.020 Pole erection, maintenance and control.
- 5.08.030 Transmission and distribution system.
- 5.08.040 Inconvenience to the public.
- 5.08.050 Service rules and regulations.
- 5.08.060 Rates and charges.
- 5.08.070 Microwave system.
- 5.08.080 Minimum number of channels.
- 5.08.090 Insurance.
- 5.08.100 Sale or service of radios or televisions.
- 5.08.110 Termination or forfeiture.

- 5.08.120 Removal of equipment by city.
- 5.08.130 Franchise revocation.
- 5.08.140 Construction period.
- 5.08.150 Transfer of rights.
- 5.08.160 Fee schedule.

5.08.010 Definitions.

Wherever used in this chapter, the word "television" means a system of simultaneous transmission of audio signals and transit visual images. It specifically excludes any AM radio signals. The word "company" means the holder of a cable television franchise in the city. (Ord. 573 § 1, 1975).

5.08.020 Pole erection, maintenance and control.

The poles used by the company for its distribution system shall be those poles erected, maintained and controlled by the city of Fairfield, itself or any person, firm or corporation operating under a franchise granted by the city of Fairfield or claiming a right of franchise, or any person, firm or corporation that, at the time of the passing of the ordinance codified in this chapter, shall have poles erected in, on, over or under the streets, avenues, sidewalks, and alleys of the city of Fairfield, whether the same is by franchise or otherwise, it being the intention of this provision to eliminate the necessity for the company to erect poles on the streets, avenues, sidewalks and alleys of the city of Fairfield by the use of pole line agreements with one or more owners of poles presently in existence. (Ord. 573 § 2, 1975).

5.08.030 Transmission and distribution system.

The company's transmission and distribution system shall be located, erected and maintained so as to not endanger or interfere with the lives of persons or to interfere with any improvements the city may deem proper to make or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or other public property. Such transmission and distribution system shall be located upon the poles to be used therefor as

provided in Section 5.08.020 to the exclusion of any like transmission or distribution system within the city.

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

Installation and house drop hardware shall be uniform throughout the city, except that the company shall be free to change its hardware and installations procedure as the art progresses or as required to meet the standards of the National Electrical Safety Code or the National Board of Fire Underwriters; and provided further, that such changes shall be subject to the approval of the city council's designated officials in the field of engineering. (Ord. 573 § 3, 1975).

5.08.040 Inconvenience to the public.

In the maintenance and operation of its television transmission distribution system as provided by this chapter, and in the course of any new construction or additions to its facilities, the company shall proceed so as to not cause unnecessary inconvenience to the general public. (Ord. 573 § 4, 1975).

5.08.050 Service rules and regulations.

The company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of this chapter and a copy of such service rules and regulations shall be kept on file at all times with the city clerk and city official designated from the area of engineering. (Ord. 573 § 5, 1975).

5.08.060 Rates and charges.

All rates and charges exacted by the company shall be fair, and reasonable with

the installation charge not to exceed fifteen dollars; and the basic monthly charge to subscribers shall not exceed the following amounts:

- (1) For basic service the monthly rate shall be the sum of nine dollars.
- (2) The monthly rate above set forth shall not apply to senior citizens; those monthly rates for basic service being the sum of seven dollars;
- (3) Senior citizens shall be determined to mean any head of household who has attained the age of sixty-five or older; with a report to the city council as to the number of eligible at the end of each calendar quarter.
- (4) The monthly charge for additional outlets shall be the sum of one dollar and fifty cents.
- (5) The monthly charge for optional F.M. service shall be the sum of one dollar.
- (6) In the event further rate charge regulations are levied by a department of the state of Iowa, or the federal government, the same shall have precedence over any rates herein set forth, and they shall have exclusive jurisdiction thereof. (Ord. 668 § 1, 1984: Ord. 573 § 6, 1975).

5.08.070 Microwave system.

The company, in the establishment of its system in the city of Fairfield, may employ the use of a microwave system approved by the Federal Communications Commission to the extent necessary to make available additional tele-vision channels to the citizens of Fairfield. In the event Federal Communications Commission approval is needed for the establishment or use of a microwave system as provided for in this chapter, or any portion of the service offered by the company to the public, such Federal Communications Commission approval, where necessary, must be obtained by the company prior to the use of that portion of the system employing microwave communications. (Ord. 573 § 7, 1975).

5.08.080 Minimum number of channels.

The company shall provide a quality system capable of delivering a minimum of twelve channels to its customers. The company will deliver to its customers the maximum

number of channels which afford satisfactory reception, in addition to locally produced closed-circuited programming that is in the best interests of the customers.

All applicants for television service will be served whose dwellings and places of business are located within the city of Fairfield and if the applicants are in good faith and have entered into or signified their willingness to enter into an agreement for such television service as specified by the rates. The company shall not be required to extend its line in order to serve any applicant if the installation of additional poles would be required for such service. (Ord. 573 § 8, 1975).

5.08.090 Insurance.

The company shall carry insurance in such form and in such companies as shall be approved by the city council to protect the city and the company from and against any and all claims for injury or damages to persons or property, both real and personal, caused by the construction, erection, establishment, operation and maintenance of the equipment, appliances or products authorized or used pursuant to the authority of this chapter; and the amount of such insurance against liability due to damage to property shall not be less than one hundred thousand dollars as to any one person and two hundred fifty thousand dollars as to any one accident, and against liability due to injury or death of persons, one hundred thousand dollars as to any one person and five hundred thousand dollars as to any one accident.

The company shall further agree to hold the city of Fairfield harmless from any and all claim or claims, action or causes of action, including claims of copyright infringement made against the city as a result of the activities of the company and shall agree to defend the city and pay all judgments that might be entered against the city in connection therewith, together with the costs, including attorney's fees for the defense of the same.

The company, upon receipt of due notice in writing from the city, shall defend, at its own expense, any action or proceedings against the city of Fairfield in which it is claimed that the injury or damage arose from the company's activities in the operation of its television system. (Ord. 573 § 9, 1975).

5.08.100 Sale or service of radios or televisions.

The company agrees that during the period that it or any of its successors or assigns may operate under the rights granted to the company in this chapter, it will not engage in direct sale or service of standard or FM broad-cast radios or television in the city of Fairfield, exclu-sive of the normal use of advertising as is the business of the company. (Ord. 573 § 10, 1975).

5.08.110 Termination or forfeiture.

Upon termination or forfeiture of the ordinance codi-fied in this chapter granted in accordance with any of its terms, the company shall, within a reasonable time, remove its cables, wires and appliances from the city streets, lanes, avenues, sidewalks, alleys, bridges, highways and other public places and from the poles located within the city of Fairfield. (Ord. 573 § 11, 1975).

5.08.120 Removal of equipment by city.

In the event of the failure of the company to perform the obligations of Section 5.08.110 immediately, the city shall have the right to make a written demand on the com-pany for such performance and in the event of the failure of the company to proceed to carry out the removal of such equipment within thirty days from the date of such demand, to proceed with such removal expeditiously. The city shall have the right to remove the same or cause its re-moval and retain such equipment as the city's own property without accounting therefor to the company, and the ex-pense of such removal shall be charged to and paid by the company without credit for the value, if any, of the equipment so removed or caused to be removed by the city.

In the alternative to any provisions hereinabove pro-vided, the company agrees that, in the event of its aban-donment of its system in the city of Fairfield contrary to the provisions of this chapter, the city shall have the right to take possession and control of the facilities of the company, and title thereto shall immediately thereaf-ter inure to the city free and clear of any and all liens or claims of others. (Ord. 573 § 12, 1975).

5.08.130 Franchise revocation.

A franchise may be revoked by the city council in the event of the failure of the company to adhere to the provisions of this chapter and comply with the same; provided, however, that no such action will be taken by the city without prior thirty-day written notice to the company and a full hearing and an opportunity being given to the company to fully comply with this chapter and the rules and regulations and other ordinances of the city of Fairfield as may be reasonably requested or required by the city within a reasonable time after such request by the city. (Ord. 573 § 13, 1975).

5.08.140 Construction period.

The company, by way of interest in the progress of television transmission and distribution systems within the city, shall agree to commence construction of the system within a three-month period from the date of final approval of its franchise. (Ord. 573 § 14, 1975).

5.08.150 Transfer of rights.

The company shall not assign or transfer any rights granted under this chapter to any other person, company or corporation without prior consent of the city council, which consent shall not be unreasonably withheld; provided, however, that the company shall have the right to assign the provisions of this chapter to a corporation to be formed and controlled by it without the prior consent of the city. (Ord. 573 § 15, 1975).

5.08.160 Fee schedule.

(a) In consideration for the rights, privileges and franchise granted, and as compensation to the city for the use of its streets, public ways and places by the company, and, in lieu of other operating licenses within the city, the company shall agree to pay to the city, in accordance with the following fee schedule, by the end of each calendar year, the percentages listed:

(1) From one to six hundred subscribers, three percent of the gross monthly service charges;

(2) From six hundred to one thousand two hundred subscribers, four percent of the gross monthly service charges;

(3) All over one thousand two hundred subscribers, five percent of the gross monthly service charges.

(b) A minimum of six hundred dollars per year shall be paid the city of Fairfield as a franchise fee, or such amount as is indicated by the schedule in this section, whichever is greater. (Ord. 573 § 16, 1975).

Chapter 5.12

SHOWS AND EXHIBITIONS

Sections:

- 5.12.010 Permit--Required.
- 5.12.020 Permit--Conditions and fees.
- 5.12.030 Police and fire protection.
- 5.12.040 Revocation of permit.
- 5.12.050 Transfer of permit.
- 5.12.060 Penalty for violation.

5.12.010 Permit--Required.

Circuses, menageries, theatrical exhibitions, theaters, shows, and exhibitions, except those which are sponsored by a charitable or nonprofit organization, those held on the premises of established businesses, or those in which local residents participate as a part of the cast of characters, or those exhibited at locally operated theater houses, shall exhibit within this city only after the proprietor thereof shall have first obtained from the mayor of this city a permit to do so. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 1, 1929).

5.12.020 Permit--Conditions and fees.

The mayor of this city shall issue permits to applicants under the following conditions:

(a) Written application must be made to the mayor and filed in the offices of the city clerk-finance officer, containing the name, place of residence, and occupation of the applicant, and a description of the kind and character of the show or exhibition, and the time and place of such exhibition.

(b) In the event that the mayor determines that the contemplated show or exhibition contains nothing that can be classified as obscene and upon the assurance by the applicant that the ordinances of this city and laws of this state will be strictly observed, he shall issue a permit to such applicant upon payment of the fee provided in the following schedule:

(1) For each circus or menagerie, the fee shall be one hundred dollars for each day or exhibition.

(2) For each side show or exhibition equivalent to a side show, the fee shall be twenty-five dollars for each day of exhibition.

(3) For all other shows or exhibitions, the fee shall be twenty-five dollars for each day of exhibition. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 2, 1929).

5.12.030 Police and fire protection.

Every proprietor conducting any such circus, menagerie, theater, theatrical production, or other exhibition shall permit not to exceed three members of the city police department and two members of the city fire department, when bearing credentials signed by the mayor, to be present without charge during any such exhibition for the purpose of protecting the same from fire and enforcing the ordinances of this city and the laws of this state. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 3, 1929).

5.12.040 Revocation of permit.

The permit of any proprietor conducting any of the aforementioned exhibitions may

be revoked by the mayor, if the exhibit proves to be obscene or if ordinances of this city or laws of this state are violated during the exhibition by the proprietor or his representative. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 4, 1929).

5.12.050 Transfer of permit.

No permit issued by the mayor or herein prescribed shall be assigned or transferred to another person, firm or corporation, without the written consent of the mayor endorsed on the original permit. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 5, 1929).

5.12.060 Penalty for violation.

Any person convicted of a violation of any of the provisions of this chapter shall be punished by a fine of not to exceed one hundred dollars or punished by imprisonment in the city-county jail for a period of not to exceed thirty days and shall pay the costs of prosecution. (Ord. 626-5-1 § 1(part), 1980: Ord. 258 § 6, 1929).

Chapter 5.16

DISTRIBUTION OF ADVERTISING MATTER

Sections:

5.16.010 Permit required.

5.16.020 Scattering bills prohibited.

5.16.030 Depositing bills on vehicles prohibited.

5.16.040 Permit fee.

5.16.050 Penalty for violations--Revocation.

5.16.010 Permit required.

No person shall engage in or carry on the business or occupation of distributing

advertising matter in the city of Fairfield without first having obtained a permit from the mayor of the city. Advertising matter is defined as any bill, paper, card or sample of a product, seeking to promote the sale of any product for use by the citizens of the city. It shall not include announcements of meetings, speeches, lectures, or musical entertainments of any kind and it shall not include newspapers or such publications as the Town Crier, currently distributed in the city. (Ord. 626-5-2 § 1, 1980: Ord. 294 § 1, 1937).

5.16.020 Scattering bills prohibited.

No person shall throw or deposit any advertising matter or bills announcing coming events on the surface of any of the public streets or alleys of the city or at any place other than on poles or at places of business or at residence houses. (Ord. 626-5-2 § 2, 1980: Ord. 294 § 2, 1937).

5.16.030 Depositing bills on vehicles prohibited.

No person shall throw or deposit any bill, paper, card, sample, or other advertising matter in or on any vehicle while such vehicle is standing upon any public street or alley in the city. This prohibition, however, shall not extend to a police officer or other person for fastening or attaching a traffic citation to a vehicle for illegal parking or similar official purposes. (Ord. 626-5-2 § 3, 1980: Ord. 294 § 3, 1937).

5.16.040 Permit fee.

Upon making application by any person seeking permission from the city to distribute advertising matter within the city of Fairfield, the mayor shall determine the name and address of the applicant and shall issue the permit upon the payment of the following fees: for each person employed in making the distribution, twenty-five dollars per day. (Ord. 626-5-2 § 4, 1980: Ord. 294 § 4, 1937).

5.16.050 Penalty for violations--Revocation.

Any person who violates any of the provisions of this chapter shall, upon conviction,

be punished by a fine in a sum not exceeding one hundred dollars or imprisonment in the county jail for a term not exceeding thirty days, and shall pay the costs of prosecution. The mayor shall revoke the permit issued to any person who violates any provision of this chapter. (Ord. 626-5-2 § 5, 1980: Ord. 294 § 5, 1937).

Chapter 5.20

TAXICABS

Sections:

- 5.20.010 License required.
- 5.20.020 Application requirements.
- 5.20.030 License requisites--Liability insurance.
- 5.20.040 Schedule of charge to be posted.
- 5.20.050 Conditions for operation.
- 5.20.060 Inspection--Equipment requirements.
- 5.20.070 License fees.
- 5.20.080 License identification card--Transfer.
- 5.20.090 Solicitation prohibited.
- 5.20.100 Markings.
- 5.20.110 Horn use.
- 5.20.120 Taxi stands--Congestion prohibited.
- 5.20.130 Revocation of license.
- 5.20.140 Penalty for violation.

- 5.20.010 License required.

No person, firm or corporation shall operate any taxicab or conveyance for hire as a common carrier of passengers from one part of Fairfield to another without a license for

each vehicle. (Ord. 341 § 2, 1947).

5.20.020 Application requirements.

The application for the license required by Section 5.20.010 shall be filed with the city clerk and shall state:

- (1) The name, residence, and age of the applicant;
- (2) The type of motor car or motor vehicle to be used;
- (3) The horsepower and factory number thereof;
- (4) The state license number thereof;
- (5) The seating capacity thereof, according to its trade rating;
- (6) The name, residence and age of the person to be in immediate charge

thereof as driver, and statement showing that driver has attained the age of twenty-one full years. (Ord. 341 § 3, 1947).

5.20.030 License requisites--Liability insurance.

(a) The city clerk shall refer application to the city council, which at its next regular meeting shall consider the same with the city clerk's recommendation thereon. The city council shall grant a license for one year, provided the applicant has complied with all the provisions of this chapter, has paid the fee hereinafter provided, and has filed in the office of the clerk of the district court of the county of Jefferson, state of Iowa a public liability insurance policy covering each taxicab or vehicle to be used, issued by an insurance company authorized to do business in the state of Iowa. The minimum liability of each policy covering the insured's legal liability is to be as follows:

- (1) For personal injury or death of one person as a result of one accident or other cause, one hundred thousand dollars;
- (2) For personal injury or death of more than one person as a result of one accident or other cause, three hundred thousand dollars;
- (3) For damage to or destruction of property other than that of the assured as a result of one accident or other cause, fifty thousand dollars;
- (4) For uninsured motorists, for injury or death as a result of one accident or

other cause, one hundred thousand dollars per person, or three hundred thousand dollars for more than one person.

(b) Such policies are to protect the passengers and public generally from the negligence of the taxicab or motor vehicle owners and/or operators or drivers and the application shall not be approved by the city council until that body is satisfied that the policies actually protect the passengers and public.

(c) Such policies shall be issued for a period covering the life of the license applied for. Failure to keep any policy in full effect shall be cause for revocation of the license.

(d) Each policy shall contain a coverage for the city of Fairfield, Iowa as an additional insured subject to the policy limits.

(e) This section is to be an additional requirement to any legislation which may be passed by the state of Iowa concerning liability insurance or financial responsibility of owners or operators of motor vehicles. (Ord. 802 § 1, 1990).

5.20.040 Schedule of charge to be posted.

Each taxicab or motor vehicle operator shall post in the driver's compartment and on the back thereof a schedule of fees charged for services so it can readily be seen by any passenger. (Ord. 341 § 5, 1947).

5.20.050 Conditions for operation.

Every driver of a vehicle licensed under this chapter shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver shall otherwise refuse or neglect to convey an orderly person or persons upon request anywhere in the city unless previously engaged or unable to do so. No driver shall carry any other person than the first passenger first employing such vehicle without the consent of the passenger. (Ord. 341 § 6, 1947).

5.20.060 Inspection--Equipment requirements.

All taxicabs or motor vehicles for hire are to be inspected under the direction of

the chief of police and at the discretion of the police department at such places as they may designate. Each taxicab or motor vehicle shall meet the minimum requirements as to condition of equipment now or hereafter required by the Iowa State Department of Motor Vehicles under the Commissioner of Public Safety or be withdrawn from use. The taxicab or motor vehicles owner must pay the reasonable costs of such inspection when the inspection involves the use of any garage equip-ment. (Ord. 341 § 7, 1947).

5.20.070 License fees.

The license fee for each owner shall be the sum of fifty dollars per year for the first conveyance or vehi-cle, and twenty-five dollars per year for each additional conveyance or vehicle licensed under this chapter. (Ord. 802 § 2, 1990: Ord. 341 § 8, 1947).

5.20.080 License identification card--Transfer.

When such license is issued, a number shall be given each license and a card containing the words, "Fairfield Taxi License Number _____ held by this motor vehicle," shall be posted in a conspicuous place behind the driver's seat in such motor vehicle. Such license shall not be transferred to any other vehicle except upon filing with the city clerk an application therefor duly verified show-ing that the vehicle previously licensed has become obso-lete or has been destroyed and that such vehicle is no longer to be used for the purposes herein contemplated. The applicant shall also furnish all the information as to the vehicle proposed to be substituted and all certifi-cates required as upon original licensing. If satisfied that such transfer is in good faith and not for the pur-pose of evasion, the clerk shall require a surrender of the former certificate and issue a new one, charging therefor the sum of five dollars and shall thereupon cor-rect his records to show such transfer. (Ord. 341 § 9, 1947).

5.20.090 Solicitation prohibited.

The operator of a taxicab or motor vehicle shall not stop, park or drive about the public places of the city and by word, sign or signal solicit passengers for his ve-hicle; and when waiting at any public place, including de-pots, the operator or driver shall remain at

his cab; but nothing in this chapter shall be construed to prevent taking a passenger anywhere in the city upon his request. (Ord. 341 § 10(part), 1947).

5.20.100 Markings.

Taxicabs or motor vehicles when in use shall be marked or designated as a taxicab, but the marking need not be permanent or printed. (Ord. 341 § 10(part), 1947).

5.20.110 Horn use.

Between the hours of nine p.m. and seven a.m., cab drivers shall not sound their horn for any other purpose than as a warning to traffic. (Ord. 341 § 10(part), 1947).

5.20.120 Taxi stands--Congestion prohibited.

Taxicabs or motor vehicles may be parked and passengers may be obtained at taxicab stands established in accordance with the provisions of any resolution establishing taxi stand locations on the streets of Fairfield, passed by the city council, but nothing in this chapter shall permit loading or unloading passengers so as to congest the sidewalks to the annoyance of or interference of traffic. (Ord. 341 § 11, 1947).

5.20.130 Revocation of license.

The violation of any section of this chapter shall be grounds for the city of Fairfield to revoke any taxi license issued, and a new license shall not be issued the said licensee for a period of twelve months. (Ord. 802 § 3, 1990).

5.20.140 Penalty for violation.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter is guilty of a misdemeanor and shall, upon conviction, be punished by a fine not less than twenty-five dollars, nor more than one hundred dollars, and to pay the costs of prosecution. (Ord. 802 § 4, 1990).

Chapter 5.24

JUNKYARDS

Sections:

5.24.010 Definitions.

5.24.020 License--Required.

5.24.030 License--Application.

5.24.040 Business transaction with minor--Parental consent.

5.24.050 Fees.

5.24.060 Storage of automobiles.

5.24.070 Accumulation of junk prohibited.

5.24.010 Definitions.

(a) "Junk" means old or scrap copper, brass, rope, tin cans, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, unlicensed, stored, abandoned, or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or nonferrous material.

(b) "Junkyard" means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk; and the term includes garbage dumps, sanitary fills, and automobile graveyards. (Ord. 626-5-4 §§ 2, 3, 1980).

5.24.020 License--Required.

No person shall establish a junkyard within the city of Fairfield without first having procured a license so to do as provided in this chapter. (Ord. 626-5-4 § 4, 1980).

5.24.030 License--Application.

Any person who hereafter desires to establish a junkyard within the corporate limits of the city shall make application for a license to the city council stating the location of the

requested activity and the measures he will take to conceal the activity from public view. (Ord. 626-5-4 § 5, 1980).

5.24.040 Business transaction with minor--Parental consent.

No person who engages in the business of operating a junkyard shall purchase from, or trade or do business with, any person under the age of eighteen, except with the written consent of the latter's parent or guardian. (Ord. 626-5-4 § 6, 1980).

5.24.050 Fees.

The annual fee for operating a junkyard shall be twenty-five dollars. (Ord. 626-5-4 § 7, 1980).

5.24.060 Storage of automobiles.

No person shall keep or store upon his property any nonoperating or unlicensed automobile unless the vehicle has been placed in a garage, barn, or shed where it cannot easily be observed by the public. (Ord. 626-5-4 § 8, 1980).

5.24.070 Accumulation of junk prohibited.

No person shall permit the accumulation of junk upon his property or the property of which he is in possession. (Ord. 626-5-4 § 9, 1980).

Title 6

ANIMALS

Chapters:

- 6.10 Livestock and Poultry
- 6.12 Dog Control
- 6.16 Beekeeping
- 6.28 Animals on Streets
- 6.30 Prohibiting Use of Steel Traps

Chapter 6.10

LIVESTOCK AND POULTRY

Sections:

- 6.10.010 Livestock and poultry prohibited.
- 6.10.020 Fence and setback requirements.

6.10.010 Livestock and poultry prohibited. (a) It is unlawful to maintain, keep or harbor any cattle, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is in compliance with the fence and setback requirements of Section

6.10.020. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

(b) The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of the ordinance codified in this chapter, may be continued until such time as the person no longer keeps livestock upon property with the city upon which he or she maintained livestock prior to the enactment of this chapter, or when such person transfers, sells or otherwise conveys the property upon which such livestock were maintained prior to the enactment of this chapter. The burden of proving the maintenance of livestock upon a parcel of land within the city prior to the enactment of this chapter shall lie with the person

6.10.020

claiming such prior existence. Nothing in this chapter shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock. (Ord. 971 § 1(part), 2002).

6.10.020 Fence and setback requirements. (a) The primary dwelling for horses, ponies, or cattle must be at least seventy-five feet from the lot line and one hundred feet from any neighboring house.

(b) Fencing for the keeping of livestock shall not be closer than seventy-five feet from the front lot line.

(c) Fencing for any livestock must be constructed in such a manner that animals may not reach legs, necks, or any body part onto neighbor's property, or to any shrub, or plant growing on the neighbor's property.

(d) Fencing must be secure to hold stock and in good repair.

(e) Primary fixed dwelling for poultry, including domestic female chickens, turkeys, geese and ducks raised for home use, or as pets, within the city limits must be:

(1) Located only in the back yard; compliant with side yard requirements for district.

(2) Located on the side of the yard farthest from neighboring dwelling, if one neighbor only; and approximately equal distance from neighboring dwellings, if more than one neighbor.

(3) Constructed consistent with all applicable laws and standards, including those relating to securing/containment of stock, sanitation, humane treatment of animals, or fowl, waste disposal and security from problems with vermin predators.

(4) Constructed consistent with the capabilities of the breed of poultry confined (i.e. domestic poultry with no capability of flight, or wings clipped may not require fencing of the same height, as more flight capable breeds requiring wire coverings to the top of their confinements.)

(5) Limited to no more than ten (hens.)

(6) Limited to poultry not generally considered excessively noisy—chicken roosters, pea fowl and guinea fowl are expressly prohibited (generally limit to hens, females of breed.)

(7) Located not closer than forty feet from any neighboring dwelling house(s).

(f) Any neighbor who believes the fence and setback requirements of section 6.10.020, including this amendment, have

not been met, may file an appeal with the Board of Adjustment for a determination of whether the poultry owner is in substantial compliance with such requirements. Board of Adjustment may refer the same issue presented to the Animal Control Review Board if issue is deemed to inquire into matters technical to that Review Board. Review Board may issue an advisory statement as response to Board of Adjustment, preliminary to its determination. Appeal from Board of Review is as provided by ordinance.

(g) Nothing in this chapter shall be deemed to exempt the owner of poultry within the city limits from the enforcement of nuisance, or other laws regarding the keeping of poultry, and the maintenance of the poultry enclosure. (Ord. 1055 § 1, 2010; Ord. 971 § 1(part), 2002).

Chapter 6.12

DOG CONTROL

Sections:

- 6.12.010 Running at large prohibited--Control device required.
- 6.12.015 Removal of solid wastes by owner or keeper.
- 6.12.020 Noisy dogs prohibited.
- 6.12.030 Owner of dog defined.
- 6.12.040 Impoundment--Destruction.
- 6.12.050 Costs and reclamation fee.
- 6.12.060 Enforcement.
- 6.12.070 Penalty for violation.

6.12.010 Running at large prohibited--Control device required. No dog shall be permitted to run at large on any street, alley, or public ground of the city of Fairfield, or to trespass upon any garden, yard or private grounds of any property owner, or any person not the owner or keeper of such dog within the city limits; and all dogs shall, at all times when not on the premises of the owner or keeper, be under the control of some person in charge of such dog by means of a rope, strap or chain securely fastened to such dog and held by such person so in charge or attached to the vehicle of such person in charge. (Ord. 442 § 1, 1962).

6.12.015--6.12.040

6.12.015 Removal of solid wastes by owner or keeper. Any owner or keeper who shall walk or allow a dog to be on public or private property shall provide for the disposal of any solid waste material left by the dog by immediately removing the waste from those premises. Any person who does not provide for the immediate removal and disposal of such solid waste shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for the first offense; fifty dollars for the second offense and one hundred dollars for each and every subsequent offense, and the costs of prosecution. (Ord. 904 § 1, 1997).

6.12.020 Noisy dogs prohibited. It is unlawful to keep any dog within the corporate limits of the city that by barking, howling, or making any other noise causes any disturbances or creates any nuisance. (Ord. 442 § 2, 1962).

6.12.030 Owner of dog defined. For the purposes of this chapter, the owner of any dog shall be the head of the household where such dog is permitted to remain on the premises more than seven days. (Ord. 442 § 3, 1962).

6.12.040 Impoundment--Destruction. All dogs running loose within the city limits will be captured, if possible; if not possible, they will be destroyed in such manner as is necessary, with due care for the safety of all persons, property, and other animals. All captured dogs shall be impounded at a place designated by the mayor where they can be safely and humanely kept. Such designated place shall include, but is not limited to a licensed veterinary clinic, a humane society, if there be one, or a nonprofit organization or association established for the safe and humane keep of animals, or a kennel meeting such qualification. The owner, if known or ascertainable, of an impounded dog shall be notified by the police department, or by the designated place of impoundment, of the circumstances of the dog's impoundment within two days of the animal's capture. If the

owner of the dog fails to redeem the animal from impoundment by physical removal of the dog from impoundment and payment of costs and reclamation fees as required by Section 6.12.050 within seven days following notification, or if the owner of the animal cannot be identified, the animal may be destroyed by humane means. Destruction of such impounded animal shall not occur until determination is made:

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A. That an institution which has been authorized by the state of Iowa to obtain dogs from a pound for purposes of animal laboratory research, has no unfulfilled request with the pound, and providing such institution refuses a tender of such animal; or

B. That a licensed veterinary clinic, humane society, or nonprofit organization or association established for the safe and humane keep of animals, refuses a tender of such animal for placement, or refuses to facilitate appropriate steps for adoption of such animal for costs of board, shots, neutering, and reclamation fee. (Ord. 901 § 1, 1997; Ord. 626-6-2 § 1, 1980; Ord. 506, 1967; Ord. 442 § 4, 1962).

6.12.050 Costs and reclamation fee. An owner claiming a dog will be responsible for all veterinary clinic costs including, board, shots required to be given and any other fee related to the care of such dog. These fees will be paid to such veterinary clinic. In addition, the owner shall pay a fifty-dollar reclamation fee, such fee payable to the city of Fairfield. (Ord. 987 § 2, 2005).

6.12.060 Enforcement. This chapter shall be enforced by the police, as well as any special police or employee of the city of Fairfield, so designated by the mayor or elected by the city council. (Ord. 442 § 6, 1962).

6.12.070 Penalty for violation. Any person or persons violating any of the provisions of this chapter, except those of Section 6.12.015, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined at least fifty dollars but not to exceed five hundred dollars, and the costs of prosecution. Any person or persons violating Section 6.12.015 shall be subject to the schedule of fines contained within Section 6.12.015.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code

Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 904 § 2, 1997; Ord. 779 § 1, 1989).

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Chapter 6.14

DOMESTICATED ANIMAL, WILD ANIMAL AND DANGEROUS ANIMAL CONTROL

Sections:

- 6.14.010 Definitions.
- 6.14.020 Abandonment of animals.
- 6.14.030 Enabling animals to leave premises of owner.
- 6.14.040 Number of animals and type of animals restricted.
- 6.14.050 Sanitation of premises.
- 6.14.060 Cruelty to animals.
- 6.14.070 Dangerous animals.
- 6.14.080 Keeping or harboring vicious animals.
- 6.14.090 Impoundment generally.
- 6.14.100 Variances.
- 6.14.110 Animal control review board.

6.14.010 Definitions.

As used in this chapter:

"Abandonment" means the voluntary relinquishment of possession of an animal by the owner, with the intention of terminating ownership without vesting it in any other person.

"Owner" means any person or legal entity having a possessory right in a dog or other animal, or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on the premises occupied by them. And for the purposes of this chapter, the owner of any dog or other animal shall be the head of the household, firm, corporation,

or other entity where such dog is permitted to remain on the premises more than seven days. (Ord. 999 § 2(part), 2004).

6.14.020 Abandonment of animals.

No owner of an animal shall abandon such animal within the city of Fairfield, Iowa. (Ord. 999 § 2(part), 2004).

6.14.030 Enabling animals to leave premises of owner.

It is unlawful for any person, except the owner or his or her agent, employee or immediate family member to open any gate or door on any premises, or otherwise entice, or enable any animal to leave such premises. (Ord. 999 § 2(part), 2004).

6.14.040 Number of animals and type of animals restricted.

(a) No person shall keep dogs, cats or other animals in such numbers or in such a manner that their presence shall disturb the peace and comfort of any neighborhood or cause a menace or detriment to public health. Keeping of large numbers of animals may cause disturbance of peace or may constitute a nuisance under certain defined circumstances. Any animal subject to requirement of license and vaccination is a mature animal for this purpose.

(b) Kennel animals/animals kept for breeding purposes, are subject to zoning regulations, breeder fees, and specifically authorized permit for such purpose, as detailed in city dog licensing provisions. (Ord. 999 § 2(part), 2004).

6.14.050 Sanitation of premises.

All structures, pens, coops or yards wherein animals, domestic or wild, are confined shall be maintained in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The city or its designee may, at any time, inspect or cause to be inspected any structure or premises, and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant or pertinent rule, regulation of the board of health or any other health provisions of this code. (Ord. 999 § 2(part),

2004).

6.14.060 Cruelty to animals.

No person shall impound, confine or cause to be impounded or confined in any place, any animal, domestic or wild, and fail to supply such animal during confinement with a sufficient quality (quantity) of food and water, adequate shelter and protection from the weather and opportunity for the creature to exercise. Nor shall any person poison, torture, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, maim, or kill any such animal by any means which shall cause unjustified pain, distress or suffering, including direct and deliberate corporal exposure of the animal to acid or any other corroding, irritating, or harmful substance with the intent to harm such animal, whether intentionally or negligently. (Ord. 999 § 2(part), 2004).

6.14.070 Dangerous animals.

(a) Defined. "Dangerous animal" means:

(1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so.

(2) Any animals declared to be dangerous by the city council.

(3) The following animals shall be deemed to be dangerous animals per se:

(A) Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs and bobcats;

(B) Wolves, coyotes and foxes;

(C) Badgers, wolverines, weasels and skunks;

(D) Raccoons;

(E) Bears;

(F) Monkeys, chimpanzees and gorillas;

(G) Alligators and crocodiles;

(H) Scorpions, venomous tarantulas and Gila monsters;

(I) Snakes that are venomous or constrictors;

(J) Any crossbreed of such wild animals listed above which have similar characteristics to the animals specified above;

(K) Attack dogs, by training made vicious in response to stimuli or command;

(L) Doberman Pincher;

(M) Pit Bull Terrier, American Pit Bull, Staffordshire Terrier, or any other dog whose appearance and characteristic of breed is commonly regarded as Pit Bull, Pit Bull Dog, or Pit Bull Terrier or a combination of such breeds;

(N) Rottweiler;

(O) German Shepherd;

(P) Belgian Malinois;

(Q) Siberian Huskies;

(R) Malamutes;

(S) Dogs that by size present control concerns including Great Danes, Wolfhounds, Deerhounds, Mastiffs, Boerboels and other dogs weighing in excess of one hundred pounds;

(T) Any crossbreed of such dogs listed in subsections (a)(3)(L) through (S) of this section which have similar characteristics to those animals specified.

(b) Keeping Prohibited. No person shall keep shelter, or harbor for any purpose within the city a dangerous animal except as provided in subsections (c) and (d) of this section.

(c) Exceptions. The prohibition contained in sub-section (b) of this section shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of dangerous animals in a public zoo, public aquarium and bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study;

(2) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the city;

(3) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;

(4) The keeping of dangerous animals by a wild-life rescue organization with appropriate permit from the Iowa Department of Natural Resources;

(5) Any dangerous animals under the jurisdiction of and in possession of the Iowa Department of Natural Resources, pursuant to I.C.A. Chapter 41A or I.C.A. Chapter 481B;

(6) Any guard or sentry dog properly contained as required by law. This exception is intended to include police dogs of the Fairfield Police Department Canine Unit. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Danger--Guard Dog," or "Dangerous Dog" or words of similar import, and the owner of such premises posted shall notify the police department in writing promptly that a guard dog or sentry dog is on duty at the premises;

(7) The entry into and display at an approved dog show, while properly confined in a cage or on a leash and personally restrained by a handler or owner of the dog;

(8) Any of such animals as listed in sections subsequent to subsection (a)(1) of this section provided such animal(s) are safely confined on the owner's private premises.

(d) Regulation of Keeping Dangerous Animals.

(1) Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under subsection (c) of this section shall at all times keep such animal securely confined within a cage or other enclosure approved by the mayor, or the city's designee, (i.e., chief of police, animal control officer, etc.)

(2) No person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal as permitted under subsection (c) of this section shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.

(A) Exception: The owner of any dog listed after subsection (a)(1) of this section shall be permitted to walk or exercise his/her dog off premises provided such animal is secured on a leash of four feet or shorter. Further, the dog shall have a current vaccination tag affixed to its collar. Limitations on tethering set forth in Ordinance No.

1000, codified as Section 6.40.100 of this code, shall apply to all dogs listed in subsections (a)(3)(L) through (T) of this section.

(3) It shall be the duty of the persons permitted to keep dangerous animals under subsections (c) and (d) of this section to report to the mayor, or city's designee, when any dangerous animal is found missing.

(4) No person shall keep or harbor a dangerous animal, which has demonstrated a propensity, without provocation, to attack or bite. Such animal shall be subject to the vicious animal provisions of this chapter.

(e) Seizure, Impoundment and Disposition of Dangerous Animals.

(1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, and it creates a hazard to person or property, such animal may, in the discretion of the mayor or his designee, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(2) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this chapter, or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the mayor, or city's designee, shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the city in violation of this chapter, the mayor, or city's designee, shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under subsection (c) of this section to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or

death to any person, in which case the mayor or the city's designee, shall cause the animal to be immediately seized and impounded as placement would not be possible, without risk of serious physical harm or death to any person.

(3) The order to remove a dangerous animal issued by the mayor or city's designee may be appealed to the animal control review board. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within ten days of the receipt of notice of appeal. The hearing of such appeal may be continued for good cause. After such hearing, the animal control review board may affirm or reverse the order of the mayor, or city's designee. 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. Such board determination may be appealed within three days thereafter to the public safety committee of the Fairfield city council, which shall review the matter within ten days after receipt of the written appeal. The committee determination shall be filed within three days after the determination of the public safety committee. Final administrative appeal may be taken in writing to the Fairfield city council within three days after the determination of the public safety committee. City council animal control appeal hearings shall be scheduled at least bi-monthly, if needed, and shall comply with public meeting and notice and agenda requirement(s) of the Code of Iowa.

(5) If the appeal taken affirms the action of the mayor, or city's designee, the city shall order in its written decision that the individual, or entity, owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under subsection (c) of this section to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the city after appeal has been

served, the mayor or city's designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the city was issued has not petitioned the Jefferson County District Court for a review of such order, the mayor, or city's designee, shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under subsection (c) of this section to possess dangerous animal(s), or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which such fee shall be all actual costs of the feeding and care of the animal, consistent with Fairfield Municipal Code Section 6.12.050. (Ord. 999 § 2(part), 2004).

6.14.080 Keeping or harboring vicious animals.

Animals that bite.

(1) "Vicious Animal" defined. "Vicious animal" means any animal which is, in addition to those animals which are dangerous per se, an animal that has exhibited vicious tendencies in present or past conduct such that the animal: (a) has clawed or bitten a person or persons where such attack was unprovoked; or any animal that (b) could not be controlled or restrained by the owner at the time of the attack so as to prevent the occurrence; or (c) has attacked any domestic animal or fowl on at least two separate occasions within a twenty-four month period.

(2) No person shall keep or harbor any vicious animal in the city, and if such animal remains in the city after notice to remove the same has been given to the owner by the city of Fairfield, such animal shall be picked up by the city's designee and destroyed as provided in this chapter.

(3) Any vicious animal, which cannot be safely taken up and impounded for destruction, may be slain by any officer of the law.

(4) No animal shall be permitted to or shall attack, bite, attempt to bite, or belligerently pursue any person without provocation.

(5) "Provocation" shall include the:

(A) Defense of the property of the owner of the dog;

(B) Defense of the person of the owner or his immediate family;

(C) Defense of the animal itself where subjected to attacks, torture, torment, mishandling or other actions that could reasonably cause such a violent reaction by the animal. This is not intended to permit dog fighting.

(6) Provocation shall not include:

(A) The mere act of entering the premises or dwelling, other buildings or other property of the owner or occupant thereof with either actual or implied consent of the owner or occupant thereof to so enter.

(B) Any action by a person that would not be reasonably deemed to cause such a violent reaction.

(7) Owner's Duty. It shall be the duty of the owner of any dog, cat or other animal, which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local law enforcement official or the city clerk. It shall be the duty of physicians and veterinarians to report to the city clerk the existence of any animal known or suspected to be suffering from rabies.

(8) Confinement. When the city of Fairfield receives information that biting or attack covered by this chapter has occurred and a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the city, and after two weeks the city may humanely destroy the animal if it is found to have rabies. If such animal does not have rabies and is returned to its owner, the owner shall pay the cost of impoundment. (Ord. 999 § 2(part), 2004).

6.14.090 Impoundment generally.

(a) It is the general policy of the city of Fairfield that with proper identification, the owner, his or her agent, employee or member of his or her immediate family, of an impounded animal, shall be entitled to resume possession of such animal, before the lapse of the seven-day time limit set hereafter.

(b) Owners of licensed and/or I.D. tagged dogs shall be notified within two days

of impoundment, that upon payment of impounding fees and of all costs incurred by the city for impounding, the dog will be returned. If their owners do not recover the impounded licensed dogs within seven days after notice, the dogs shall be disposed of in a humane manner as directed by this chapter.

(c) The owner, upon proper identification, may re-cover impounded unlicensed dogs or other animals subject to this chapter by payment of the impounding fees of all costs incurred by the city for impounding, and the costs of vaccination if vaccination is required. If such dogs or other affected animal(s) are not claimed within seven days after notice, they shall be disposed of in a humane manner as directed by this chapter.

(d) Dogs found at large, following a third conviction of "running at large" or a finding of the same (as a third violation) as a civil infraction, shall be deemed a public nuisance. Such animal may be ordered disposed following procedure for nuisance abatement, or the city may request disposal as appropriate civil remedy under the civil infraction proceeding, if elected.

(e) Penalty for Violation. Any person or persons violating any of the provisions of this chapter shall be guilty of misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars or more than five hundred dollars, and the cost of prosecution. Repeat offenses may also be penalized as civil infractions. Determination to pursue as a civil infraction shall be discretionary to the city. Civil infraction enforcement shall include remedial orders beyond pecuniary penalty, including injunctive relief, nuisance remedy, mandatory attendance at available education and training opportunities, participation in ordered mediation, and such other civil remedy as may relate to and supplement and assist in goals of prevention of re-occurrence of future violation.

(f) Notwithstanding the provisions of subsections (b) and (c) of this section, in the event the city is informed by a credible source that the owner of an impounded dog is temporarily absent from the city, or temporarily unable to be notified of the impoundment, the city may elect, in its discretion, to proceed by alternative means of notice or to delay such process. (Ord. 999 § 2(part), 2004).

6.14.100 Variances.

The city may grant variances to the requirements of this chapter with respect to the keeping of dangerous or vicious animals provided that the individual's request for variance is submitted in writing and the individual's re-quest is consistent with the purpose of this chapter. Re-quests for variances shall be heard by the animal control review board at publicly noticed meetings. In ruling on a variance request, the animal control review board is entitled to consider the applicant's experience with regard to the handling and keeping of similar animals, the type and quality of the facilities provided for the confinement of the animal, any prior documented problems or complaints concerning any animal owned by or in the custody of the applicant, and information consistent with those preventive measures characterizations listed at Section 6.40.160(B) of this code as codified. Board determination with respect to variances may be appealed to the public safety committee of the Fairfield city council and to the full city council in the same manner as appeals allowed under Section 6.14.070(e) of this chapter. (Ord. 999 § 2(part), 2004).

6.14.110 Animal control review board.

There is established an animal control review board. The board shall consist of five members appointed by the mayor and affirmed by the city council, with its advice and consent, in the same manner as appointments to the board of adjustment at Section 20.92.010 of the Fairfield Municipal Code. The board shall exist for purposes of consideration of appeals and variances. An appeal fee of fifty dollars, similar to that required by the board of adjustment, shall apply. (Ord. 999 § 2(part), 2004).

Chapter 6.16

BEEKEEPING

Sections:

6.16.010 Permission required.

6.16.020 Penalty for violation.

6.16.010 Permission required.

No person shall keep or have in his possession or under his or her control within the city limits any stand, hive or colony of honey bees, without first obtaining the permission of the city council, which permission may be revoked at any time by the city council; but after such revocation, no penalties shall attach to any defendant by reason of nonremoval of bees within a less period than one month. (Ord. 69 § 1, 1904).

6.16.020 Penalty for violation.

Every person or persons who keeps or controls any honey bees otherwise than as provided in this chapter within the limits of the city of Fairfield, or who fails to remove any such bees after having been notified as provided in Section 6.16.010, shall on conviction pay a fine of not exceeding fifty dollars, and costs of prosecution. (Ord. 69 § 2, 1904).

Chapter 6.28

ANIMALS ON STREETS

Sections:

6.28.010 Use of streets restricted.

6.28.020 Penalty for violation.

6.28.010 Use of streets restricted.

It is unlawful for any person to ride or drive any animal through any part of the city except on the portion of the public streets used for public travel and lying between the curblines. (Ord. 626-6-5 § 1(part), 1980: Ord. 146 § 1, 1913).

6.28.020 Penalty for violation.

Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine of not less than five dollars nor more than fifty dollars plus the costs of prosecution. (Ord. 626-6-5 § 1(part), 1980: Ord. 146 § 2, 1913).

Chapter 6.30

PROHIBITING USE OF STEEL TRAPS

Sections:

- 6.30.010 Purpose.
- 6.30.020 Prohibited traps.
- 6.30.030 Humane live box traps--Authorized when.
- 6.30.040 Instant kill snaptraps--Authorized when.
- 6.30.050 Violation--Penalty.

6.30.010 Purpose.

The purpose of this chapter is to establish reasonable regulations and restrictions for the act of trapping animals, understood to include any live (or dead where applicable) domestic vertebrate creature, male or female, and including dogs and cats, fowl and reptiles, kept as pets, except the trapping of wild or dangerous animals as are otherwise sanctioned by the State Department of Natural Resources or other conservation peace officer, and excepting those traps set and maintained by officers of the Department of Natural Resources, city police, designated animal control officers (if there are any) or other persons acting under written permission of such officials consistent with existent law or administrative regulation, for the purpose of controlling animals determined by such officials to be dangerous, a public hazard, or nuisance. (Ord. 826 §§ 1(part), § 2, 1992).

6.30.020 Prohibited traps.

Except for those matters specifically excepted under Section 6.30.010, no person shall capture, take, or attempt to capture or take by use of cannibear traps, snare traps, steel jaw traps, leghold traps, spring traps, or any similar device designed to catch and hold the animal by the leg or other part of the body; or which is likely for any reason to cause injury, pain and suffering before death, and the use of any such devices within the city limits of Fairfield is specifically prohibited. (Ord. 826 §§ 1(part), § 3, 1992).

6.30.030 Humane live box traps--Authorized when.

Humane live box traps on public or private property, with the written permission of the State Department of Natural Resources, the city police, or its designated agent, and where private property is affected, with the permission of the owner of that private property addition-ally, are not prohibited by this chapter. (Ord. 826 §§ 1(part), § 4, 1992).

6.30.040 Instant kill snaptraps--Authorized when.

Small instant-kill snap traps consistent with and de-signed for small rodent and pest control are not prohib-ited by this chapter. (Ord. 826 §§ 1(part), 5, 1992).

6.30.050 Violation--Penalty.

Any person or persons violating any provision of this chapter shall be guilty of a misdemeanor and upon convic-tion thereof shall be fined in a sum of at least fifty dollars, but not to exceed five hundred dollars or by im-prisonment in the county jail for a term not exceeding thirty days, and shall pay the costs of prosecution.

Limitation as to Minors. Penalties concerning per-sons under eighteen years of age convicted of simple mis-demeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community ser-vices as ordered by the court. (Ord. 960 §§ 1, 2(part), 2003; Ord. 826 §§ 1(part), 6, 1992).

LICENSING AND VACCINATION

Sections:

- 6.40.010 License required.
 - 6.40.020 Application.
 - 6.40.030 Evidence of rabies vaccination required.
 - 6.40.040 Exemptions.
 - 6.40.045 Breeder fee.
 - 6.40.050 License fee.
 - 6.40.060 Tags on dogs.
 - 6.40.070 Tag not transferable.
 - 6.40.080 Duplicate tag.
 - 6.40.090 Notice to city of vaccination.
 - 6.40.100 Special application conditions--Dogs classified as potentially dangerous by breed, by training, or by size, strength, propensity and control classification.
 - 6.40.110 Liability.
 - 6.40.120 Variances.
 - 6.40.130 Simple misdemeanor for violation of chapter.
 - 6.40.140 Violation as a civil infraction/discretion for additional civil enforcement.
 - 6.40.150 Violation establishing "irresponsible animal ownership."
 - 6.40.160 Warnings of violations--Discretionary and conditional.
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- 6.40.010 License required.

The owner of any dog six months old or over, except dogs kept in kennels for the purpose of breeding and sale, shall be responsible for applying for and acquiring a license for such dog as of January 1st of each year. Time for licensing and one month grace period may be adjusted annually to facilitate administration of the ordinance over several months (i.e., alphabetical schedule during first six months each year, provided notice of

licensing times is conspicuously posted and published by city administration. (Ord. 1000 § 2(part), 2004).

6.40.020 Application.

The owner of any dog for which a license is required shall, on or before January 31st of each year, or at such time is designated by posted schedule, apply in writing on forms provided by the city clerk for a license for each dog owned by the applicant, which application form shall be signed by the owner. The application shall show the breed, sex, age, color, approximate weight, markings, name of the dog, whether the dog has special training such as security, guard or attack dog status, and the address and telephone number of the owner.

Applications for a license for dogs over which ownership is acquired after January 31st or which dog has reached the age of six months shall be made within one month from the date of acquisition, or within one month after the dog reaches the age of six months, subject to adjustment for licensing scheduling provided for at Section 6.40.010 in this chapter. (Ord. 1000 § 2(part), 2004).

6.40.030 Evidence of rabies vaccination required.

No dog shall be licensed hereunder unless there is submitted by the owner evidence that the dog to be licensed has been vaccinated against rabies as required by law and the certificate of vaccination signed by a licensed veterinarian which shows that the vaccination certificate will not expire within six months from the date of the issuance of the license. Rabies vaccination tag number shall be stated on license application. (Ord. 1000 § 2(part), 2004).

6.40.040 Exemptions.

(a) The license fees hereinafter provided shall not apply to dogs owned by nonresidents temporarily within the city for a period of not more than thirty days, but shall apply to the dogs of any owner becoming a resident of the city within thirty days after establishing such residence.

(b) A license shall not be required of seeing eye and hearing ear dogs, nor to kennel dogs (permanent breed dogs). Dog(s) comprising the Fairfield police department canine unit are exempt for as long as they are assigned to the department.

(c) The dogs exempted from licensing requirements are not exempted from being required to be vaccinated for rabies. (Ord. 1000 § 2(part), 2004).

6.40.045 Breeder fee.

Subject to city of Fairfield zoning rules as to kennels and notwithstanding other provisions of this licensing ordinance, the city may, upon application thereto, permit the raising of animals for profit on plots less than two acres in size, but only in a nonrestricted residential district under such conditions as do not adversely affect the health of residents in vicinity of the proposed venture, or create a nuisance. Upon approval by the city council, a permit shall be issued by the city clerk, which permit may be removed by the mayor, or city's designee, upon the showing that health of any person(s) in the vicinity is adversely affected by such operation, or a nuisance has been created and is in existence because of such venture. In granting the permit, the city council may make such restrictions and requirements as are necessary to prevent the creation of a nuisance and protect the health of persons residing in the vicinity of such operation, with provision that noncompliance shall require immediate cancellation of the permit. A breeder's fee of one hundred fifty dollars shall be required of each kennel in each year in which such activity is undertaken. In the event of removal or denial of the permit herein, appeal procedures provided in Section 6.14.070(e) of the Fairfield Municipal Code shall apply. (Ord. 1000 § 2(part), 2004).

6.40.050 License fee.

The individual dog license/registration fee shall be ten dollars per calendar year or fraction thereof. The head of the family shall be liable for payment of the license fee on any dog owned, harbored, or kept by any member of the family. One dollar penalty shall be added to the license fee if not paid prior to July 1st. The license fee above applies provided such animal is shown to be spayed or neutered. If not, the license/registration

fee shall be fifty dollars per calendar year. (Ord. 1000 § 2(part), 2004).

6.40.060 Tags on dogs.

When a dog is registered for licensing, a record of the breed, color, name of dog and name of owner, together with the number of the license issued, shall be made of record in the city clerk's office. The city shall regard the rabies vaccination tag number as the license number, and shall also attach the city marked tag for each dog licensed, and such license tag shall be securely fixed to a suitable collar, or harness, on each dog licensed, and worn by such dog at all times. Owner of a dog found without a license tag shall be afforded a seventy-two-hour period in which to prove licensing has occurred and produce such tag, provided such grace period is afforded any owner only once with regard to any licensed animal. (Ord. 1000 § 2(part), 2004).

6.40.070 Tag not transferable.

The dog tags required by this section shall not be transferable from one dog to another, and no refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the city before the expiration of the license period. (Ord. 1000 § 2(part), 2004).

6.40.080 Duplicate tag.

Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of five dollars, if a spayed/neutered animal, or fifteen dollars, if not. The city clerk shall keep a proper record of the issuance of duplicate tags. (Ord. 1000 § 2(part), 2004).

6.40.090 Notice to city of vaccination.

(a) All veterinarians vaccinating dogs and cats for owners residing in the city shall once each month send vaccination certificates to the city clerk as notification of such vaccinations.

(b) The city clerk, upon receiving such certificates, shall notify by mail every

owner listed on such certificates which does not have the dog thereon listed as currently licensed.

(c) Every owner so notified shall license the dog as required by this chapter consistent with and no later than the time scheduled for licensing provided by this chapter, or as published and posted. (Ord. 1000 § 2(part), 2004).

6.40.100 Special application conditions--Dogs classified as potentially dangerous by breed, by training, or by size, strength, propensity and control classification.

Licensing of dogs classified as dangerous or potentially dangerous at Sections 6.14.070(a)(3)(K) through (T), of the Municipal Code of the city of Fairfield, shall require the completion by the applicant of an additional form to be provided by the city clerk.

To license an animal of such classification, the applicant shall:

(1) Agree to restrict the animal to the residence and the premises of the owner;

(2) Agree to safely and securely confine such animal in an untethered confinement if outside the owners' residence/on the owners' premises, or if tethered, not to exceed three hours of tether per day. Tethering of any listed dog for longer than three hours of any day shall constitute a violation of this chapter.

(3) Agree to keep such safe/secure confinement locked at all times used by the animal, if the owner is not personally present and attending to the animal.

(4) Agree at any time the animal is taken off premises to either safe/secure confinement or to safety leash of not more than four feet. (Ord. 1000 § 2(part), 2004).

6.40.110 Liability.

Nothing in this chapter is intended to, and the required full compliance with this section, shall not absolve the keeper (owner) of any animal that inflicts injury upon a person or damage to property, from financial responsibility for the actions of that person's animal. Compliance with this chapter shall not be deemed as an admission of liability for purpose of civil litigation, however. (Ord. 1000 § 2(part), 2004).

6.40.120 Variances.

Variance from a requirement of this chapter may be considered by the animal control review board if submitted in writing with explanation of how the variance will, if granted, be consistent with the purposes of this chapter. However, no variance is allowed concerning licensing fees. The animal control review board shall consider the request for variance and may consider the applicant's experience with and handling of the animal concerned, the type and quality of facility provided for control and confinement of the animal, and the history of the animal and of the applicant, any documentation provided to the city as part of licensing application, or for other purposes consistent with this chapter, including prior documented problems or complaints concerning any animal previously owned by, or in the control of the applicant or information consistent with those preventive measures characterization listed at Section 6.40.160(2) of this chapter. Animal control re-view board determinations concerning licensing and licens-ing requirements shall be in writing. They are completely discretionary. Appeal provisions of Section 6.14.070(e) of the Fairfield Municipal Code shall apply. (Ord. 1000 § 2(part), 2004).

6.40.130 Simple misdemeanor for violation of chapter.

Except where hereinabove provided otherwise, the vio-lation of any provisions of this chapter shall be a simple misdemeanor. Each day violation continues constitutes a separate offense. (Ord. 1000 § 2(part), 2004).

6.40.140 Violation as a civil infraction/discretion for additional civil enforcement.

The city may also elect to file and enforce viola-tions of this chapter as civil infractions. Each day vio-lation continues constitutes a separate infraction. De-termination to pursue as a civil infraction shall be dis-cretionary to the city - civil infraction enforcement shall include remedial orders beyond pecuniary penalty, including injunctive relief, nuisance remedy, mandatory attendance at available education and training opportuni-ties, participation in ordered mediation, and such other civil remedy as may relate to and supplement and assist in goals of prevention of reoccurrence of future violation. (Ord. 1000 § 2(part), 2004).

6.40.150 Violation establishing "irresponsible animal ownership."

(a) Irresponsible Animal Ownership.

(1) Any animal owner that has been convicted of any violation of this chapter or Ordinance 999 on two occasions in a twelve-month period shall be designated an irresponsible animal owner. If an animal owner is convicted of a third violation of this chapter or Chapter 6.14, of the Fairfield Municipal Code in a twelve-month period, all animals may be confiscated and disposed of at the discretion of the chief of police or city administrator, and no animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six months.

(2) Any animal owner that has been convicted of a violation resulting in injury or damage to person or property on one occasion in a twelve-month period shall be designated an irresponsible animal owner. If an animal owner is convicted of a violation resulting in injury or damage to person or property on a second occasion in a twelve-month period, all animals may be confiscated and disposed of, at the discretion of the director of public health, and no animal licenses shall be issued to the irresponsible animal owner for a period of thirty-six months.

(3) No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address.

(b) Irresponsible Animal Owner--Designation Removed. Any person designated as an irresponsible animal owner who is not convicted of another violation of this chapter or Chapter 6.14, of the Fairfield Municipal Code for a period of thirty-six months shall have the irresponsible animal owner designation removed. Any further violations of this chapter may result in immediate confiscation and disposal of any animals, at the discretion of the chief of police or city administrator. (Ord. 1000 § 2(part), 2004).

6.40.160 Warnings of violations--Discretionary and conditional.

Discretion is vested in the mayor, city administrator, city clerk, chief of police, the city's designee(s) and other law enforcement officers, in the enforcement of this chapter and Chapter 6.14, of the Fairfield Municipal Code, where believed initial violation is

observed, to re-solve such violation by written warning, provided:

(1) The owner of the violating animal must acknowledge the warning in writing and agree to promptly remedy the violation warned of. (Such writing shall become part of the licensing documentation/history maintained by the city).

(2) The owner, as a condition of receiving the written warning, must complete an "animal characterization questionnaire" to be made part of the licensing documentation/history maintained by the city. Such questionnaire focused on information assistive of preventive measures related to the specific violating animal and its owner shall include:

- (A) Previous behavior--Aggression;
- (B) Nature of confinement--Is it secure?;
- (C) Socialization, or lack of;
- (D) Tethering or excessive control;
- (E) Spayed or neutered;
- (F) Training--To be passive vs. to be aggressive, or to be specially skilled;
- (G) General environment from which dog comes (i.e., dogfight background);
- (H) Presence of susceptible victims (children--aged) in near

proximity--neighborhood;

- (I) History of noise, nuisance complaints;
- (J) History of running at large;
- (K) Educable owner/responsible owner/willingness to participate in voluntary

resolution;

(L) Temperament--objectivity tested (ATTA) (how would dog perform under ATTA tests of temperament if done by owner).

(3) Owner follow-up on matters to be remedied, with documentation of such remedy turned in to the city (i.e., proof of vaccination, licensing). (Ord. 1000 § 2(part), 2004).

Title 7

HEALTH AND SANITATION

Chapters:

- 7.04 Solid Waste Collection
- 7.06 Recycling
- 7.12 Disposal of Dead Animals
- 7.16 Slaughterhouses
- 7.24 Odorous and Dangerous Substances
- 7.28 Hazardous Materials Cleanup
- 7.30 Reporting of Hazardous Materials Release
- 7.32 Recovery of Expenses for Hazardous Materials Cleanup Emergency Action

Chapter 7.04

SOLID WASTE COLLECTION

Sections:

- 7.04.010 Definitions.
- 7.04.020 Storage requirements generally.
- 7.04.030 Storage containers--Use generally.
- 7.04.040 Storage containers--Residential.
- 7.04.050 Storage containers--Commercial, industrial, agricultural.
- 7.04.060 Tree limb storage.
- 7.04.070 Yard and garden waste storage.
- 7.04.075 Separation of yard wastes required.
- 7.04.080 Deteriorated container collection.
- 7.04.090 Garbage preparation.
- 7.04.100 Collection--Service generally.
- 7.04.110 Collection--Mobile home parks.
- 7.04.120 Collection--Solid waste generally.
- 7.04.130 Collection--Tree limbs, yard and garden waste.
- 7.04.140 Collection--Bulky rubbish.
- 7.04.150 Collection--Schedule.

- 7.04.160 Collection--Container storage.
 - 7.04.170 Collection--Container placement.
 - 7.04.180 Collector--Right of entry.
 - 7.04.190 Collector--Duties.
 - 7.04.200 Transportation--Vehicle requirements.
 - 7.04.210 Transportation--Bulky rubbish.
 - 7.04.220 Solid waste disposal requirements.
 - 7.04.240 Rules and regulations promulgation.
 - 7.04.250 Prohibited practices.
 - 7.04.260 Service charge--Imposed.
 - 7.04.270 Service charge--Establishment.
 - 7.04.280 Service charge--Termination for vacancy.
 - 7.04.290 Service charge--Extreme financial hardship adjustment.
 - 7.04.300 Service charge--Proof of vacancy or financial hardship.
 - 7.04.310 Service charge--To occupant of dwelling unit.
 - 7.04.320 Service charge--Multiple dwelling units.
 - 7.04.330 Service charge--Billing schedule.
 - 7.04.340 Enforcement.
 - 7.04.350 Compliance--Inspections.
 - 7.04.360 Appeals.
 - 7.04.370 Violation--Penalty.
- 7.04.010 Definitions.

For the purposes of this chapter, the following terms shall have the meaning indicated below:

(1) "Approved incinerator" means an incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

(2) "Bulky rubbish" means nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with equipment available therefor.

(3) "City" means the city of Fairfield, Iowa.

(4) "City council" means the governing body of the city of Fairfield, Iowa.

(5) "Collection" means removal of solid waste from its place of storage to the transportation unit.

(6) "Demolition wastes" and "construction wastes" means waste materials from the construction or destruction of residential, industrial or commercial structures.

(7) "Director" means the director of public works, city of Fairfield, Iowa.

(8) "Disposable solid waste container" means disposable plastic sacks with a capacity of twenty to thirty-five gallons specifically designed for storage of solid waste.

(9) "Dwelling unit" means any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(10) "Garbage" means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, or serving or consumption of food.

(11) "Garden waste" means waste resulting from the growing of fruits, flowers, and/or vegetables.

(13) "Multiple housing facility" means a housing facility containing more than one dwelling unit under one roof.

(14) "Occupant" means any person who, alone or jointly or severally with others, shall be in actual possession of, or occupying, any dwelling unit or of any other real property, either as an owner or as a tenant.

(15) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

(16) "Processing" means incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid wastes characteristics are modified or solid waste quantity is reduced.

(17) "Refuse" means solid waste.

(18) "Solid waste" means unwanted or discarded waste materials in a solid or semisolid state, including but not limited to garbage, ashes, street refuse, rubbish, yard waste and garden waste.

(A) "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(B) "Residential solid waste" means solid waste resulting from the maintenance and operation of dwelling units.

(19) "Solid waste container" means a receptacle used by any person to store

solid waste during the interval between solid waste collections.

(20) "Solid waste disposal" means the process of discarding or getting disposition of solid waste by man.

(21) "Solid waste management" means the entire solid waste system of storage, collection, transportation, processing, and disposal.

(22) "Storage" means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(23) "Transportation" means the transportation of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

(24) "Yard wastes" means grass clippings, leaves, garden wastes, and tree and brush twigs not to exceed forty-eight inches in length. Yard waste does not include tree stumps.

(25) Yard Waste Containers. Persons choosing not to compost their yard wastes on their own property may place yard waste in specifically marked degradable bags. Only bags sold or otherwise dispensed by the city and bearing the logo of the city may be used.

(Ord. 837 (part), 1992; Ord. 836 (part), 1992; Ord. 835 (part), 1992; Ord. 798 §§ 1, 2, 1990; Ord. 592 § 1, 1977).

7.04.020 Storage requirements generally.

The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers in good repair at all times. (Ord. 592 § 2.1, 1977).

7.04.030 Storage containers--Use generally.

The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. (Ord. 592 § 2.2, 1977).

7.04.040 Storage containers--Residential.

Residential solid waste shall be stored in containers of not more than thirty-five gallons nor less than twenty gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a flytight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of individual container and contents shall not exceed seventy-five pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather may be used. Disposable solid waste containers as defined herein and approved by the city may also be used for storage of residential solid waste. (Ord. 592 § 2.3, 1977).

7.04.050 Storage containers--Commercial, industrial, agricultural.

Commercial, industrial and agricultural solid waste shall be stored in solid waste containers as approved by the city council. The containers shall be waterproof, leakproof, and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as contained within this chapter. (Ord. 592 § 2.4, 1977).

7.04.060 Tree limb storage.

Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than forty-eight inches long and eighteen inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five pounds. (Ord. 592 § 2.5, 1977).

7.04.070 Yard and garden waste storage.

Yard and garden wastes shall be stored in approved containers, such containers being defined in Section 7.04.010. The weight of any individual container and contents shall not exceed seventy-five pounds. (Ord. 592 § 2.6, 1977).

7.04.075 Separation of yard wastes required.

All yard and garden wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, or placed in degradable bags, containers or packages and set out for collection

by the city. Yard waste containers shall be placed three to six feet away from garbage or other refuse containers. (Ord. 798 § 3, 1990).

7.04.080 Deteriorated container collection.

Approved solid waste containers which have been permitted to become deteriorated to the point of leaking, faulty handles and in general disrepair, will be collected together with their contents and disposed of after the owner of such container has been notified by the placing of a notice on the container being used. The placing of such notice shall be the responsibility of the solid waste collector. (Ord. 592 § 2.7, 1977).

7.04.090 Garbage preparation.

All garbage as defined in Section 7.04.010 shall be completely drained and wrapped prior to placing it in the solid waste container. (Ord. 592 § 2.8, 1977).

7.04.100 Collection--Service generally.

The city shall provide for the collection of the solid waste from all residential property, multiple housing developments, and mobile home parks within the corporate limits of the city, provided however, the city may provide the collection service by contracting with a person, county, or other city, or a combination thereof, for the entire city or portions thereof as deemed to be in the best interests of the city. (Ord. 592 § 3.1, 1977).

7.04.110 Collection--Mobile home parks.

The collection of solid waste from mobile home parks shall be only with the written permission of the owner of the park; such permission shall grant the collector the right to enter the private streets of the park and hold the collector harmless from any and all damages to the streets to the mobile home park. The collector shall not be obligated to collect that solid waste from mobile home parks where, in his belief, he cannot safely operate his vehicles on the streets therein. (Ord. 592 § 3.2, 1977).

7.04.120 Collection--Solid waste generally.

All solid waste from premises to which collection services are provided by the city shall be collected, except bulky rubbish as defined in Section 7.04.010. All solid waste collected shall, upon being loaded into the transportation equipment, become the property of the collection agency. (Ord. 592 § 3.3, 1977).

7.04.130 Collection--Tree limbs, yard and garden waste.

Tree limbs, yard wastes, and garden wastes as described in this chapter shall be placed at the curb for collection. Solid waste containers as required by this chapter for the storage of solid wastes shall be placed at the curb for collection. Any solid waste containers, tree limbs, yard wastes, and/or garden wastes or other solid wastes permitted by this chapter to be placed at the curb for collection shall not be so placed prior to six a.m. of the regularly scheduled collection day. (Ord. 592 § 3.4, 1977).

7.04.140 Collection--Bulky rubbish.

Bulky rubbish as defined in Section 7.04.010 shall be collected by the department of public works, at the direction and authorization of the city council. (Ord. 592 § 3.5, 1977).

7.04.150 Collection--Schedule.

The following collection frequency shall apply to collection of solid waste within the city:

(1) Collections as defined in Section 7.04.010 shall be made once per week on a schedule approved by the city council, and on the same day each week and at or as near the same hour as possible.

(2) Collections shall not be made on a Saturday or Sunday nor any of the following holidays: Memorial Day, July Fourth, Labor Day, Armistice Day, Thanksgiving Day, Christmas Day, and New Year's Day. In the event that a regular collection day falls on a designated holiday, the regular collection schedule will be made one day later. (Ord. 592 § 3.7, 1977).

7.04.160 Collection--Container storage.

Residential solid waste containers shall be stored upon the residential premises, except when being placed at curb side for collection purposes. Commercial and industrial solid waste containers shall be stored upon private property, unless the owner shall have granted written permission from the city council, to use public property for such purposes. The storage site of all solid waste containers shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. (Ord. 592 § 3.8, 1977).

7.04.170 Collection--Container placement. All solid waste containers used for residential collection shall be placed at the curb side or street line in front of the property on the day of collection prior to seven a.m. on the scheduled day of collection. In the case of intersecting streets, the container shall be placed at the curb or street line of the east-west street. (Ord. 1008 § 1, 2005: Ord. 592 § 3.10, 1977).

7.04.180 Collector--Right of entry. Solid waste collectors employed by the city or a solid waste collection agency operating under contract with the city are authorized to enter private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units, residential buildings or garages for the purpose of collecting residential solid waste. (Ord. 592 § 3.6, 1977).

7.04.190 Collector--Duties. Solid waste collectors employed by the city or a solid waste collection agency operating under contract with the city, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with the provisions of this chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector. (Ord. 592 § 3.9, 1977).

7.04.200 Transportation--Vehicle requirements. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hopper. (Ord. 592 § 4.1, 1977).

7.04.210 Transportation--Bulky rubbish. Permits shall not be required for the

removal, hauling or disposal of bulky rubbish, demolition or construction wastes and/or solid waste all as defined in Section 7.04.010. However, all such materials shall be covered in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way. (Ord. 592 § 4.2, 1977).

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7.04.220--7.04.270

7.04.220 Solid waste disposal requirements. Solid waste shall be deposited at a processing facility or disposal area approved by the city council and complying with all requirements of the Iowa Department of Environmental Quality and the rules and regulations adopted by them and as amended from time to time. (Ord. 592 § 5.1, 1977).

7.04.240 Rules and regulations promulgation. (a) The city council, may by resolution, make, amend, revoke, and enforce reasonable rules and regulations, governing but not limited to:

(1) Schedules of and route for collection and transportation of solid waste;

(2) Collection, transportation, processing and disposal of solid waste;

(3) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

(b) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk. (Ord. 592 § 7.1, 1977).

7.04.250 Prohibited practices. It is unlawful for any person to:

(1) Deposit solid waste in any solid waste container other than his or her own, without written consent of the owner of such container;

(2) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract with the city;

(3) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from appropriate air pollution control agency;

(4) Dispose of solid waste in any facility or location which is not approved by the city, and the Iowa Department of Environmental Quality. (Ord. 592 § 8, 1977).

7.04.260 Service charge--Imposed. There is imposed, for the collection and disposal of solid waste, and for the improvement of the general public health and environment, a service charge for each dwelling unit within the corporate limits of the city.

(Ord. 641 § 8A.1, 1982).

7.04.270 Service charge--Establishment. The service charge for each dwelling unit shall be established by ordinance adopted by the city council as may be required by the costs of operating

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the solid waste collection program. Effective November 1, 2008, such fee shall be seven dollars and nineteen cents per month per household.(Ord. 1045 § 1, 2, 2008: Ord. 990 § 2, 2004).

7.04.280 Service charge--Termination for vacancy. The collection service and service charge shall be terminated to any dwelling unit upon presentation of satisfactory proof to the Fairfield water department that any such dwelling unit is or has been unoccupied. (Ord. 871 § 1, 1995: Ord. 641 § 8A.3, 1982).

7.04.290 Service charge--Extreme financial hardship adjustment. In cases of extreme financial hardship, the Fairfield water department may, and is authorized and empowered to make adjustments in the service charge. (Ord. 871 § 2, 1995: Ord. 641 § 8A.4, 1982).

7.04.300 Service charge--Proof of vacancy or financial hardship. In the case of either Section 7.04.280 or 7.04.290, the Fairfield water department shall have the authority to require such proof of vacancy, financial status or extreme hardship as they may deem necessary. (Ord. 871 § 3, 1996: Ord. 641 § 8A.5, 1982).

7.04.310 Service charge--To occupant of dwelling unit. The service charge provided for is imposed upon the occupant of each occupied dwelling unit and the billing for each occupied dwelling unit shall be made to the person contracting for city water service to each dwelling unit. (Ord. 641 § 8A.6, 1982).

7.04.320 Service charge--Multiple dwelling units. A person contracting for water service for a multiple housing facility containing four or more dwelling units may contract with a private contractor for the disposal of solid waste from the multiple housing facility. Upon presentation of proof of number of dwelling units and contract with private contractor, the city council may make adjustment in the service charge provided for in this chapter. (Ord. 641 § 8A.7, 1982).

7.04.330 Service charge--Billing schedule. The service charge shall be billed at the same time and on the same billing as the water usage statement. The service charge shall be paid at the same time and in the same manner as the water billing. (Ord. 871 § 4, 1995: Ord. 641 § 8A.8, 1982).

7.04.340 Enforcement. The system of services established by the provisions of this chapter are designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewerage disposal. The

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city may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit and/or the person contracting for city water service to such dwelling unit to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action. (Ord. 641 § 8A.9, 1982).

7.04.350 Compliance--Inspections. In order to insure compliance with the laws of this state, this chapter and the rules and regulations authorized herein, the director of public works is authorized to inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this chapter the rules and regulations authorized herein for storage, collection, transportation, processing or disposal of solid waste or the laws of the state of Iowa, the director shall issue notice for each such violation stating therein the violation or violations found, the time in which corrections shall be made. (Ord. 592 § 6.1, 1977).

7.04.360 Appeals. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the director may, within ten days of the act for which redress is sought appeal directly to the city council, either in writing or in person or by agent or attorney, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. 592 § 6.2, 1977).

7.04.370 Violation--Penalty. Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars; excepting those violations of subsections (1) through (4) of Section 7.04.250, for which violation a maximum fine of one hundred dollars may be imposed; provided, that each day's violation thereof shall be a separate offense for the purpose hereof. (Ord. 930 § 2, 1999; Ord. 592 § 9.1, 1977).

RECYCLING

Sections:

- 7.06.010 Purpose.
- 7.06.020 General rule and effective date.
- 7.06.030 Recyclable refuse--Types designated--Separation.
- 7.06.040 Other garbage and refuse.

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<u>Sections:</u>	(Continued)
7.06.050	Recyclable refuse--Placement for collection.
7.06.060	Recyclable refuse--Time of placement for collection.
7.06.070	Donation to others.
7.06.080	Fees.
7.06.090	Violation--Penalty.

7.06.010 Purpose. The purpose of this chapter is to decrease the recyclable materials that are presently being deposited in the city landfill, and safely and effectively recycle such materials so as to prolong the life of the landfill, reduce the costs and expenses of solid waste disposal, protect the public health and welfare and the environment, and to comply with the state-mandated reduction in solid waste disposal. (Ord. 833 § 1, 1992).

7.06.020 General rule and effective date. Commencing November 1, 1992, each residence and residential unit to which solid waste collection is otherwise provided will be supplied with a recycling bin by the city of Fairfield. At this time residents may choose to cooperate with the city in the recycling of refuse as described in this chapter. Commencing July 1, 1993, it shall be mandatory for every resident disposing of recyclable materials in the city of Fairfield to participate in the recycling of refuse as described in this chapter. (Ord. 833 § 2, 1992).

7.06.030 Recyclable refuse--Types designated--Separation. (a) All recyclable material shall be separated from other garbage and refuse and grouped together and placed for collection in the bin supplied and distributed by the city to its residents.

(b) Recyclable refuse shall consist of and be contained as follows:

(1) Glass. All brown, green and clear glass bottles and jars shall be rinsed clean and placed in the provided recycling bin for collection. All lids and rings shall be removed before placing the glass bottles and jars in the bin for collection. Window glass, mirrors, lightbulbs, drinking glasses or other types of glass not used as containers shall not be included in the recyclable refuse. Labels need not be removed from the recyclable

glass bottles and jars.

(2) Aluminum and Tin Cans. All metal cans shall be rinsed clean and placed in the provided recycling bin for collection. Metal lids from cans may also be placed in the provided recycling bin for collection. Cans may be flattened if necessary to provide sufficient space in the

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provided recycling bin. Labels need not be removed from the metal cans. Aerosol cans or cans that contained paint, varnish or other household hazardous wastes shall not be included as recyclable refuse.

(3) Plastic Containers. Only plastic containers stamped with the number 1 or the number 2 on the bottom shall be considered recyclable refuse. Plastic containers shall be rinsed clean and placed in the provided recycling bin for collection. All lids and rings shall be removed before placing the plastic containers in the bin for collection. Plastic containers may be flattened if necessary to provide sufficient space in the provided recycling bin. No motor oil or cooking oil containers, plastic wrap, polystyrene plastic packaging, plastic grocery bags, plastic toys or other items such as toothbrushes and diapers shall be included as recyclable refuse.

(4) Cardboard. Only corrugated cardboard shall be considered recyclable refuse. Corrugated cardboard shall be flattened and placed in the provided recycling bin for collection. Cereal boxes, macaroni boxes, cookie and cracker boxes, frozen-food boxes and other boxes of this type shall not be included as recyclable refuse.

(5) Newsprint. Only newspapers, newsprint, newsprint mailings and supermarket tabloids that are not glossy shall be placed in the provided recycling bin for collection. Newspapers shall be placed in paper grocery bags and all staples and glossy advertisements or other glossy paper shall be removed before placing the papers in the provided recycling bin. Office and computer paper, low-grade recyclable paper such as colored papers and junk mail, empty paper milk cartons, tissue and paper towels, glossy magazines, catalogs, phone books, and other glossy inserts shall not be included as recyclable refuse. (Ord. 833 § 3, 1992).

7.06.040 Other garbage and refuse. All other garbage and refuse shall be prepared and collected as otherwise provided in Title 7. (Ord. 833 § 4, 1992).

7.06.050 Recyclable refuse--Placement for collection. The provided recycling bin shall be made accessible for collection in the same locations as nonrecyclable refuse. (Ord. 833 § 5, 1992).

7.06.060 Recyclable refuse--Time of placement for collection. All recyclable refuse shall be placed for collection on the same days and at the same times as the schedule provided for nonrecyclable refuse. (Ord. 833 § 6, 1992).

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7.06.070 Donation to others. Nothing in this chapter is intended to prevent any person from donating or selling recyclable refuse to any person, club, business, civic organization, charitable organization or any other organization. (Ord. 833 § 7, 1992).

7.06.080 Fees. Effective November 1, 2008, a fee of two dollars and fifty cents per month per household shall be assessed for the city curbside recycling program and related expenses. (Ord. 1046 § 1, 2, 2008; Ord. 991 § 2, 2004).

7.06.090 Violation--Penalty. Commencing July 1, 1993, failure to exhibit participation in and cooperation with the city recycling program by the placement for collection of the provided recycling bin, partially full or full, on the scheduled days shall result in the omission of collection of all solid waste for the particular day of violation. (Ord. 833 § 9, 1992).

Chapter 7.12

DISPOSAL OF DEAD ANIMALS

Sections:

- 7.12.010 Disposal methods.
- 7.12.020 Hauling dead animals.
- 7.12.030 Depositing on premises of others prohibited.

7.12.010 Disposal methods.

No person shall bury any dead animal or chicken any place in this city. Dead chickens and animals no larger than an ordinary housecat may be securely wrapped in paper and deposited in the regular garbage

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can, but larger dead animals shall be taken to the city dump or delivered to a rendering plant. (Ord. 478 § 51, 1965).

7.12.020 Hauling dead animals.

No person shall haul or remove any dead animal through the streets or alleys of this city unless such dead animal is hauled in a closed vehicle or is covered from sight by a suitable box or tarpaulin. (Ord. 478 § 52, 1965).

7.12.030 Depositing on premises of others prohibited.

No person shall deposit any dead animal or chicken on the premises of other persons without first securing permission from the owner or person in charge of control of such premises. (Ord. 478 § 53, 1965).

Chapter 7.16

SLAUGHTERHOUSES

Sections:

7.16.010 License required.

7.16.020 Conditions for granting license.

7.16.030 License fee.

7.16.040 Revocation--Notice.

7.16.050 Penalty for violation.

7.16.010 License required.

It is unlawful to slaughter any livestock within the city of Fairfield unless a license to do so has been obtained as hereinafter provided. (Ord. 330 § 1, 1945).

7.16.020 Conditions for granting license.

The city clerk shall issue a slaughtering license to any person, firm or corporation upon the filing with the clerk of a verified written statement from said person, firm or corporation reciting the following:

(1) That no slaughtering will be done within thirty feet of a private residence unless the written consent of the owners of the residences within said zone is filed with the city clerk;

(2) That no slaughtering will be done except in an enclosed building with cement floor and adequate floor drainage and with doors and windows closed;

(3) That all offal and waste from the slaughtering shall be removed from the place of slaughter not less than once every twenty-four hours;

(4) That the person, firm or corporation will comply with all rules and regulations of the State Board of Health and the State Department of Agriculture;

(5) That the floors and walls of the place of slaughter will be washed down at least once every twenty-four hours during slaughtering periods;

(6) That no carcass of any animal will remain on any premises more than twenty-four hours unless under refrigeration; no live animals shall be kept on premises more than eight hours or after eight p.m. (Ord. 330 § 2, 1945).

7.16.030 License fee.

The license fee for such slaughtering of livestock shall be fifty dollars per year and no license shall be issued until such fee is paid. (Ord. 330 § 3, 1945).

7.16.040 Revocation--Notice.

In the event a license holder fails to comply with all of the requirements of Section 7.16.020, the license may be revoked by the city council, after giving the license holder five days' notice in writing of its intention to do so by registered mail or by posting on the premises. (Ord. 330 § 4, 1945).

7.16.050 Penalty for violation.

Any person, firm or corporation slaughtering livestock within the city of Fairfield, without first having obtained such license, or any person, firm or corporation having obtained such license, and violating any of the requirements set out in this chapter shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars or be imprisoned not to exceed thirty days, or both said fine and imprisonment. (Ord. 330 § 5, 1945).

Chapter 7.24

ODOROUS AND DANGEROUS SUBSTANCES

Sections:

7.24.010 Storage and maintenance prohibited.

7.24.020 Substances declared nuisances.

7.24.030 Penalty for violation.

7.24.010 Storage and maintenance prohibited.

It is unlawful for any person, firm or corporation to keep, store or maintain within the limits of the city any hides, bones, or decayed substances of whatsoever nature which shall emit noxious odors or shall in any way injure or annoy the inhabitants of this city by reason of the same being dangerous, offensive or unhealthy. (Ord. 190 § 1, 1916).

7.24.020 Substances declared nuisances.

Any bones, hides or decayed substances of whatsoever nature which shall injure or annoy any of the inhabitants of this city by reason of the same being dangerous, offensive or unhealthy, are nuisances and as such shall be immediately abated by the person, firm or corporation keeping, storing or maintaining the same after notice of the existence of such nuisance shall have been served upon such person, firm or corporation by the chief of police. (Ord. 190 § 2, 1916).

7.24.030 Penalty for violation.

Any person, firm or corporation convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars and the costs of prosecution or may be confined in the county jail at hard labor not to exceed thirty days. (Ord. 190 § 3, 1916).

Chapter 7.28

HAZARDOUS MATERIALS CLEANUP

Sections:

7.28.010 Purpose.

7.28.020 Deposits of hazardous materials--Cleanup or abatement--Liability for costs.

7.28.030 Verification and supervision of material cleanup.

7.28.040 Hazardous materials defined.

7.28.050 Costs incurred by city--Recovery.

7.28.060 Nonexclusive remedy.

7.28.010 Purpose.

The purpose of this chapter is to protect the citizens of this city from such hazards to their health, safety and welfare that result from the uncontrolled release, removal and cleanup of hazardous material. (Ord. 837 § 1, 1992).

7.28.020 Deposits of hazardous materials--Cleanup or abatement--Liability for costs.

The fire department is authorized to clean up or abate the effects of any hazardous material unlawfully released, discharged or deposited upon or onto property or facilities within the city. The following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such cleanup or abatement activity:

(1) Any person or persons whose negligent or wilful act or omission proximately caused such release, discharge or deposit;

(2) The person or persons who owned or had custody or control of the hazardous substance or the material at the time of such release, discharge or deposit, without regard to fault or proximate cause; and

(3) The person or persons who owned or had custody or control of the container which held such hazardous material or discharge or deposit, without regard to fault or proximate cause. (Ord. 837 § 2, 1992).

7.28.030 Verification and supervision of material cleanup.

In the event that any person undertakes, either voluntarily or upon order of the fire chief or other city official, to clean up or abate the effects of any hazardous substance or material unlawfully released, discharged or deposited upon or onto any property or facility

within the city, the fire chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in Section 7.28.020 shall be liable to the city for all costs incurred as a result of such supervision or verification. (Ord. 837 § 3, 1992).

7.28.040 Hazardous materials defined.

For the purpose of this chapter, "hazardous material" means any of the following:

- (1) Any substance listed in the list of toxic pollutants found in 40 Code of Federal Regulations, § 401.15, as amended;
- (2) Any substance identified as a hazardous substance by state law as defined in Section 455B.381, subsection 1, Code of Iowa, and the rules of the Department of Natural Resources;
- (3) Any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison or radioactive material. As used in this section, the following terms shall have the following meanings:
 - (A) "CFR" means the Code of Federal Regulations. The numbers immediately preceding and immediately following the initials CFR shall refer to the volume, divisions and sections used to identify parts of the Code of Federal Regulations,
 - (B) "Compressed gas" means any substance regulated as a compressed gas by the United States Department of Transportation, by regulations found in 49 CFR § 173.300,
 - (C) "Explosive" means any substance regulated as a Class A or Class B explosive by the United States Department of Transportation, by regulations found in 49 CFR §§ 173.53 and 173.88,
 - (D) "Flammable liquid" means any substance regulated as a flammable liquid by the United States Department of Transportation, by regulations found in 49 CFR § 173.115,
 - (E) "Flammable solid" means any substance regulated as a flammable solid by the United States Department of Transportation, by regulations found in 49 CFR § 173.150,
 - (F) "Oxidizer" means any substance regulated as an oxidizer by the United States Department of Transportation, by regulations found in 49 CFR § 173.151,
 - (G) "Poison" means any liquid or gas that is life-threatening when mixed with air in small amounts, and shall also include all those substances regulated as poison Class A by the United States Department of Transportation, by regulations found in 49 CFR § 173.326,

(H) "Radioactive material" means any substance required by the United States Department of Transportation to have Type A packaging or other special protection or closed transport vehicles, under regulations found in 49 CFR § 173.425;

(4) Any of the following: explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, oxidizing material, any flammable material, poisonous gas, poisonous liquid, irritating material, material that causes diseases in humans, gas under such pressure that an explosion hazard exists, radioactive material, corrosive material, or liquefied petroleum gas;

(5) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment, including, but not limited to, hazardous substances, hazardous waste, and any material which a handler or the fire chief has a reasonable basis for believing to be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. As used in this chapter, the following terms shall have the following meanings:

(A) "Hazardous substance" means any substance or chemical product for which any of the following applies to the substance in the quantity involved:

(i) The manufacturer or producer is required to prepare a material safety data sheet for the substance or product pursuant to any applicable federal law or regulation.

(ii) The substance is listed as radioactive material in Chapter 1 of Title 10 of the Code of Federal Regulations.

(iii) The substance is listed pursuant to Title 49 of the Code of Federal Regulations.

(iv) The substance is listed as a radioactive material in Title 10 of the Code of Federal Regulations, Part 110 Appendix B.

(v) The substance is classified as a pesticide in accordance with applicable state law Section 206.2, subsection 1, Code of Iowa.

(vi) A substance which the United States Environmental Protection Agency classifies as a priority organic pollutant.

(B) "Hazardous waste" means any material or substance of which any one of the following applies:

(i) The substance is identified as a hazardous waste substance by state law as defined in Section 455B.381, subsection 1, Code of Iowa, and the rules of the Department

of Natural Resources.

(ii) The substance is identified in the Code of Federal Regulations, Title 40, §§ 261.31 through 261.33 inclusive. (Ord. 837 § 4, 1992).

7.28.050 Costs incurred by city--Recovery.

For the purposes of this chapter, costs incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by the city; and cost of any contract labor materials. Costs may be recovered in keeping with Section 7.32.040. (Ord. 837 § 5, 1992).

7.28.060 Nonexclusive remedy.

The remedies provided by this chapter shall be in addition to any other remedies or penalties provided by law. (Ord. 837 § 6, 1992).

Chapter 7.30

REPORTING OF HAZARDOUS MATERIALS RELEASE

Sections:

7.30.010 Purpose.

7.30.020 Applicability.

7.30.030 Definitions.

7.30.040 Confidential information and trade secrets.

7.30.050 Disclaimer of liability.

7.30.060 Report requirements--Determination of reportable quantities.

7.30.070 Reporting requirement--Notification of police and fire dispatch center.

7.30.080 Inspections--Authority.

7.30.090 Violation--Penalty.

7.30.010 Purpose.

The purpose of this chapter is to protect the public health and safety in the city of

Fairfield, state of Iowa, through prevention and control of hazardous materials incidents and releases and to require the timely reporting of such releases. (Ord. 836 § 1, 1992).

7.30.020 Applicability.

This chapter shall apply to all persons who manufacture, use, or store hazardous materials in quantities prescribed by this chapter and as defined in this chapter, within the city of Fairfield. (Ord. 836 § 2, 1992).

7.30.030 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates a different meaning.

(1) "Authorized release" means

(A) A release which is a federally permitted release under 42 USC § 9601(10);

(B) A release to waters or adjoining shorelines which is exempt from notification under federal regulations found in 40 CFR §§ 117.11 through 117.14;

(C) The introduction of any pollutant into a publicly owned treatment works which is not in violation of applicable pretreatment requirements or other regulations controlling the introduction of pollutants into the publicly owned treatment works.

(2) "Consumer product" shall have the meaning stated in federal statute found in 15 USC § 2052.

(3) "Employee" means any person who works, with or without compensation, in a workplace.

(4) "Employer" means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or in providing services, that has employees.

(5) "Facility" means:

(A) Any building, structure, installation, equipment, pipe, or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft; or

(B) Any site or area where a hazardous material has been deposited, stored, disposed of, placed or otherwise come to be located; but not including any consumer product in consumer use or consumer product used in a vessel.

(6) "Hazardous materials." See definition in Section 7.28.040.

(7) "Normal application of pesticides" means application pursuant to the label

directions for application of a pesticide product registered under § 3 and § 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) (7 USC § 136a, 7 USC § 136v), or pursuant to the terms and conditions of an experimental use permit issued under Section 5 of FIFRA (7 USC § 136c), or pursuant to an exemption granted under Section 18 of FIFRA (7 USC § 136p).

(8) "Oil" means oil of any kind or in any form including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(9) "Person" means any individual, trust, firm, company, society, corporation, joint stock company, partnership, consortium, association, cooperative, joint venture, city, county, city and county special district, the state or any department or agency or political subdivision of the state, the United States Government, or other commercial or legal entities.

(10) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excluding:

(A) With respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace;

(B) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; and

(C) The normal application of fertilizer and pesticides.

(11) "Reportable quantity" means that quantity as set forth in Section 7.30.060.

(12) "Store" means to deposit or place a substance in the city for a period of ten days or more, provided such substance is not otherwise in transit.

(13) "Use" means to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. "Use" shall not include any mode of transportation other than on-site transportation.

(14) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (Ord. 836 § 3, 1992).

7.30.040 Confidential information and trade secrets.

(a) Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program and from inspections shall

not be made available to the public or any other governmental agency, unless required by law.

(b) Upon submission of information in any form it shall be the obligation of the submitter to separate all confidential and trade secret material from any material subject to disclosure under the law.

(c) Any requests made under the law for information containing confidential or trade secrets shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the fire department regarding release of the confidential information. In no event will such confidential information be released until five days have lapsed from the date notice is sent by registered mail.

(d) Within seventy-two hours after receipt of notification, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate action at law or otherwise to protect its confidential or trade secrets from disclosure, and must demonstrate that public disclosure of confidential or trade secrets is likely to cause substantial harm to its competitive position.

(e) Any individual who releases information containing confidential or trade secrets in violation of the law or this section shall be subject to disciplinary action by the employer for malfeasance, misfeasance and wilful neglect of official duties.

(f) The provisions of this section in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate governmental function. (Ord. 836 § 4, 1992).

7.30.050 Disclaimer of liability.

This chapter shall not create liability on the part of the city or any of its departments or agencies for damages that result from reliance on this chapter or any administrative decision lawfully made under it. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter, necessary or desirable to ensure that there is no unauthorized or dangerous release of hazardous materials. (Ord. 836 § 5, 1992).

7.30.060 Report requirements--Determination of reportable quantities.

(a) Listed Hazardous Materials. The quantity in the column "RQ" for each

hazardous material in the table found at 40 CFR § 302.4.

(b) Unlisted Hazardous Materials. Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of one hundred pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in the federal regulations found in 40 CFR § 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in 40 CFR § 302.4 for the contaminant on which the characteristic of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed in 40 CFR § 302.4 for those contaminants. If an unlisted hazardous waste exhibits the characteristic of EP toxicity and one or more of the other characteristics, the reportable quantity shall be the lowest of the applicable reportable quantity.

(c) Oil.

(1) The reportable quantity for release of oil to waters or adjoining shorelines is any quantity which violates applicable water quality standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shoreline.

(2) The reportable quantity for releases of oil to the environment other than releases to waters and adjoining shorelines is fifty-six gallons.

(3) Notwithstanding any other provision of this section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

(d) Release of Hazardous Materials to Sanitary Sewer System. Notwithstanding any other provision of this section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations governing discharges to the sanitary sewer system shall be deemed to be discharged in a reportable quantity.

(e) Component Hazardous Materials Release. A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity. (Ord. 836 § 6, 1992).

7.30.070 Reporting requirement--Notification of police and fire dispatch center.

(a) Notice Upon Discovery. Whenever a release (other than an authorized release) of any hazardous material, in a quantity which exceeds the reportable quantity, occurs on any facilities of any kind, the person in charge, upon discovery of such release, or evidence of there having been a release, even though it has apparently been controlled, shall immediately cause notice of the existence of such release, the circumstances of same, and the location to be given to the police and fire dispatch center.

(b) Emergency Telephone Number. The notice required by this section in the city of Fairfield shall be given by telephoning the police and fire dispatch center. This one call will meet the requirement of notifying local agencies.

(c) Duty to Control Release. The requirements of this section shall not be construed to forbid any person on or about the facilities from using all diligence necessary to control such release prior to the notification to the police and fire dispatch center, especially if such efforts may result in the containment of the release or the abatement of extreme hazard to the employees or the general public. Delays in reporting releases due to in-house notification of off-site owners or supervisors shall not be acceptable and shall result in penalties.

(d) Air Releases. Accidental releases to the air in excess of the reportable quantities listed in 40 CFR § 302.4, or, if unlisted, as prescribed by Section 7.30.060, shall be reported under the requirements of this section.

(e) Duty to Report to Federal Agencies. No statement contained in this section shall be construed to exempt or release any person from any other notification or reporting procedure required by any federal agency. (Ord. 836 § 7, 1992).

7.30.080 Inspections--Authority.

The fire chief and his employees and deputies are authorized to make inspections of any premises in the city to determine whether there is any condition present violating any provision of this chapter. No person shall refuse to admit the fire chief or his deputy or employee to any premises containing any activity regulated by this chapter. If the owner or person in charge of any premises shall refuse to admit the fire chief or his deputy or employee to all or any part of any such premises, the fire chief or his deputy shall, with the assistance of the city attorney, obtain a search warrant or other appropriate court order to obtain admission to the premises. (Ord. 836 § 8, 1992).

7.30.090 Violation--Penalty.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 836 § 10, 1992).

Chapter 7.32

RECOVERY OF EXPENSES FOR HAZARDOUS MATERIALS
CLEANUP EMERGENCY ACTION

Sections:

- 7.32.010 Purpose.
- 7.32.020 Definitions.
- 7.32.030 Emergency action expenses--Strict liability.
- 7.32.040 Emergency action--Recovery of expenses.
- 7.32.050 Resolution of conflicts with state or federal law.
- 7.32.060 Vehicle extraction.
- 7.32.070 Fire protection service fees.

7.32.010 Purpose.

The purpose of this chapter is to provide procedures for the recovery of expenses incurred as a result of emergency actions taken to clean up hazardous materials to protect the citizens of this city from such hazards to their health, safety, and welfare. (Ord. 835 § 1, 1992).

7.32.020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Emergency action" means all of the activities conducted in order to prevent or mitigate injury to human health or to the environment from a release or threatened release of any material into or upon the environment.

"Person" means and includes any individual, corporation, association, partnership,

firm, trustee, or legal representative.

Recoverable Expenses. In general, "recoverable expenses" are those expenses that are reasonable, necessary and allocable to the emergency action. Recoverable expenses shall not include actual fire-suppression services and other normal expenditures that are incurred in the course of providing what are traditionally local services and responsibilities, such as routine firefighting.

Expenses allowable for recovery may include, but are not limited to:

- (1) Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the emergency action;
- (2) Compensation of employees for the time and efforts devoted specifically to the emergency action;
- (3) Rental or leasing of equipment used specifically for the emergency action, such as protective equipment or clothing, scientific and technical equipment;
- (4) Replacement costs for equipment owned by the city that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action, such as self-contained breathing apparatus irretrievably contaminated during the response;
- (5) Decontamination of equipment contaminated during the response;
- (6) Special technical services specifically required for the response, such as costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the city;
- (7) Other special services specifically required for the emergency action;
- (8) Laboratory costs of analyzing samples taken during the emergency action;
- (9) Costs of cleanup, storage, or disposal of the released material;
- (10) Costs associated with the services, supplies and equipment procured for a specific evacuation;
- (11) Medical expenses incurred as a result of response activities;
- (12) Legal expenses that may be incurred as a result of emergency action, including efforts to recover expenses pursuant to this chapter.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon the environment, which causes danger or harm to the public health or to the environment, including but not limited to the release of any material classified as hazardous material by any federal legislation or regulation, by any state legislation or regulation, or by any city

ordinance.

"Threatened release" means any imminent or impending event potentially causing but not resulting in a release, but causing the city to undertake an emergency action.

(Ord. 835 § 2, 1992).

7.32.030 Emergency action expenses--Strict liability.

Any and all persons causing or contributing to the causing of a release or threatened release which results in an emergency action shall be liable to the city for the recoverable expenses resulting from the emergency action. This shall be in addition to any and all penalties provided by law. (Ord. 835 § 3, 1992).

7.32.040 Emergency action--Recovery of expenses.

(a) Itemization of Recoverable Expenses. City personnel and departments involved in an emergency action shall keep an itemized record of recoverable expenses resulting from an emergency action. Promptly after completion of an emergency action, the appropriate city department shall certify those expenses to the city administrative coordinator.

(b) Submission of Claim. The city shall submit a written itemized claim for the total expenses incurred by the city for the emergency action to the responsible person and a written notice that unless the amounts are paid in full within thirty days after the date of the mailing of the claim and notice, the city will file a civil action seeking recovery for the stated amount.

(c) Civil Suit. The city may bring a civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action.

(Ord. 835 § 4, 1992).

7.32.050 Resolution of conflicts with state or federal law.

Nothing in this chapter shall be construed to conflict with state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activities or paying the cost thereof, or both. (Ord. 835 § 5, 1992).

7.32.060 Vehicle extraction.

A charge of five hundred dollars per call shall be assessed by the city administrator to the owner of the vehicle for services rendered by the Fairfield fire department relating to

the response to calls relating to vehicle extrication, either within, or outside, the corporate limits of the city of Fairfield and/or township serviced. (Ord. 1003 § 1, 2005).

7.32.070 Fire protection service fees.

Charges as stated hereafter per call shall be assessed by the city administrator to the owner of the premises for services rendered and/or materials provided by the Fairfield fire department relating to response to such calls, either within, or outside, the corporate limits of the city of Fairfield and/or township serviced.

FIRE SERVICE FEES

Car fires	\$150.00	up to	\$ 500.00
Grass fires		up to	300.00
House fires	300.00	up to	500.00
Commercial structure fires	300.00	up to	1,000.00
Hazardous material response		100.00/truck/hr. and	\$30.00/fighter/hr.
Department materials--Restocking fee	(replacement cost plus 15%)		

(Ord. 1003 § 2, 2005).

Title 8

(RESERVED)

Title 9

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

- 9.04 Acts in Breach of Peace
- 9.05 Alarm Regulation
- 9.08 Interfering with Enforcement
- 9.12 Indecent or Immoral Acts
- 9.16 Larceny
- 9.20 Fraud
- 9.28 False Solicitations
- 9.30 Regulation of Peddlers, Solicitors, and Transient Merchants
- 9.32 Consumption or Possession of Alcoholic Liquor
- 9.40 Dangerous Acts
- 9.44 Crimes Pertaining to Property
- 9.48 Crimes Pertaining to Public Ways
- 9.52 Cruelty to Animals
- 9.56 Minors in Poolrooms
- 9.60 Trespass
- 9.68 Nuisances
- 9.72 Noise
- 9.76 Regulations Pertaining to Vegetation
- 9.88 Penalties
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- 9.96 Discrimination in Housing

Chapter 9.04

ACTS IN BREACH OF PEACE

Sections:

- 9.04.010 Unlawful assembly.
- 9.04.020 Disturbing the peace.
- 9.04.030 Permitting a disturbance of the peace.
- 9.04.040 Assault and battery.

9.04.010 Unlawful assembly.

No person shall meet or assemble with two or more other persons to do any unlawful act, with or without force or violence, or when together, to injure, or attempt to do an act to injure, the person or property of another person, firm or corporation, public or private, or to do any unlawful act against the public peace and quiet of any inhabitant of this city. (Ord. 478 § 1, 1965).

9.04.020 Disturbing the peace.

No person shall disturb the public peace and quiet of any street, alley, public place, or any religious or other public assembly, or building, private or public, or any neighborhood or private family, or person, in this city, by loud or unusual noise, by ringing bells or sounding horns, or by knowingly or intentionally giving false alarms, or by indecent, obscene, profane or abusive language, or by indecent or obscene conversation or conduct, or by threatening, quarreling or by any other device or means. (Ord. 885 § 1, 1996; Ord. 478 § 2, 1965).

9.04.030 Permitting a disturbance of the peace.

No person shall suffer or permit any hallooing, quarreling, fighting, profane or obscene language or conduct, or any unusual noise or affray, or any other conduct or behavior in any house or upon any premises owned or occupied, possessed or controlled by him, in such manner as to disturb the peace of any person in the neighborhood or who is passing along the street. (Ord. 478 § 3, 1965).

9.04.040 Assault and battery.

No person shall commit an assault or an assault and battery on another person or engage in any fighting, rioting, quarreling, threatening to fight or use any means to encourage or abet another person or persons to do so. (Ord. 478 § 18, 1965).

Chapter 9.05

ALARM REGULATION

Sections:

- 9.05.010 Purpose and intent.
- 9.05.020 Intentional false alarm prohibited.
- 9.05.030 Definitions.
- 9.05.040 Permission to install--Alarm systems--Standards.
- 9.05.050 System false alarms--Sanctions.
- 9.05.060 Service of notice.
- 9.05.070 Judicial review.
- 9.05.080 Penalties.

9.05.010 Purpose and intent.

It is the purpose of this chapter to protect the Fairfield police and fire departments and property owners from the erroneous and mistaken use of security and fire alarms which results in increased false response calls by the police and fire departments and is creating a hazard to the members of the departments and to the general public. It is further the purpose of this chapter to control the use of security and fire and burglar alarms connected to the electronics board space at the Jefferson County Law Center at Fairfield, Iowa, or other automatic dialing, telephonic or electronic signal devices which when transmitted elicits response at the Jefferson County Law Center. (Ord. 882 § 2, 1996).

9.05.020 Intentional false alarm prohibited.

It shall be unlawful for any person to knowingly or intentionally start or spread any false alarm of fire, riot, explosion, civil disturbance or other breach of the peace in the city.

(1) Prohibition. It is specifically unlawful for any person to report the existence of a fire or any other emergency to the police, fire department or any other agency empowered to deal with an emergency, when such person knows the report to be false.

It shall be unlawful for any persons to report, or cause to be reported, to any police agency any information concerning the commission of any offense, or other incident, which would require police action, when

- (A) He knows that no such offense or other incident has occurred; or
- (B) He knows the information is false or that he has no such information.

(2) False Reports of Bombs or Other Hazards. It shall be unlawful for any person to knowingly give false information to the effect that a bomb will be exploded or

that any other serious hazard exists in any public conveyance, church, school, theater, auditorium, assembly hall, factory, warehouse, industrial, commercial or residential buildings or any other place used for public gatherings.

(3) It shall be unlawful for any person, firm or corporation to use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the police department, fire department, or any other department or bureau of the city, and then reproduces any prerecorded message to report any burglary or other emergency. (Ord. 882 § 3, 1996).

9.05.030 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

"Alarm business" means any business operated by a person which engages in the activity of altering, installing, leasing, maintaining, repairing, selling or servicing alarm systems, or which causes any of these activities to take place.

"Alarm system" means an assembly of equipment and devices directly connected to the Law Center, or which through automatic dialing, telephonic signal, or other electronics enters the Law Center, arranged to signal the presence of a hazard requiring urgent attention and to which agents of the police department are expected to respond. The term "alarm system" shall include, but is not limited to, intrusion or burglar alarms of the audible or direct-line radio, telephonic or electronic type. Fire alarms ordinarily receive expected response through the fire department, but are subject to applicable provisions of this chapter.

"Alarm user" means any person, firm, partnership, association, corporation, company or organization of any kind on whose premises an alarm system is maintained.

"False alarm" means the activation of an alarm system connected by any means to the Law Center, through mechanical failure, malfunction, improper installation or the negligence of the alarm user or his/her employees or agents, other than a prohibited alarm as defined at Section 9.05.020 of this code.

"Fire alarm" means any method of detecting and signaling the presence of smoke or fire.

"Intrusion alarm" means any alarm connected by any means to the Law Center which signals any unauthorized intrusion into a premises and includes, but is not limited to, burglar and hold-up alarms. (Ord. 882 § 4(part), 1996).

9.05.040 Permission to install--Alarm systems--Standards.

(a) Every alarm system must comply with the following standards. Equipment and supplies used in the installation of alarms must:

- (1) Be approved by the Underwriters' Laboratories;
- (2) Be equal to or better than the standards of the Underwriters' Laboratories.

The burden of proof to establish that the equipment or supplies meet or exceed the standards is upon the person applying for permission to install the alarm;

(3) Equipment or supplies not directly comparable to any equipment or supplies approved by the Underwriters' Laboratories may be approved by the police chief.

(b) No alarm business or user shall install or alter any intrusion alarm system on any premises without making application to and receiving written permission from the police chief for such installation or alteration. Application shall be made on forms provided by the police chief.

(c) The city council by resolution may establish fees to be assessed an alarm business or user for each individual alarm terminating at the Fairfield city police department electronics board space at the Jefferson County Law Center, or transmitting by any other means into the Jefferson County Law Center. (Ord. 882 § 4(part), 1996).

9.05.050 System false alarms--Sanctions.

(a) An alarm user as defined in Section 9.05.030 shall be charged for each false alarm a fee pursuant to the false alarm charge schedule adopted by the city council as set forth herein.

The chief of police will maintain records of all false burglar, robbery and fire alarms. After responding to two false alarms, a graduated fee of twenty-five dollars for the third false alarm, fifty dollars for the fourth false alarm, and seventy-five dollars for the fifth false alarm shall be assessed the owner or leasee of the alarm premises. Any alarm system having more than five false alarms in a six-month period will be required to provide to the chief of police proof of inspection and/or employee training from an approved alarm company, assuring that the problem has been corrected. Failure to provide this proof will result in future false alarm assessments of one hundred dollars each. Once proof of correction has been supplied, false alarms of alarm systems may, at their discretion, show proof of inspection and/or employee training from an approved alarm company after the third or fourth false alarm in order to revert to the graduated fee of twenty-five dollars. If

there have been no false alarms for a six-month period of time, a fee schedule starts after the second false alarm.

There will be no charge for real alarms, city of Fairfield alarm systems, false alarms where police or fire equipment did not respond, or false alarms found to be activated by weather conditions. The chief of police will determine false alarms not caused by equipment or personnel. Failure to pay such fees may result in a small claims action or any other remedy made available by ordinance or law for enforcement of the same. The city administrative coordinator and chief of police will review false alarm fees annually and make recommendations to city council for adjustments, if necessary.

(b) All bills for false alarm charges shall be issued by first class mail to the alarm user. On said bills sent to alarm users of the intrusion alarm type, the police chief shall include written notice of his/her intention to disconnect said alarm user's intrusion alarm from its connection to the police department or of his/her intention to refuse to authorize response by police department personnel to future alarms from that alarm user's alarm system if said alarm user fails to pay the false alarm charge within thirty days of being billed. Said written notice shall also inform said alarm user of his/her right to request a hearing before the police chief by filing a written request with the police within thirty days of being billed and further inform said alarm user that failure to request a hearing in a timely manner shall constitute waiver of his/her right to a hearing.

(c) When a hearing is requested in a timely manner, the police chief shall serve on the alarm user written notice of the time and place of hearing by first class mail at least ten days prior to the date set for hearing.

(d) At the hearing before the police chief, the alarm user or his/her authorized representative shall have the right to confront and examine witnesses, and to present evidence as to his/her delinquency. After the hearing, the police chief may order disconnection, or may refuse to respond to future alarms from that alarm user's alarm system or may withdraw the notice if he is satisfied there is no delinquency.

(e) Any alarm user whose alarm system has been disconnected or to whose alarm system the police chief has determined no future response will be made pursuant to this section shall have the right, within ten days after receiving notice of said action from the police chief, to file a written appeal by first class mail or hand delivery with the city administrative coordinator and no alarm user shall be required to discontinue use of his/her alarm system prior to the expiration of such ten-day period. Such appeal shall set forth the specific ground or grounds on which it is based. The city administrative

coordinator shall hold a hearing on the appeal and shall cause the appellant to be given at least ten days' written notice of such hearing. At the hearing, the appellant, or his/her designated representative, shall have the right to present written or oral argument, or both, in support of his/her appeal based upon all evidence submitted from the hearing before the police chief for review. The city administrative coordinator shall issue a decision within ten days after the hearing.

(f) If an alarm user files an appeal pursuant to subsection (e) of this section, he/she shall not be required to discontinue use of the alarm system until a final decision is made on his/her appeal.

(g) Any alarm user whose alarm system has been disconnected from police department facilities is not precluded under this section from applying for a new connection. The police chief, however, is not required to allow a new connection unless past delinquencies have been satisfied, the police chief is satisfied that the applicant will meet the obligations proposed under this chapter in the future, and sufficient board space is available at the police department for the connection. (Ord. 882 § 4(part), 1996).

9.05.060 Service of notice.

Whenever a person, the police chief or his/her designee, or any city official or employee is required to make delivery of notice by mail pursuant to this chapter, delivery, in lieu thereof, may be made by hand by any person eighteen years of age or older. (Ord. 882 § 4(part), 1996).

9.05.070 Judicial review.

Nothing herein shall be deemed to deny to any person claiming to be aggrieved by any determination hereunder any applicable judicial remedies provided for by the laws of the state, including the right to appeal to district court within thirty days of exhausting those remedies provided herein. (Ord. 882 § 4(part), 1996).

9.05.080 Penalties.

In addition to those sanctions imposed per Section 9.05.050, the failure of any person to:

- (1) Comply with the requirements of Section 9.05.040 before installing or altering any alarm system; or
- (2) Obey any order of the police chief to disconnect an alarm system from the

police department after such person has exhausted his/her rights to hearing or appeals; is a misdemeanor and is punishable by a fine of at least fifty dollars, but not to exceed five hundred dollars or imprisonment not to exceed thirty days. Each day that such violation continues shall constitute a separate offense.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 882 § 4(part), 1996).

Chapter 9.08

INTERFERING WITH ENFORCEMENT

Sections:

9.08.020 Following police.

9.08.020 Following police.

No person or persons shall follow police officers, after being directed not to do so, when such officer or officers have a person or persons in custody or protection. (Ord. 478 § 39, 1965).

Chapter 9.12

INDECENT OR IMMORAL ACTS

Sections:

9.12.010 Disorderly house.

9.12.020 Secreted for obscene purpose.

9.12.030 Annoying conduct.

9.12.040 Nudity in public--Sales of obscene material--Obscene exhibitions.

9.12.010 Disorderly house.

No person shall keep, maintain, occupy or visit a disorderly house or house of ill fame for the purpose of prostitution; and no person shall permit any building or place under his control to be kept or used for such purpose. (Ord. 478 § 4, 1965).

9.12.020 Secreted for obscene purpose.

No male shall secrete himself with any prostitute or with any woman not his wife for any obscene purpose in any room, building, cellar, or other place within the city, and no female shall secrete herself with any male not her husband for any obscene purpose in any of the above-mentioned places within the city. (Ord. 626-9-2 § 1, 1980: Ord. 478 § 35, 1965).

9.12.030 Annoying conduct.

No person shall annoy any person of the opposite sex on any street or other public place in the city of Fairfield by making obscene remarks, by making obscene signs, or by following such person in an annoying manner along any public street or in any public place in the city. (Ord. 626-9-3 § 1, 1980: Ord. 478 § 15, 1965).

9.12.040 Nudity in public--Sales of obscene material--Obscene exhibitions.

No person shall appear in a public place within the city in a state of nudity, or in a state of obscene exposure of his or her person, or be guilty of any obscene behavior, or shall sell or exhibit for sale any obscene book, picture, magazine, or other article, or shall exhibit or perform any obscene play or other representation. (Ord. 626-9-4 § 1, 1980: Ord. 478 § 40, 1965).

Chapter 9.16

LARCENY

Sections:

- 9.16.010 Petit theft defined.
- 9.16.020 Accessory to offense.
- 9.16.030 Evidence of intention.
- 9.16.040 Penalty for violation.

9.16.010 Petit theft defined.

Any person who, within the city limits, takes possession or control of the property of another, or property in the possession of another, whether it be money, goods, chattels, or documents of representation thereof, of a value of not more than fifty dollars, is guilty of petit theft. (Ord. 626-9-6 § 1(part), 1980: Ord. 463 § 1, 1963).

9.16.020 Accessory to offense.

Any person who aids or abets another in the planning or commission of the offense of petit theft and any person, other than one standing in the relation of husband or wife to a person who has committed petit theft, who, having knowledge of the theft and with intent to prevent the apprehension of the thief, harbors, aids, or conceals the thief, shall be deemed an accessory to the offense of petit theft and shall be subject to conviction as a principal. (Ord. 626-9-6 § 1(part), 1980: Ord. 463 § 2, 1963).

9.16.030 Evidence of intention.

The fact that any person has concealed unpurchased property of any store or other mercantile establishment, either on the premises or outside the premises of such store shall be material evidence of intent to deprive the owner thereof, and the finding of such unpurchased property concealed, upon the person or among the belongings of such person, shall be material evidence of intent to deprive and, if such person conceals, or causes to be concealed, such unpurchased property upon the person or among the belongings of another, the finding of the same shall also be material evidence of intent to deprive on the part of the person concealing such goods. (Ord. 626-9-6 § 1(part), 1980: Ord. 463 § 3, 1963).

9.16.040 Penalty for violation.

Any person who is convicted of violating any of the provisions of this chapter shall be guilty of a simple misdemeanor and shall be fined at least fifty dollars, but not to exceed five hundred dollars or imprisoned in the county jail not to exceed thirty days.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2003; Ord. 626-9-6 § 1(part), 1980: Ord. 463 § 4, 1963).

Chapter 9.20

FRAUD

Sections:

9.20.010 Games, devices and schemes.

9.20.020 Failure to pay for hotel accommodations.

9.20.010 Games, devices and schemes.

No person shall engage in any game, device, trick or scheme designed or intended to cheat, swindle or defraud another out of money or other property. (Ord. 626-9-7 § 1, 1980: Ord. 478 § 43, 1965).

9.20.020 Failure to pay for hotel accommodations.

No person shall obtain food, lodging or other accommodations at any hotel, inn, motel, boardinghouse or eating house or place in this city without paying for such food, lodging or other accommodation with intent to defraud the owner or keeper thereof. (Ord. 478 § 54, 1965).

Chapter 9.28

FALSE SOLICITATIONS

Sections:

9.28.010 Intent and purpose of solicitation.

9.28.010 Intent and purpose of solicitation.

No person shall engage within the city in the solicitation of money, gifts, or other forms of alms without divulging the true purpose for which such solicitation is made. (Ord. 626-9-10 § 1, 1980).

Chapter 9.30

REGULATION OF PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Sections:

9.30.010 Definitions.

9.30.020 Hours of solicitation.

9.30.030 Exemptions to regulation.

9.30.040 License required.

9.30.050 Application.

9.30.060 Investigation.

9.30.070 License--Display.

9.30.080 License--Nontransferable.

9.30.090 License--Fee.

9.30.100 Obstruction of pedestrian or vehicular traffic.

9.30.110 Prohibited practices, public disruption.

9.30.120 Exclusion by residents.

9.30.130 Removal from private property.

9.30.140 Examination of food products.

9.30.150 Consumer protection law.

9.30.160 Revocation of license.

9.30.170 Effect of revocation.

9.30.180 Violation--Penalty.

9.30.010 Definitions.

The following terms, when used in this chapter shall have the meanings ascribed to them below:

(1) "Direct seller" means any individual who, for himself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

(2) "Peddler" means any person, whether a resident of the city or not, who travels by foot, motor vehicle or any other conveyance, from place to place, from house to house, or street to street, carrying, offering or exposing goods, wares, merchandise, or food products for sale, or taking or soliciting orders for goods, wares, products or merchandise for future delivery, whether the person collects advance payments for such sales, or not; or who, without traveling from place to place, sells or offers for sale from a wagon, motor vehicle, temporary stand or other conveyance stationed upon public or private property, goods, wares, merchandise or food products.

(3) "Permanent merchant" means a direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant, has continuously operated an established place of business in this city or has continuously resided in this city and now does business from his residence.

(4) "Person" means and includes an individual person, a firm, corporation, partnership or association, whether owner, agent, bailee, consignee or employee.

(5) "Solicitor" means any person who solicits or attempts to solicit from house to house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

(6) "Transient merchant" means and includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily (sixty days or less) or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in

connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant. (Ord. 950 § 3, 2001).

9.30.020 Hours of solicitation.

No person may conduct those activities described (peddling or solicitation) except between the hours of nine a.m. and six p.m., on each day, and no solicitation shall be done on Sundays or legal holidays. (Ord. 950 § 4, 2001).

9.30.030 Exemptions to regulation.

The provisions of this chapter do not apply to the following:

- (1) Delivery of newspapers, fuel, or other printed materials, on established routes;
- (2) Delivery of dairy products, baked goods, or other prepared food products on established routes;
- (3) A producer, raiser or grower of their own farm products;
- (4) Persons selling at wholesale to business establishments, professional offices or institutions, exclusively;
- (5) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (6) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods (i.e., saw sharpening, window cleaning, snow removal, grass mowing, done at the approximate time (same day) of the sale or solicitation);
- (7) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the city and who delivers such goods in their regular course of business;
- (8) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (9) Persons who call on prospective customers by appointment only;
- (10) Sale made by sheriffs, constables, marshals, executors, guardians, assignees of insolvent debtors or bankrupts, any other person required by law to sell real or personal property, and any person conducting a bona fide auction sale pursuant to law;

(11) Persons selling their own art or handicrafts;

(12) Students of any school in the city selling or soliciting on behalf of his or her school; also exempted are minors residing within the city enrolled as students in a locally approved alternative course of educational instruction; and community-based nonprofit groups, that is, service clubs, social groups, youth organizations, re-ligious organizations, that have regular meetings of mem-bers in the city. Such students and nonprofit groups shall comply with Chapter 9.28.010 requiring disclosure of their true purpose for solicitation. (Ord. 950 § 5, 2001).

9.30.040 License required.

a) Each and every person to engage in business as a peddler, solicitor, transient merchant, or direct seller, as defined in this chapter, within the city, shall first obtain a license therefore from the city administrative coordinator and pay the investigation fee and license fee as provided in this chapter.

(b) No person or agent having control of private property within the city shall knowingly permit another person to engage in business on or about that property as a peddler, solicitor, or transient merchant as defined in this chapter, without first requiring that person to ob-tain a license therefore and paying the prescribed fee as provided in this chapter.

(c) A group license shall be obtained by a sponsor-ing entity or organizer for peddlers, solicitors, or tran-sient merchants participating in any organized celebra-tion, promotion, festival, activity or event for a period no longer than seven days at a specific location. At the time of procuring a group license, the sponsoring entity or organizer shall provide the city administrative coordi-nator with the date(s) of the event and the location. The sponsoring entity or organizer shall also provide the ad-ministrative coordinator with the name, permanent resi-dence, social security number, trade name, if any, and Iowa sales tax number of each peddler, solicitor, or tran-sient merchant present, on or before the event, or within ten days following the event. (Ord. 950 § 6, 2001).

9.30.050 Application.

Individuals desiring a license, as required by this chapter, shall make application in writing to the city ad-ministrative coordinator and remit a fifteen dollar inves-tigation fee at the time of filing the application. The application shall contain the following information:

(1) Name, permanent residence, social security num-ber of the applicant;

- (2) Address while in the area;
- (3) Name, address and phone number of the firm, corporation, partnership or association for whom applicant is conducting business;
- (4) Type of license applied for;
- (5) Iowa sales tax number; if applicant has none, applicant should be directed to appropriate authority for determination of whether exempt or required to secure such tax number;
- (6) If the applicant is a corporation, the application shall state whether or not the applicant is a state corporation or a foreign corporation, and if a foreign corporation, shall state whether or not such corporation is authorized to do business in the state;
- (7) Address of location where business will be conducted or the manner in which the business will be conducted;
- (8) Date/dates when proposed license is desired;
- (9) The make, model, year, license number and state of registration of any vehicle being used in connection with said business;
- (10) Description of products, merchandise, etc., being sold and the price of each;
- (11) Name, address and phone number of immediate supervisor/manager;
- (12) Name of the most recent three previous communities in which licensed or operated;
- (13) State food establishment license number, if applicable;
- (14) Place where applicant can be contacted for at least seven days after leaving the city;
- (15) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction. (Ord. 950 § 7, 2001).

9.30.060 Investigation.

Upon receipt of an application, the city administrative coordinator shall forward to the chief of police or designee, who shall, within five working days, recommend approval or disapproval of the issuance after investigation of the applicant's reputation and character and license application content.

- (1) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application disapproval and reasons therefore and return the application to the city

administrative coordinator, who shall notify the applicant of the disapproval and that no license will be issued.

(2) If, as a result of such investigation, the character or business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse on such application approval and return the same to the city administrative coordinator, who shall thereafter issue the license, subject to the terms and conditions of this chapter. (Ord. 950 § 8, 2001).

9.30.070 License--Display.

Each person issued a license shall, at all times while doing business in this city, keep in his/her possession, or shall display publicly at his/her place of doing business, his/her license, and shall, upon the request of a prospective customer, exhibit the license as evidence that he/she has complied with all requirements of this chapter. (Ord. 960 § 9, 2001).

9.30.080 License--Nontransferable.

Licenses issued under provisions of this chapter are not transferable in any situation and are applicable only to the person filing the application. (Ord. 950 § 10, 2001).

9.30.090 License--Fee.

The following license fees shall be paid to the city administrative coordinator by the applicant at the time of issuance:

- (1) One dollar per day;
- (2) Five dollars per week;
- (3) Twenty dollars per month.

No license shall be issued or granted for a period of more than one year. (Ord. 950 § 11, 2001).

9.30.100 Obstruction of pedestrian or vehicular traffic.

No person, while engaged in any of the practices described, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators. (Ord. 950 § 12, 2001).

9.30.110 Prohibited practices, public disruption.

No licensee under this chapter, shall, within the city, call attention to licensee's business, nor to the goods, wares merchandise, or related services, which are being sold or offered for sale, by crying them out, by blowing any horn(s), by ringing loud bell(s), by public address speaker systems, or other loud or unusual noise or disruptive or disturbing sounds. This section is not in-tended to prohibit the playing of music or bicycle or mo-torized cart bells associated with neighborhood seasonal sales of frozen dairy products by street vendors. (Ord. 950 § 13, 2001).

9.30.120 Exclusion by residents.

Any resident of the city who wishes to exclude ped-dlers, solicitors, transient merchants, or direct sellers, from premises occupied by him/her may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "peddlers and solici-tors prohibited." Such placard shall be at least four inches long and six inches wide and the printing thereon shall be clear and legible. No peddler shall enter in or upon any premises, or attempt to enter in or upon any premises, where placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign. (Ord. 950 § 14, 2001).

9.30.130 Removal from private property.

Any person licensed by this chapter shall immediately remove themselves from private property when requested to do so by the owner or occupant thereof and, while offering or exposing items for sale on said private property, shall not in any manner conduct themselves in such a manner as to violate any provision of this code, including the pro-visions of this chapter. (Ord. 950 § 15, 2001).

9.30.140 Examination of food products.

(a) All food products to be sold or offered for sale under this chapter may be inspected and examined by the city administrative coordinator or designee, and this in-spection shall apply to the quantity, weight, measure, and sanitation of the article offered for sale. Unwholesome, rotten or decayed foods shall not be sold or offered for sale, and it is the duty of the city administrative coor-dinator or designee to condemn such foods, wherever found. The applicant shall bring the products to the place as the officer may direct for the examination and inspection.

(b) The city administrative coordinator or designee may require persons offering

farm products for sale to produce satisfactory evidence that they are bona fide producers, raisers, or growers of the products or are their employees.

(c) The containers and/or vehicles in which food products are handled or carried shall be clean and sanitary, protected by proper covers or screens against filth, dust, flies or other contaminating substances. (Ord. 950 § 16, 2001).

9.30.150 Consumer protection law.

All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service, and comply with the other requirements of the law. (Ord. 950 § 17, 2001).

9.30.160 Revocation of license.

(a) The city council may revoke any license issued under this chapter for the following reasons:

- (1) Any misrepresentation on the license application or in the conduct of his/her business;
- (2) Violation of any federal, state or local law;
- (3) Licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.

(b) The license holder shall be notified by certified letter, return receipt requested, at the last known address, in written form containing the particulars of the complaints against the person, the ordinance or provisions or state statutes violated and the date, time and place on hearing on the revocation.

(c) The city council shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the fact alleged in the complaint and notice. Should the licensee or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

(d) The city administrative coordinator shall make and record findings and conclusions of law made by the council and shall revoke a license only upon direction by the city council. The city council shall direct such revocation only finding clear and convincing evidence of substantial violation of this chapter or of the state law, federal law, or other local law.

(e) If the city council directs the revocation of a license, such decision may be

appealed to the Iowa District Court as by law provided within thirty days. (Ord. 950 § 18, 2001).

9.30.170 Effect of revocation.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of two years from the date of revocation. (Ord. 950 § 19, 2001).

9.30.180 Violation--Penalty.

Any person violating the provision of this chapter shall, upon conviction, be subject to imprisonment not to exceed thirty days, or a fine not exceeding one hundred dollars. Each day the violation continues to exist shall constitute a separate offense. (Ord. 950 § 20, 2001).

Chapter 9.32

CONSUMPTION OR POSSESSION OF ALCOHOLIC LIQUOR

Sections:

9.32.010 Intoxication in public.

9.32.020 Consumption in public prohibited.

9.32.030 Possession by persons under legal age.

9.32.010 Intoxication in public.

A person shall not be intoxicated nor simulate intoxication in a public place. (Ord. 708 § 2, 1985).

9.32.020 Consumption in public prohibited.

No person shall use, drink or consume beer or other intoxicating liquor, while such person is on any public street, public alley or highway, or in any public park, public place, or public area within the city, or in an automobile or other vehicle while same is on any public street, public alley, or public ground, park, or area in the city. (Ord. 455 § 1,

1963).

9.32.030 Possession by persons under legal age.

No person under legal age as defined in Sections 123.47 and 123.47(a) of the 1991 Code of Iowa shall individually or jointly have in his or their possession or control, alcoholic liquor, wine or beer as the same is defined in Section 123.3 of the 1991 Code of Iowa.

The provisions of this section shall not apply to any person under legal age who:

(1) Is provided alcoholic liquor, wine or beer within a private home and with the knowledge or consent of the parent or guardian for beverage or medicinal purposes;

(2) Is administered alcoholic liquor, wine or beer by either a physician or dentist for medicinal purposes;

(3) Handles alcoholic liquor, wine or beer during the regular course of his or her employment by a liquor control licensee or beer permittee as defined in Chapter 123 of the Code of Iowa 1991. (Ord. 817 § 2, 1991: Ord. 626-9-12 § 1, 1980: Ord. 507, 1967: Ord. 455 § 2, 1963).

Chapter 9.40

DANGEROUS ACTS

Sections:

9.40.010 Discharging firearm or air rifle.

9.40.020 Throwing and hitting missiles.

9.40.025 Exception to prohibition.

9.40.030 Abandoning iceboxes.

9.40.040 Dispensing poisons.

9.40.050 Riding trains.

9.40.060 Climbing towers.

9.40.010 Discharging firearm or air rifle.

No person shall discharge a firearm, air rifle, pistol, or any other type of gun of

any kind or description in this city without first securing the permission to do so from the mayor, chief of police or other official designated to issue such permits by the city council, and the permit so issued must fix the time and place for the use and discharge of such firearm or gun. Nothing in this restriction or prohibition shall in any way apply to peace officers or other persons duly authorized by law to carry and use such firearms or guns. (Ord. 478 § 42, 1965).

9.40.020 Throwing and hitting missiles.

No person shall wilfully or carelessly throw, cast, knock or bat any stone, stick, brickbat, snowball or any other missile, projectile or object, or discharge any such object, missile or projectile from any sling, bow, airgun or device, whereby any person may or is likely to be hit or injured or any property, publicly or privately owned, may, or is likely to be, damaged. (Ord. 1032 § 1(part), 2007: Ord. 478 § 25, 1965).

9.40.025 Exception to prohibition.

Nothing herein shall prohibit the hunting with bow and arrow of deer during appropriately authorized special deer management season for that period of time and in that area designated by the Iowa Department of Natural Resources and for which permission has issued by the city of Fairfield, subject to such rules as are prescribed for such hunting by conservation and wildlife authorities. (Ord. 1032 § 1(part), 2007).

9.40.030 Abandoning iceboxes.

No person, firm or corporation shall leave or permit to remain outside of any dwelling, building or other structure under his, or its control, in a place accessible to children, any abandoned, unattended or discarded ice-box, refrigerator or other container which has an airtight door or lid, snap-lock or other locking device which may not be easily released from the inside, without first removing such door or lid, snap-lock or other locking device therefrom. (Ord. 478 § 14, 1965).

9.40.040 Dispensing poisons.

No person shall sell, give or distribute any poison, knowing same to be such, within this city without first marking same in clear, distinct, legible characters "POISON" and affixing to the container thereof the ordinary and usual poison sign of skull and cross-bone. (Ord. 478 § 22, 1965).

9.40.050 Riding trains.

No person shall get off or on any railroad engine, tender, car or train of cars while same is in motion on any railroad within this city, except an employee of such railroad or other person or persons whose duty requires them to do so. (Ord. 478 § 20, 1965).

9.40.060 Climbing towers.

No person, except workmen or other persons whose duty requires them to do so, shall climb any water tower, flag pole, side of building, wall or other structure, or tree, either publicly or privately owned, without first securing the permission of the person or official in charge or control of such structure or tree or the owner thereof. This section shall not apply to climbing frames or other structures placed in public or private play grounds for children to play on. (Ord. 478 § 28, 1965).

Chapter 9.44

CRIMES PERTAINING TO PROPERTY

Sections:

9.44.010 Destruction of property.

9.44.020 Defacing notices.

9.44.010 Destruction of property.

Without the consent of the owner, no person shall wilfully cut, hack, scratch, or break, mark, paint, or scrawl upon, or in any other manner deface any private property of value, including buildings, shrubs, fruit trees, and fences. No person, except workmen or other persons whose duty requires them to do so, shall wilfully cut, hack, scratch, break, mark, paint or scrawl upon or in any manner deface any public property, including signs, seats, benches, bandstands, or other fixture or structure. (Ord. 626-9-14 § 1, 1980: Ord. 478 § 16, 1965).

9.44.020 Defacing notices.

No person shall deface or tear down or in any way de-stroy any legal notice lawfully posted; and no person shall post any notice or sign on any property not owned by him or under his control without the consent of the owner thereof or the person having the control of it. (Ord. 478 § 17, 1965).

Chapter 9.48

CRIMES PERTAINING TO PUBLIC WAYS

Sections:

- 9.48.010 Obstructing traffic.
- 9.48.020 Parking or driving on sidewalks.
- 9.48.030 Building fires on pavement.
- 9.48.040 Digging in street.
- 9.48.050 Open cellar doors and grating.
- 9.48.060 Altering traffic and street signs.

9.48.010 Obstructing traffic.

Two or more persons shall not collect together on any sidewalk, street, or in any alley so as to obstruct the free flow of traffic thereon, or obstruct the entrance to any public building, place of business, or residence, or refuse to leave or disperse when requested to do so by the mayor, any peace officer, or the owner or occupant of such building, place of business, or residence. This ordinance shall not apply to representatives of labor organizations who are peacefully picketing a place of business so long as the free flow of traffic is not obstructed. (Ord. 626-9-15 § 1, 1980: Ord. 478 § 19, 1965).

9.48.020 Parking or driving on sidewalks.

No person, except workmen whose duties require them to do so, shall park or leave standing on any sidewalk or street crossing within the city any skateboard, scooter, motorcycles, bicycle, wagon, motor vehicle or other ob-ject. No person shall drive any motor vehicle upon the sidewalks of the city, except when crossing such walkways at alleys and street intersections or at public or private driveways. (Ord. 626-9-15 § 2,

1980: Ord. 478 § 26, 1965).

9.48.030 Building fires on pavement.

No person shall set or maintain a fire on, or burn any material whatsoever on any sidewalk or any cement, brick or stone or other type of pavement on any public street, alley or sidewalk in this city. (Ord. 478 § 34, 1965).

9.48.040 Digging in street.

No person or persons shall dig any hole, drain or ditch in any street, alley or public ground, or shall re-move or carry away any sod, stone, earth, sand or gravel from any street, alley or public grounds without first se-curing permission to do so from the director of public works or other person or officer having charge and control of such location. (Ord. 478 § 27, 1965).

9.48.050 Open cellar doors and grating.

No person shall leave open any cellar door or grating on or over any cellar or vault on any highway or sidewalk in this city unattended so as to prevent same being a haz-ard to those using such street or sidewalk and no person shall suffer same to be left or kept open longer than nec-essary. (Ord. 478 § 32, 1965).

9.48.060 Altering traffic and street signs.

No person shall move, alter, or change any street name sign, traffic sign, or traffic signal in this city which has been erected by or under the direction of, any peace officer, the city council, or the state of Iowa. (Ord. 626-9-15 § 3, 1980: Ord. 478 § 37, 1965).

Chapter 9.52

CRUELTY TO ANIMALS

Sections:

9.52.010 Abuse, neglect and cruelty prohibited.

9.52.020 Fighting animals, fowls or birds.

9.52.030 Molesting birds.

9.52.010 Abuse, neglect and cruelty prohibited.

No person shall abuse, wantonly neglect or cruelly beat any dumb animal. (Ord. 478 § 10, 1965).

9.52.020 Fighting animals, fowls or birds.

No person shall engage in or be in any manner connected with any cockfight, coon fight, dog fight, or any fight between animals, fowls or birds of any kind, and no person shall allow or permit any such fight in or upon any premises in his possession or under his control. (Ord. 478 § 11, 1965).

9.52.030 Molesting birds.

No person shall molest any bird, other than English sparrows and starlings, in any manner, nor rob or destroy their nests, anywhere in this city. (Ord. 478 § 21, 1965).

Chapter 9.56

MINORS IN POOLROOMS

Sections:

9.56.010 Attendance prohibited.

9.56.020 Permitting minors to attend illegal.

9.56.010 Attendance prohibited.

It is unlawful for any minor to frequent or play any game in any public billiard hall or poolroom in the city. (Ord. 626-9-16 § 1(part), 1980: Ord. 133 § 1, 1912).

9.56.020 Permitting minors to attend illegal.

It is unlawful for any keeper, operator, or employee of any public billiard hall or poolroom to permit any minor to frequent or play any game in any facility under his control or management. (Ord. 626-9-16 § 1(part), 1980: Ord. 133 § 2, 1912).

Chapter 9.60

TRESPASS

Sections:

- 9.60.010 Trespassing defined.
- 9.60.020 Trespassing on lawns and parks.
- 9.60.030 Walking or riding on posted lawns.

9.60.010 Trespassing defined. No person who comes upon the premises of another person, firm, or corporation shall fail to leave the same immediately upon being requested to do so, except bona fide representatives of labor organizations exercising their right to picket. (Ord. 626-9-17 § 1, 1980: Ord. 298 § 1, 1938).

9.60.020 Trespassing on lawns and parks. No person shall ride, lead, drive a horse, or drive, park or stand any motor vehicle, on any private or public grounds, parks, lawns or grassed-over area any place in this city, except on or over regularly designated drive-ways, parking grounds, or bridle paths, unless directed to do otherwise by the person in charge or in control of such area or by a peace officer. (Ord. 478 § 29, 1965).

9.60.030 Walking or riding on posted lawns. No person shall walk or ride a bicycle or enter upon any lawn or grassed-over area, publicly or privately owned, where there is a sign to "KEEP OFF THE GRASS" or other similar sign of like import and meaning, without first securing the permission of the owner or person in charge or control of such area. (Ord. 478 § 30, 1965).

Chapter 9.68

NUISANCES

Sections:

- 9.68.010 Nuisances enumerated.
- 9.68.020 Abatement--Notice.
- 9.68.030 Cost of abatement.
- 9.68.040 Penalty for violations.

9.68.010 Nuisances enumerated. (a) The following acts are declared to be nuisances within the city:

(1) The erecting, continuing, or use of any building, land, or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive

9.68.010

smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public;

(2) The causing or allowing to remain any offal, filth or any noisome or odorous substance detrimental or offensive to others;

(3) The maintaining of any building, structure, lumber pile, debris, or other place of whatsoever nature which may unnecessarily harbor mice, rats or other vermin or rodents;

(4) The obstructing or encumbering by fences, buildings, debris or any other object the public roads, rights-of-way, public alleys, public parks, or any other public property or land;

(5) The operating of a house of ill fame, kept for the purposes of prostitution and lewdness, illegal gambling, or illegal drug using, or houses where intoxication, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others;

(6) The making of unnecessarily loud or unusual noises by any means whatsoever to the disturbance of others;

(7) The maintaining of shrubbery, billboards, fences or signs, whether on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, or alley, or of a railroad as to render dangerous the use thereof;

(8) The maintaining of all weeds, grass, vines, brush and dead, damaged or unsightly bushes, trees or other offensive growth which constitute a health, safety or fire hazard, or are detrimental to the neighborhood unless excepted as part of an approved compost system. An approved compost system shall include specifically manufactured composting devices, and specifically constructed compost systems, not in excess of three feet high by seven feet wide by seven feet long, installed for containing and producing compost, subject to inspection/review by the Code Enforcement Officer.

(b) Exterior Display or Storage of Certain Materials Prohibited.

(1) Definitions. The following words or terms are, for purposes of this section, defined as follows:

(A) "Appliances" means any mechanism, de-vice, apparatus, or

equipment, designed primarily for in-door household use, including, but not limited to: stoves, refrigerators, ovens, microwave ovens, washing machines, clothes dryers, sewing machines, televisions, and similar items.

(B) "Firewood" means wood products used to produce heat by burning.

(C) "Furniture" means any items of household furniture designed primarily for indoor use, including, but not limited to: sofas, couches, divans, rocking chairs, reclining chairs, ottomans, beds, mattresses, box springs, desks, tables, and similar items, but excluding those items of furniture designed primarily for outdoor use.

(D) "Indoor merchandise" means, any item intended for sale, or resale, excluding lawn, garden, and landscape materials; agricultural products, implements and equipment; and construction materials.

(2) It shall be unlawful for any person, firm or corporation, owning, leasing or being in possession of any real estate, to collect, display, place, store, or allow or suffer to be collected, displayed, placed or stored upon the property, any appliances, furniture, indoor merchandise, or firewood, for any period of time in excess of twenty-four hours, except as follows:

(A) Within the walls, including screened-in porches, of a house, garage, outbuilding, building or other similar type of enclosed structure allowed by the zoning code; or

(B) Within a storage bin or other structure, provided that such storage bin or structure consists of a solid fence or wall and such items are not clearly visible through such bin or other structure and provided further that such fence, bin, or wall structure is of a type allowed by the zoning code;

(C) In the case of firewood, firewood that is stacked in rows or columns;

(D) Those items placed by the curbside for disposal and collection as a part of a city approved clean up event.

(c) All such nuisances are prohibited within the city. (Ord. 951 §§ 1, 2, 2001: Ord. 876 § 1, 1995: Ord. 343 § 1, 1947).

9.68.020 Abatement--Notice.

Whenever any nuisance as defined in Section 9.68.010 is found in the city of Fairfield, the chief of police shall, and the mayor, board of health or health officer may serve or cause to be served upon the owner of the property where such nuisance is located, and upon the person in possession thereof, a notice in writing describing such nuisance and requiring the same to be abated or removed within such time as the officer or board giving such notice shall prescribe, but not less than twenty-four hours or more than ninety days after the service of such notice. Such notice shall be served in the manner and form as are original notices served under the provisions of the Code of Iowa.

The city council may also appoint, authorize, or designate additional personnel or person(s) to be the enforcing officer or official responsible for carrying out the provisions of this chapter (i.e. Code Enforcement Officer, etc.). (Ord. 1038 § 1, 2008; Ord. 343 § 2, 1947).

9.68.030 Cost of abatement. If such nuisance is not abated or removed by the owner or person in possession of such property within the time prescribed by such notice after the service of the notice provided for in Section 9.68.020, the chief of po-lice shall forthwith remove or abate such nuisance or cause the same to be removed and abated. The chief of po-lice shall keep an accurate account of the expense of such removal and abatement, and shall file a verified, itemized account of such expense with the city clerk. The municipality shall pay such account, and the amount thereof shall be a debt due to the municipality from the owner of the property where such nuisance was located. A bill for such amount shall be presented to the owner of the prop-erty, and, if the same is not paid within thirty days, the amount thereof shall be certified to the county auditor as a special tax against the property, and shall be collected the same as other taxes. (Ord. 343 § 3, 1947).

9.68.040 Penalty for violations.

Any person, firm or corporation failing to remove or abate any nuisance as defined in Section 9.68.010 within the period of time prescribed in the notice provided for in Section 9.68.020 shall be guilty of a misdemeanor of a fine of at least fifty dollars, but not to exceed five hundred dollars and shall, upon conviction, be punished as provided in Section 9.88.010.

Limitation as to Minors. Penalties concerning per-sons under eighteen years of age convicted of simple mis-demeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community ser-vices as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 343 § 4, 1947).

Chapter 9.72

NOISE

Sections:

9.72.010 Causing noise prohibited.

9.72.010 Causing noise prohibited.

No person shall make, continue, or cause to be made or continued, any loud or unusual noise which disturbs, injures, or endangers the reasonable comfort, repose, health, peace or safety of other persons within the city. (Ord. 626-9-19 § 1, 1980: Ord. 478 § 32, 1965).

Chapter 9.76

REGULATIONS PERTAINING TO VEGETATION

Sections:

9.76.010 Weeds.

9.76.020 Garden maintenance required.

9.76.030 Notice to property owner of city action.

9.76.040 Service of notice.

9.76.050 Department of public works report on work done.

9.76.060 Cost assessment.

9.76.070 Assessment schedule--Notice--Hearing.

9.76.080 Assessment payment--Rights of owner.

9.76.010 Weeds.

All premises and exterior property shall be maintained free from weeds and plant growth in excess of ten inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs

provided for under Fairfield Municipal Code Chapter 11.08; however, this term shall not include cultivated flowers and gardens.

On vacant and undeveloped property, weeds and indigenous grasses shall not exceed ten inches in height for one hundred feet inside the perimeter of the property where adjoining an improved street, alley, or developed property (plus any areas between the property lines and centerlines of adjoining streets, alleys, and easements).

In no case shall weeds identified as noxious weeds by the Code of Iowa (317.1A) be allowed to grow within the corporate limits of the city of Fairfield.

In the event of failing to cut or destroy such weeds as defined above, the department of public works may cut or remove said weeds and assess the costs to the property owner. (Ord. 972 § 2, 2002).

9.76.020 Garden maintenance required.

Vegetable and flower gardens shall be maintained free of weeds during the growing season. Gardens that are not maintained shall be considered as constituting health, safety and fire hazards. Whenever the department of public works cuts or otherwise destroys weeds and other growth on such lots, the city shall not be held liable for any damage done to the unmaintained garden or garden products. (Ord. 659 § 3, 1983).

9.76.030 Notice to property owner of city action.

At least five days before the department of public works shall cut or destroy any weeds, grass, vines, brush and dead, damaged or unsightly bushes, trees or other unsightly growth, as herein provided, notice shall be served on the property owners and/or occupants by publication in a daily newspaper of general circulation in the city notifying such property owners and/or occupants that unless such weeds, grass, vines, brush, bushes, trees or other growth, be cut or destroyed before the dates stated in the notice, the city will cut or destroy such weeds, grass, vines, brush and dead, damaged or unsightly bushes, trees or other offensive growth and assess the cost thereof to the owner of the lot or parcel of ground. (Ord. 659 § 4, 1983).

9.76.040 Service of notice.

The city clerk shall cause notice provided for in Section 9.76.030 to be published in a daily newspaper having local coverage. (Ord. 659 § 5, 1983).

9.76.050 Department of public works report on work done.

Whenever the department of public works does any work under provision of this chapter, they shall make an item-ized report of the expenses thereof and submit the same to the city council, along with the names of the owners, agents or occupants of the premises if known, and the num-ber and description of the lot or parcel of ground con-cerned. Such report shall be filed with the city clerk on or before the 15th day of November in each year. (Ord. 659 § 6, 1983).

9.76.060 Cost assessment.

The city council shall assess cost and expenses of cutting such weeds, grass, vines, brush, and dead, damaged or unsightly bushes, trees or unsightly growth, including the cost of publication of notice, assessments and prepa-ration of plat or schedule thereof against the lots and parcels of land and the owners thereof, so far as known, by a special tax, which assessment shall be made by reso-lution adopted by the council and it shall be the duty of the city clerk to certify such assessments and tax to the county auditor, to be placed upon the tax books and col-lected together with interest and penalty after due in the same manner as other unpaid taxes, but in no case shall the cost assessed be less than twenty-five dollars. When collected, such funds shall be paid into the fund upon which the warrants for the cost and expense of the de-struction of weeds, grass, vines, brush, dead and damaged or unsightly bushes, trees or other unsightly growth were drawn. (Ord. 659 § 7, 1983).

9.76.070 Assessment schedule--Notice--Hearing.

Before making any assessment it shall be the duty of the department of public works to prepare for the city council a plat or schedule showing the several lots, tracts of land or parcels of ground to be assessed, and the amount proposed to be assessed against each of the same, for work performed, prior thereto during the calen-dar year. The city council shall thereupon fix a time for the hearing on such proposed assessments, and the city clerk shall give at least twenty days notice of such hear-ing prior to the time thus fixed to all concerned, that such plat or schedule is on file and that the amounts as shown therein shall be assessed against the several lots, tracts of land, parcels of ground described in the plat or schedule at the time fixed for such hearing after hearing all objections, if any, to such assessments. Notice of such hearing shall be given by one publication in a daily newspaper of general circulation published in the city, and by mailing

a copy by certified mail to the last known address of the person owning or controlling the premises. (Ord. 659 § 8, 1983).

9.76.080 Assessment payment--Rights of owner.

At such time and place, the owner of the premises or anyone liable to pay such assessment, may appear with the same rights given by law before boards of review in refer-ence to assessments for general taxation. (Ord. 659 § 9, 1983).

Chapter 9.88

PENALTIES

Sections:

9.88.010 General penalty.

9.88.010 General penalty.

Except as otherwise specifically provided, any person who is convicted of either a violation of any prohibition contained within, or of a failure to perform any duty im-posed upon him by, the Fairfield Municipal Code shall be sentenced to pay a fine of at least fifty dollars, but not to exceed five hundred dollars or to serve a term in the county jail of not more than thirty days and to pay the costs of prosecution.

Limitation as to Minors. Penalties concerning per-sons under eighteen years of age convicted of simple mis-demeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community ser-vices as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 626-9-23 § 1, 1980: Ord. 478 § 55, 1965).

Chapter 9.92

PARKS

Sections:

- 9.92.010 Chapter purpose.
- 9.92.020 Enforcement.
- 9.92.030 Prohibited acts in all parks.
- 9.92.040 Prohibited acts in specific parks--Hours.
- 9.92.050 Park speed limit signs.
- 9.92.060 Penalty for violation.

9.92.010 Chapter purpose.

The purpose of this chapter is to prescribe the pro-hibited acts, or activity within designated parks, and to regulate hours of usage of said parks. (Ord. 555 § 1, 1972).

9.92.020 Enforcement.

The police officers, park custodians appointed as special police or special deputies shall enforce all regu-lations pertaining to usage and hours of usage by the pub-lic in the parks in the city of Fairfield, Iowa. (Ord. 555 § 2, 1972).

9.92.030 Prohibited acts in all parks.

- (a) No person or persons shall consume any alcoholic beverage or liquid in any city park.
- (b) No persons or persons shall use or discharge any firearms in any city park.
- (c) No person or persons shall ride, or restrain any horse in any city park.
- (d) No person or persons shall litter or cause to be placed any rubbish, garbage or other debris in any place other than a container for same, in any city park.
- (e) No person or persons shall damage, or cause to be damaged any trees, shrubs, seats, benches, drinking fountains, bandstand sprinkler system, shelter houses, fireplaces, furnaces, shop buildings, machinery, fences, lawns, or any other buildings or park property in any city park. (Ord. 555 § 3, 1972).

9.92.040 Prohibited acts in specific parks--Hours.

The following regulations shall apply in the parks enumerated in this section:

- (a) Central Park and Howard Park:

(1) No person or persons shall ride any bicycle within said parks, nor shall they play ball or any other games therein,

(2) Central Park shall be closed to the gathering or loitering of persons therein from ten p.m. until six a.m. each day;

(b) Chautauqua Park:

(1) All vehicular traffic shall not drive in excess of fifteen miles per hour,

(2) Automobiles shall park only in designated parking spaces,

(3) Chautauqua Park shall be closed to all persons from ten p.m. until six a.m. each day,

(4) No vehicular traffic shall use any drive within said park after closing hours;

(c) Lamson Park:

(1) Motorcycles and all motor-powered vehicles are prohibited,

(2) No fires or burnings are permitted;

(d) Waterworks Park and Reservoir and Beach:

(1) Swimming, wading, and bathing shall be within such areas as are demarked by posted signs, markers, or buoys,

(2) Location of markers, buoys, or delimiting devices and signs concerning use of beach and swimming and water activity areas shall be at the direction of the park and recreation department, unless otherwise specified by the city council;

(e) No person shall enter upon any part of any park, reservoir, or preserve of the city of Fairfield, in disregard of official signs, markers, buoys, or other demarking or delimiting devices prohibiting such entry, except by permission of the director of parks and recreation, or the city council. (Ord. 1011 § 1, 2005; Ord. 886 § 1, 1996; Ord. 555 § 4, 1972).

9.92.050 Park speed limit signs.

It shall be the duty of the park board to erect legible and easily read signs at all entrances and exits to the parks having roadways for motor vehicle traffic, apprising the public of the speed limit; this shall be done at the expense of the city. (Ord. 464 § 3, 1963).

9.92.060 Penalty for violation.

Any person found guilty of violating any of the provisions of this chapter is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of at least fifty dollars,

and not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 555 § 5, 1972).

Chapter 9.96

DISCRIMINATION IN HOUSING

Sections:

- 9.96.010 Unfair practices designated.
- 9.96.020 Unlawful discrimination.
- 9.96.030 Exemptions.
- 9.96.040 Fair housing board--Membership.
- 9.96.050 Fair housing board--Annual meeting.
- 9.96.060 Exercise of rights.

9.96.010 Unfair practices designated.

It shall be unfair or discriminatory practice for any 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 salesmen, attorneys, auctioneers, agents or representatives by powers of attorney or appointment, or any person acting under court order, deed or trust, or will:

(1) To refuse to sell, rent, lease, assign, or sub-lease, or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of, or to otherwise make unavailable or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability of such person;

(2) To discriminate against any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status or disability of such person in

the terms, conditions, or privilege of the sale, rental, lease, assignment, or sublease of any real prop-erty or housing accommodation or any part, portion or in-terest therein or in the provision of services or facili-ties in connection therewith;

(3) To directly or indirectly advertise or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real prop-erty or housing accommodation or any part, portion or in-terest therein, by persons of any particular race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability is unwelcome, objectionable, not acceptable, or not solicited;

(4) To represent to any person because of the race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability or such person that any real property or housing accommodation or any part, por-tion or interest therein is not available for inspection, sale, rental, lease, assignment, or sublease when it is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or in-terest therein by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, religion, sex, national origin or ancestry, age, marital status, or dis-ability. (Ord. 615 § 1, 1979).

9.96.020 Unlawful discrimination.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing ser-vice, real estate broker's organization or other service, organization, or facility relating to the business of selling or renting real property or housing accommodations or any part, portion or interest therein, or to discrimi-nate against any person in the terms or conditions of such access, membership, or participation on account of race, color, creed, religion, sex, national origin or ancestry, age, marital status, or disability. (Ord. 615 § 2, 1979).

9.96.030 Exemptions.

The provisions of this chapter shall not apply to:

(1) 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 reli-gious purpose;

(2) The restriction of the rental of rooms in a roominghouse, dormitory or residence hotel to one sex if such housing accommodation is regularly occupied on a

per-manent, as opposed to transient, basis by majority of its guests, or the restriction to one sex of room rentals in housing accommodations with shared sleeping or bath facilities. (Ord. 615 § 3, 1979).

9.96.040 Fair housing board--Membership.

(a) The members of the Fairfield public housing agency will serve and be members of the fair housing board, and the chairman of the agency will act as chairman of the fair housing board.

(b) The chairman of the fair housing board will receive all complaints of violations of this chapter, and shall notify the council thereof.

(c) The fair housing board shall make an investigation of all complaints filed and shall reduce their findings to writing.

(d) The fair housing board shall conciliate any complaints filed between the complainant and the person or persons alleged to have violated this chapter.

(e) In the event that the fair housing board is not able to conciliate the complaints filed, they shall then forward a transcript of the evidence taken setting forth the facts, and all acts of the fair housing board, the same being forwarded to the Iowa Civil Rights Commission for further findings. (Ord. 615 § 4, 1979).

9.96.050 Fair housing board--Annual meeting.

The fair housing board will meet at least once annually, and a copy of the minutes of this meeting shall be furnished to the mayor and city council by filing same with the city clerk. (Ord. 615 § 5, 1979).

9.96.060 Exercise of rights.

Nothing in this chapter shall diminish or restrict the city, fair housing board, or any person exercising their rights provided for and procedures set out in Chapter 601A of the Code of Iowa, and the board in its discretion may at any stage of the proceedings provided for herein decline to take any or further action and refer the matter to the Iowa Civil Rights Commission. (Ord. 615 § 6, 1979).

VEHICLES AND TRAFFIC

Chapters:

- 10.02 Definitions
- 10.04 Enforcement
- 10.06 Police Powers and Duties
- 10.08 Accidents
- 10.10 Special and Emergency Provisions
- 10.12 Signs and Signals
- 10.13 Pedestrian Crosswalks
- 10.14 Operating Rules
- 10.16 Passengers
- 10.17 Noise and Fume Prevention
- 10.18 Equipment Requirements and Usage
- 10.20 Weight, Size and Load Limitations
- 10.22 Parking Rules
- 10.24 Debris and Injurious Materials
- 10.28 Driver's Licenses and Permits
- 10.30 Speed Limits
- 10.32 Parking Restrictions and Zones
- 10.34 Prohibited Parking
- 10.35 Parking in City Parking Lots
- 10.36 Time Limitation Parking
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- 10.44 Physicians' Automobiles
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- 10.50 Soliciting Rides
- 10.52 Tire Projections, Metal Wheels and Tracks
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- 10.57 Motorcycles and Motorized Bicycles

10.58 Bicycles

10.59 Skateboards, Rollerskates and Rollerblades

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Chapter 10.02

DEFINITIONS

Sections:

10.02.010 Scope of definitions.

10.02.020 Chief of police.

10.02.030 City council.

10.02.040 Commercial vehicle.

10.02.050 Court summons.

10.02.060 Crosswalk.

10.02.070 Daytime.

10.02.080 Double parking.

10.02.100 Limit line.

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10.02.140 Officer.

10.02.150 Operator.

10.02.160 Owner.

10.02.170 Parking.

10.02.180 Person.

10.02.190 Stop street.

10.02.195 Street.

10.02.200 Summons.

10.02.210 Traffic sign.

10.02.220 Traffic signal.

10.02.230 Vehicle.

10.02.010 Scope of definitions.

The words set forth in this chapter, when used in Chapters 10.02 through 10.28, shall be deemed to have or include the meanings set out in this chapter. (Ord. 446 § 1(part), 1962).

10.02.020 Chief of police.

"Chief of police" means the director and principal official-in-charge of the police department of the city of Fairfield. (Ord. 446 § 1(part), 1962).

10.02.030 City council.

"City council" means the legislative body of the city of Fairfield. (Ord. 446 § 1(part), 1962).

10.02.040 Commercial vehicle.

"Commercial vehicle" means all vehicles used, for hire, for the transportation of persons or merchandise or other materials. (Ord. 446 § 1(part), 1962).

10.02.050 Court summons.

"Court summons" means a writing signed by the judge of a court or by some other person by the judge's direction and bearing a court seal, when a seal is used, directing an appearance before him at a specified time. (Ord. 446 § 1(part), 1962).

10.02.060 Crosswalk.

"Crosswalk" means that part of the highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections and such other places, as may be indicated for pedestrian crossing by a limit line. (Ord. 446 § 1(part), 1962).

10.02.070 Daytime.

"Daytime" means the time of day between thirty minutes before sunrise and thirty

minutes after sunset. (Ord. 446 § 1(part), 1962).

10.02.080 Double parking.

"Double parking" means the standing of a vehicle upon the highway on the street side of a vehicle standing at the curb. (Ord. 446 § 1(part), 1962).

10.02.100 Limit line.

"Limit line" means any portion of a highway visibly marked to establish bounds for pedestrian traffic. (Ord. 446 § 1(part), 1962).

10.02.110 Loading.

"Loading" means the expeditious taking on or dis-charging passengers or loading or unloading merchandise from vehicles. (Ord. 446 § 1(part), 1962).

10.02.120 Motor vehicle.

"Motor vehicle" means every vehicle which is self-propelled. (Ord. 446 § 1(part), 1962).

10.02.130 Nighttime.

"Nighttime" means the time of day between thirty min-utes after sunset and thirty minutes before sunrise. (Ord. 446 § 1(part), 1962).

10.02.140 Officer.

"Officer" means a member of the police department of the city of Fairfield, a member of the Iowa State Safety Patrol, the sheriff of Jefferson County, or any other per-son authorized to direct traffic in this city. (Ord. 446 § 1(part), 1962).

10.02.150 Operator.

"Operator" means any person who is in actual control of a vehicle of any sort upon a highway within this city and any person parking or moving a vehicle whether remain-ing in such parked vehicle or not. (Ord. 446 § 1(part), 1962).

10.02.160 Owner.

"Owner" means any person who holds the legal title of a vehicle or one who has

the exclusive use thereof. (Ord. 446 § 1(part), 1962).

10.02.170 Parking.

"Parking" means the standing of a vehicle upon a highway whether occupied or not. (Ord. 446 § 1(part), 1962).

10.02.180 Person.

"Person" means every natural person, firm, copartner-ship, association or corporation. (Ord. 446 § 1(part), 1962).

10.02.190 Stop street.

"Stop street" means a highway designated by the city council and marked with an approved stop sign at which ve-hicles are required to stop before entering the intersec-tion. (Ord. 446 § 1(part), 1962).

10.02.195 Street.

"Street" means any highway, alley, avenue, boulevard or other roadway, square or public place open to public travel in this city. (Ord. 626-10-1 § 1, 1980: Ord. 446 § 1(part), 1962).

10.02.200 Summons.

"Summons" means a writing signed and issued by an of-ficer directing an appearance before the judge of the po-lice court or other magistrate at a specified time. (Ord. 446 § 1(part), 1962).

10.02.210 Traffic sign.

"Traffic sign" means any suitable, approved device used to advise the public of a traffic regulation. (Ord. 446 § 1(part), 1962).

10.02.220 Traffic signal.

"Traffic signal" means any device, whether manually or automatically operated, by which traffic is alternately directed to stop and proceed. (Ord. 446 § 1(part), 1962).

10.02.230 Vehicle.

"Vehicle" means every device or contrivance used, or capable of being used, as a means of transportation on land of persons, merchandise or other materials, except those used exclusively upon stationary rails or tracks. (Ord. 446 § 1(part), 1962).

Chapter 10.04

ENFORCEMENT

Sections:

- 10.04.010 Policy--Compliance required.
- 10.04.020 Penalty for violation or noncompliance.
- 10.04.030 Concealing identity prohibited.
- 10.04.040 Liability for violation.
- 10.04.050 Failure to obey summons.
- 10.04.060 Violation a misdemeanor.
- 10.04.070 Promise to appear in lieu of arrest.
- 10.04.080 Promise to appear in lieu of bail bond.
- 10.04.090 Unlawful use of motor vehicle.
- 10.04.100 Participation in violation.

- 10.04.010 Policy--Compliance required.

This title is adopted in the interest of public safety, convenience and welfare. Every person shall comply with, observe and obey, when applicable to him, all the provisions and requirements of this title and the regulations and orders of the chief of police adopted or issued in pursuance hereof. No person shall disobey, ignore or refuse to comply with any lawful order, signal or direction of a police officer made in the performance of his duty under the provisions of this title. (Ord. 446 § 2, 1962).

- 10.04.020 Penalty for violation or noncompliance.

Except as otherwise specifically provided by this code, as specified by the state of Iowa Uniform Schedule of Fines (scheduled violations), or as limited by Section 321.236

of the 1997 Code of Iowa concerning parking and overtime parking violations, any person who violates, or fails to comply with any provision of this title, or any regulation or order of the chief of police adopted or issued in pursuance hereof, shall, upon conviction be subject to a fine of at least fifty dollars, but not to exceed five hundred dollars, or to imprisonment in the Jefferson County jail for a period not to exceed thirty days.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 917 § 2, 1998).

10.04.030 Concealing identity prohibited.

No person shall conceal or attempt to conceal his identity, or falsely identify himself to any police officer, or to any other person entitled under the provisions of this title to be informed of his identity. (Ord. 446 § 30, 1962).

10.04.040 Liability for violation.

In any case of violation of any rule or regulation laid down or set out in this title in respect to a motor vehicle or other vehicle of any description, the operator of such vehicle shall be deemed to be the violator and to have committed the offense unless specifically set out otherwise in a section of this title. (Ord. 446 § 57, 1962).

10.04.050 Failure to obey summons.

Any person who fails, refuses or neglects to appear at the place and time as directed in a summons issued by any police officer, or other officer authorized to issue summons, shall be guilty of a violation of this title; and each day such person fails, refuses or neglects so to appear shall be a separate and distinct violation. (Ord. 446 § 58, 1962).

10.04.060 Violation a misdemeanor.

Any person violating any of the provisions of this title shall be guilty of a misdemeanor and subject to the penalties set out in Section 10.04.020. (Ord. 446 § 59, 1962).

10.04.070 Promise to appear in lieu of arrest.

An arresting officer may request a person accused of a violation of any of the provisions of this title to sign a promise to appear for hearing before a judge of the police court of this city, or other committing magistrate having jurisdiction of the violation, at a time and place set out in such promise, and, if the accused signs same and wilfully fails to appear as promised, he shall be guilty of a misdemeanor; and, if convicted thereof, he shall be punished as provided in Section 10.04.020. (Ord. 446 § 60, 1962).

10.04.080 Promise to appear in lieu of bail bond.

In lieu of bail, the judge of the court before whom the accused appears may release such accused person upon his written promise to appear in court for trial or further proceedings at the time and place designated by the judge; and the wilful failure of such person to appear as promised shall be a misdemeanor, and, upon conviction, shall be punished as provided in Section 10.04.020. (Ord. 446 § 61, 1962).

10.04.090 Unlawful use of motor vehicle.

The owner of a motor vehicle shall not knowingly permit same to be used in the violation of any of the provisions of this title. Any owner doing so shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 10.04.020. (Ord. 446 § 62, 1962).

10.04.100 Participation in violation.

No person shall participate in the violation of any of the provisions of this title with a motor vehicle while a passenger in such vehicle or otherwise. Any such participation shall be a misdemeanor, and, upon conviction, such person thus participating shall be punished as provided in Section 10.04.020. (Ord. 446 § 63, 1962).

Chapter 10.06

POLICE POWERS AND DUTIES

Sections:

10.06.010 Powers and duties of chief of police.

10.06.020 Emergency traffic control.

10.06.030 Accident investigations and reports.

10.06.010 Powers and duties of chief of police.

The chief of police shall enforce the provisions of this title and the regulations adopted by him hereunder. He shall direct and control both vehicular and pedestrian traffic, and may temporarily close any highway or portion of same or restrict the use thereof when required by public safety and convenience. In the control and direction of traffic, the chief of police may use officers, traffic signals, traffic signs, safety zones and any other device suitable for such purpose. (Ord. 446 § 4, 1962).

10.06.020 Emergency traffic control.

In case of fire, an emergency, a parade or other con-course of people, the chief of police may direct traffic in any way conditions of the time may require notwithstanding the provisions of any ordinance. (Ord. 446 § 5, 1962).

10.06.030 Accident investigations and reports.

In case of accident, the chief of police shall make, or cause to be made, a full investigation of such accident whenever the public interest requires; and shall keep, or cause to be kept, records embracing all pertinent accident information and shall make complete monthly reports, drawn from such records, to the city council. (Ord. 446 § 6, 1962).

Chapter 10.08

ACCIDENTS

Sections:

- 10.08.010 Assistance and identification at scene of accident.
- 10.08.020 Accident reports.
- 10.08.030 Striking unattended vehicle.
- 10.08.040 Damage to fixtures or other property.

10.08.010 Assistance and identification at scene of accident.

In case of an accident to persons or to property upon a highway in this city due to the operation of any vehicle, the persons involved shall stop and give such reasonable assistance as can be given, and shall identify themselves to the other parties to such accident by giving their names and addresses and showing their operator's licenses. If the operator of such vehicle is not the owner thereof, the operator shall in addition give the name and address of the owner of such vehicle. (Ord. 446 § 29, 1962).

10.08.020 Accident reports.

(a) Operator. The operator of a vehicle involved in an accident on a highway of this city resulting in injury or death to any person or causing a total property damage to an apparent extent of two hundred fifty dollars or more, shall give immediate notice and full written report thereof to the police department. If an operator of a vehicle involved in such accident is so incapacitated as to be unable to make such a report, it shall be the duty of each other occupant of such vehicle at the time of the accident to see that such a report is made expeditiously.

(b) Garage or Repair Shop. The person in charge of any garage or repair shop, to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet, shall report to the police department immediately after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner and operator of such vehicle. (Ord. 626-10-2 § 1, 1980; Ord. 446 § 31, 1962).

10.08.030 Striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which 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 and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. (Ord. 446 § 50, 1962).

10.08.040 Damage to fixtures or other property.

The driver or operator of any vehicle involved in an accident resulting only in damage to property legally upon or adjacent to a highway or any public place in this city shall make a reasonable effort to locate and notify the owner or person in charge of such property of such fact, and give such person his name and address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license; and, if such damage is to a traffic sign or signal, electric light post or light or other utility structure, such driver shall report such damage to the police headquarters of this city or to a police officer on duty. (Ord. 446 § 55, 1962).

Chapter 10.10

SPECIAL AND EMERGENCY PROVISIONS

Sections:

10.10.020 Regulations for emergency vehicles.

10.10.030 Funeral procession.

10.10.040 Tampering with vehicle.

10.10.050 School bus approach regulations.

10.10.060 Horses on highways.

10.10.020 Regulations for emergency vehicles.

(a) Due Regard for Safety. The operator of an emergency vehicle shall exercise his privileges carefully and drive his vehicle with due regard for the safety of all persons and vehicles using the highway.

(b) Stop Signals or Signs. The operator of an authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign, shall slow down as much as necessary for safety, but may proceed cautiously past

such red or stop sign or signal. At all other times, operators of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(c) Bona Fide Emergency. No operator of an authorized emergency vehicle shall assume any special privilege except when such vehicle is operated in response to an emergency call; or in the case of peace officers, when in immediate pursuit of an actual or suspected law violator.

(d) Following. No operator shall follow any emergency vehicle until the emergency vehicle is at least five hundred feet away or has stopped.

(e) Active Fire Apparatus. No vehicle other than one on official business shall be driven into or park within the block where fire apparatus has stopped in answer to a fire alarm.

(f) Crossing Fire Hose. No operator shall drive his vehicle over any fire hose or fire hose line without the consent of the fire department official in command. (Ord. 446 § 16, 1962).

10.10.030 Funeral procession.

All motor vehicles forming a funeral procession when going to any place of burial shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police patrol vehicles, at any street or highway intersection within this city, anything to the contrary in this title notwithstanding; provided, that each vehicle in such funeral procession shall have displayed on the front thereof a flag which shall be white in color, upon which shall be printed or stamped a purple cross or other suitable insignia, or shall have lighted head lamps. (Ord. 446 § 22, 1962).

10.10.040 Tampering with vehicle.

Any person who wilfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner within this city is guilty of a misdemeanor punishable as provided in Section 10.04.020. (Ord. 626-10-4 § 1, 1980: Ord. 446 § 47, 1962).

10.10.050 School bus approach regulations.

The driver or operator of any vehicle overtaking or meeting a school bus when stop-warning signals are flashing shall reduce the speed of such vehicle to not more than

twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop arm is extended, and the vehicle shall remain stopped at least fifteen feet from the school bus until the stop arm of the school bus is retracted. (Ord. 446 § 51, 1962).

10.10.060 Horses on highways.

No person shall lead or drive a horse or horses on any of the highways of this city paved with asphaltic surface when such horse or horses are shod with shoes on which there are mud lugs, ice spurs or other sharp cleats. Any person leading, riding or driving a horse or horses on a highway or in any other public place in this city shall observe and obey all traffic signs and signals and all other traffic regulations that are required by Chapters 10.02 through 10.28 for operation of vehicles. (Ord. 446 § 56, 1962).

Chapter 10.12

SIGNS AND SIGNALS

Sections:

10.12.010 Tampering prohibited--Facsimiles prohibited.

10.12.020 Traffic signal lights.

10.12.010 Tampering prohibited--Facsimiles prohibited.

No person shall wilfully move or alter any traffic sign or traffic signal or limit line established by the police chief or by authority of the provisions of Chapters 10.02 through 10.28; and no person shall establish or maintain a traffic sign or signal or limit line except as herein provided, nor any other sign or device that may be mistaken for a regularly established traffic sign or signal. (Ord. 446 § 7, 1962).

10.12.020 Traffic signal lights.

(1) For the purposes of this section "stop at the official traffic control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

(2) Official traffic control systems consisting of colored lights or color lighted arrows shall regulate vehicle or pedestrian traffic in the manner:

(a) A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic, or a left turn from a one-way street to a one-way street from the left lane of traffic on to a one-way street on to the left most lane of traffic on a one-way street. Turns made under this paragraph shall be made in the manner that does not interfere with other vehicular or pedestrian traffic law using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

(b) A "steady circular yellow" light means vehicular traffic is warned that a related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right-of-way to all vehicles.

(c) A "steady circular green" light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection.

(d) A "steady green arrow" light shown alone or with another official control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

(e) A "flashing circular red" light means vehicular traffic shall stop and after stopping, may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard but then may proceed.

(f) A "flashing yellow" light means vehicular traffic shall proceed through the intersection or pass such signal with caution.

(g) A "don't walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction

of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

(h) A "walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles. (Ord. 805 § 2, 1990).

Chapter 10.13

PEDESTRIAN CROSSWALKS

Sections:

- 10.13.010 Definitions.
- 10.13.020 Official traffic-control signal.
- 10.13.030 Pedestrian right-of-way.
- 10.13.040 Crossing at other than a crosswalk.
- 10.13.050 Duty of driver--Pedestrian crossing or working on roadways.
- 10.13.060 Pedestrians subject to signals.
- 10.13.070 Established marked pedestrian crosswalks.
- 10.13.080 Penalty.

10.13.010 Definitions.

Wherever used in this chapter the following words and phrases shall have or include the meaning set forth in this section:

(a) "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 as a pedestrian crossing by lines or other markings on the roadway surface or by signs.

(b) "Pedestrian" means any person afoot.

(Ord. 736 § 1, 1986).

10.13.020 Official traffic-control signal.

A. "Walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles. (Ord. 736 § 2, 1986).

10.13.030 Pedestrian 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 cross-walk or within any unmarked crosswalk at an intersection. (Ord. 736 § 3, 1986).

10.13.040 Crossing at other than a crosswalk.

Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at an in-tersection shall yield the right-of-way to all vehicles upon the roadway. (Ord. 736 § 4, 1986).

10.13.050 Duty of driver--Pedestrian crossing or working on roadways.

(a) Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any road-way and shall give warning by sounding the horn when nec-essary and shall exercise due care upon observing any child or any confused or incapacitated person upon a road-way.

(b) Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a roadway whenever the driver is no-tified of the presence of such workers by a flagman or a warning sign. (Ord. 736 § 5, 1986).

10.13.060 Pedestrians subject to signals.

Pedestrians shall be subject to traffic-control sig-nals at intersections, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. (Ord. 736 § 6, 1986).

10.13.070 Established marked pedestrian crosswalks.

The pedestrian crosswalks herein set forth are designated and established as marked pedestrian crosswalks and all traffic on all intersecting streets shall be required to stop or yield to pedestrians in the crosswalks. In addition the street superintendent is directed to install the proper signing and markings and maintain such signing and markings for the pedestrian crosswalks:

- (1) On the north side of the intersection of North 4th Street with a point known as "Carter Drive";
- (2) On the north and east sides of the intersection of North 4th Street and Stone Avenue;
- (3) On the west side of the intersection of West Stone Avenue and North 5th Street;
- (4) On the north side of the intersection of West Stone Avenue and North 9th Street;
- (5) On the west side of the intersection of West Kirkwood Avenue and North 5th Street;
- (6) On the north, east and west sides of the intersection of West Fillmore Avenue and South 5th Street;
- (7) On the north and east sides of the intersection of South 6th Street and West Polk Avenue;
- (8) On the south side of the intersection of South Main Street and Fillmore Avenue;
- (9) On the north and west sides of the intersection of South Main Street and Madison Avenue;
- (10) On the north, east and south sides of the intersection of West Burlington Avenue and "D" Street;
- (11) On the west and south sides of the intersection of Burlington Avenue and Main Street;
- (12) On the east and south sides of the intersection of East Burlington Avenue and Court Street;
- (13) On Main Street in the middle of the block between Burlington Avenue and Broadway Avenue;
- (14) On Broadway Avenue in the middle of the block between Main Street and Court Street;

(15) On Court Street in the middle of the block between Burlington Avenue and Broadway Avenue;

(16) On Burlington Avenue in the middle of the block between Main Street and Court Streets;

(17) On the north and west sides of the intersection of Broadway Avenue and Main Street;

(18) On the north and east sides of the intersection of Broadway Avenue and Court Street;

(19) On the north, south, east and west sides of the intersection of North Main Street and Briggs Avenue;

(20) On the north, south, east and west sides of the intersection of North Court Street and Briggs Avenue;

(21) On the north, south and west sides of the intersection of Second Street and Broadway Avenue;

(22) On the north, south, east and west sides of the intersection of Burlington Avenue and Second Street;

(23) On the north, south, east and west sides of the intersection of West Burlington Avenue and 4th Street;

(24) On the north, south, east and west sides of the intersection of West Burlington Avenue and 6th Street;

(25) On the north, south, east and west sides of the intersection of West Burlington Avenue and 9th Street;

(26) On the south side of the intersection of Hill-side Drive and East Madison Avenue;

(27) On the south side of the intersection of Bel Aire Drive and East Madison Avenue;

(28) On the north, south, east and west sides of the intersection of South 4th Street and West Madison Avenue;

(29) On the west and south sides of the intersection of North 4th Street and West Merrill Avenue;

(30) On the north, south, east and west sides of the intersection of South 7th Street and West Fillmore Avenue;

(31) On the north, south, east and west sides of the intersection of South "D"

Street and East Madison Avenue;

(32) On the north side of the intersection of North 4th Street and Carpenter Avenue;

(33) On the west side of the intersection of Merrill Avenue with a point known as "Carter Drive";

(34) On Dogwood Drive at a point approximately two hundred fifty-four feet from the south line of the inter-section of Dogwood Drive and Lindenwood Court;

(35) On East Broadway Avenue at a point approximately three hundred seventy-three point five feet west of the west line of the intersection of Maple Street and West Broadway Avenue;

(36) On the east side of the intersection of North Second Street and West Merrill Avenue;

(37) On the south side of the intersection of North 4th Street and Carter Drive;

(38) On Glasgow Road, at the stop sign on Glasgow Road directly south of Burlington Street (Highway 34) and north and east of the Little League Ball Complex, for the period July 20, 2005, to July 30, 2005, as agreed between the city of Fairfield and the Iowa Department of Transportation;

(39) On Burlington Street (Highway 34) east of the intersection with Glasgow Road and directly North of the structure referenced as the Fairfield Lien Outlet Shop building, for the period July 20, 2005, to July 30, 2005, as agreed between the city of Fairfield and the Iowa Department of Transportation;

(40) On the south side of the intersection of Adams Avenue and Main Street. (Ord. 1036 § 1, 2008; Ord. 1007 § 2, 2005; Ord. 985 § 1, 2003; Ord. 910 § 1, 1997; Ord. 895 § 1, 1996; Ord. 875 § 1, 1995; Ord. 840 § 1, 1993; Ord. 739 § 1, 1987; Ord. 736 § 7, 1986).

10.13.080 Penalty.

Anyone who violates any of the provisions of this chapter shall be subject, upon conviction, to imprisonment not exceeding thirty days, or a fine of at least fifty dollars, but not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as

may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001: Ord. 736 § 8, 1986).

Chapter 10.14

OPERATING RULES*

Sections:

- 10.14.010 Overtaking and passing.
- 10.14.020 Passing vehicle.
- 10.14.030 Vehicle being passed.
- 10.14.040 Passing on right.
- 10.14.050 Driving on right.
- 10.14.060 Slow-moving vehicles.
- 10.14.070 Turning.
- 10.14.080 Operating on a one-way street.
- 10.14.090 Traffic-control lanes not prohibited.
- 10.14.100 Starting and stopping.
- 10.14.110 Obstructing street prohibited.
- 10.14.120 Heeding warning signals.
- 10.14.130 Right-of-way--Emerging onto street.
- 10.14.140 Right-of-way--Intersecting paths.
- 10.14.150 Right-of-way--Turning left at intersection.
- 10.14.160 Right-of-way--Turning left at other than intersection.
- 10.14.170 Right-of-way--Entering through street.
- 10.14.180 Vehicles entering stop or yield intersection.
- 10.14.190 Right-of-way--Approaching emergency vehicle.
- 10.14.200 Right-of-way--Crosswalks.
- 10.14.210 Backing.

- 10.14.220 Speed restriction.

10.14.230 Obstructive objects on vehicle prohibited.

10.14.240 Reckless driving.

* Prior history: Ord. 446 §§ 10--15, 21 and 27.

10.14.010 Overtaking and passing.

Operators of vehicles shall obey the rules set forth in this chapter when operating on a two-way street. (Ord. 626-10-6 § 1(part), 1980).

10.14.020 Passing vehicle.

The pass shall be made to the left of such vehicle; however, when the preceding or overtaken vehicle is making, or is about to make, a left-hand turn, the pass shall be made to the right. No vehicle shall be driven to the left side of the center of the street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of on-coming traffic for a sufficient distance ahead to permit such overtaking, passing, and return to the right-hand side of the street to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or of other overtaken vehicles. (Ord. 626-10-6 § 1(a), 1980).

10.14.030 Vehicle being passed.

Upon a signal by the operator of a faster moving vehicle approaching from the rear, the operator of a slower moving vehicle shall cause such vehicle to be driven in such manner as to permit the faster moving vehicle to pass and shall not increase the speed of such slower moving vehicle until the faster moving vehicle has passed and is back in the right-hand driving lane ahead. (Ord. 626-10-6 § 1(b), 1980).

10.14.040 Passing on right.

Upon meeting vehicles approaching from the opposite direction, operators shall pass on the right. (Ord. 626-10-6 § 1(c), 1980).

10.14.050 Driving on right.

Operators shall drive upon the right-hand half of the street unless it is impracticable to do so, and except when overtaking and passing a slower moving vehicle or an

obstruction. (Ord. 626-10-6 § 1(d), 1980).

10.14.060 Slow-moving vehicles.

When operating slow-moving vehicles, they shall be operated as near to the right-hand curb as practicable. (Ord. 626-10-6 § 1(e), 1980).

10.14.070 Turning.

(a) Right Turn Approach. When operating on a two-way street, both the approach for a right turn and the turn shall be made as near as practicable to the right-hand curb or edge of the street.

(b) Left Turn Approach. When operating on a two-way street, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof, and after entering the intersection, if the intersecting street is a two-way street, the left turn shall be made so as to depart from the intersection to the right of the centerline of the street being entered. If the street being entered is a one-way street, the left turn shall be made as near the left curb as practicable so as to enter the intersecting street in the left traffic lane.

(c) Turning at Red Light. A right-hand turn may be made against a red light stop signal after the vehicle has come to a complete stop unless a posted sign indicates such a turn may not be made. Before entering the intersection, cross traffic from the left shall be permitted to clear the intersection and pedestrians shall be permitted to clear the portions of crosswalks over which the vehicle will pass. No right-hand turn on red shall be permitted at the intersection of Twelfth Street and Burlington Street, and no right-hand turn on red shall be permitted at the intersection of Ninth and Burlington Street, as follows: on the south side of the intersection of Burlington and Twelfth Street, no right turn on red shall be made by traffic northbound on twelfth proceeding to travel eastbound on Burlington; and at ninth and Burlington no right turn on red shall be made by traffic eastbound on Burlington proceeding to travel southbound on Ninth Street and no right turn on red shall be made by traffic westbound on Burlington proceeding to travel northbound on Ninth Street.

(d) Turning Safety. No operator shall turn a vehicle from its direct forward course or lane unless and until such movement can be made with safety.

(e) Turn Signals. A signal of intention to turn shall be given continuously during

not less than the last one hundred feet traveled by the vehicle before making the turn. Such a signal may be given by any mechanical device approved by the state of Iowa for that purpose, and shall be given to indicate the direction the turn is to make. Hand signals may be used, and when used, a left-hand turn shall be indicated by extending the left hand and arm horizontally outside the left side of the vehicle, and a right-hand turn shall be indicated by extending the hand and arm outside of the vehicle in an upward direction.

(f) U-Turns.

(1) No U-turns shall be made at any point on the streets of this city except at street intersections where there are no traffic signs, signals or devices requiring a vehicle approaching such intersection from any direction to stop or yield to other traffic. This shall not include alleys as streets.

(2) U-turns shall include a forward crossing of the centerline of any two-way streets, to park on the opposite side of the street, or, a backing across the centerline to the opposite side of the street, to then proceed in the traffic flow of the opposite side from which the vehicle was parked or proceeding.

(g) Avoiding Traffic Signs. No operator shall avoid or attempt to avoid obedience to any rule regarding a turn of any kind at any intersection by driving upon or through any abutting property, such as a service station or a vacant lot. (Ord. 1009 § 2, 2005; Ord. 818 § 2, 1991; Ord. 667 § 1, 1984; Ord. 626-10-6 § 1(f), 1980).

10.14.080 Operating on a one-way street.

When operating on a one-way street, vehicular operators shall observe all traffic signs, whether posted on the side of the street or painted on the roadway. No vehicle shall be operated in a direction other than that indicated by posted signs. A left turn approach and a left turn from a one-way street which intersects with a street which is either a two-way street or a one-way street on which the traffic is required to move to the operator's left, shall be made from the left lane of traffic. If the left turn is made at an intersection with a two-way street, 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 street being entered. If the left turn is made at an intersection with a one-way street, the turn shall be completed so that the vehicle enters the intersecting street in the left traffic lane. A right turn approach and a right turn shall be made from the right traffic lane on a one-way

street and the turn shall be completed so as to enter the intersecting street in the right traffic lane. On a one-way street with three traffic-control lanes marked on the street, no turns shall be made from the center lane unless signs painted on the paving indicate otherwise. (Ord. 626-10-6 § 1(2), 1980).

10.14.090 Traffic-control lanes not prohibited.

The provisions of Sections 10.14.020 through 10.14.050 shall not prohibit the marking of lanes for traffic upon any street or the allocation of designated lanes of traffic moving in a particular direction or at designated speeds. (Ord. 626-10-6 § 1(3), 1980).

10.14.100 Starting and stopping.

No operator shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal by means of a device approved by the state of Iowa or by extending the left hand and arm downward from the outside left side of the vehicle to the driver of any vehicle approaching immediately to the rear when there is an opportunity to give such signal. The operator of a standing vehicle which is about to start shall give a signal indicating his intention and shall give moving vehicles the right-of-way, and no operator shall start a vehicle which is stopped, standing, or parked unless and until the movement can be made with reasonable safety. (Ord. 626-10-6 § 1(4), 1980).

10.14.110 Obstructing street prohibited.

No person, except a peace officer or one acting under his direction, shall blockade or obstruct any street in this city or in any way interfere with the free flow of traffic thereon, nor shall any person plan, direct, or encourage any other person to do so. Should a vehicle become stalled or disabled on a street of this city, the operator or owner shall remove it, or have it removed, as expeditiously as possible. (Ord. 626-10-6 § 1(5), 1980).

10.14.120 Heeding warning signals.

The operator of a vehicle to whom a warning signal has been given by another operator shall bring and maintain his vehicle under such control so as to be able to avoid a collision which otherwise might result from a misunderstanding of such signal, and shall in all cases heed such warning signals that have been given. (Ord. 626-10-6 § 1(6),

1980).

10.14.130 Right-of-way--Emerging onto street.

The operator of a vehicle emerging from an alley, driveway, building, or private roadway shall stop such vehicle immediately before driving onto the sidewalk area, and thereafter he shall proceed into the sidewalk area only when he can do so without danger to pedestrians, and he shall yield the right-of-way to any vehicular traffic on the street into which his vehicle is entering. (Ord. 626-10-6 § 1(7)(a), 1980).

10.14.140 Right-of-way--Intersecting paths.

Where two vehicles are approaching each other at any place in this city so that their paths will intersect and there is danger of a collision and there are no traffic signs or signals posted which control the movement of either vehicle, the vehicle approaching from the left shall yield the right-of-way to the other. (Ord. 626-10-6 § 1(7)(b), 1980).

10.14.150 Right-of-way--Turning left at intersection.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but when the operator has so yielded and has given a signal as required by this chapter, he may make such left turn and the operators of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the turning vehicle. (Ord. 626-10-6 § 1(7)(c), 1980).

10.14.160 Right-of-way--Turning left at other than intersection.

The driver of a vehicle which has slowed or stopped with the intention of turning into an alley, driveway, or other private roadway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard. (Ord. 626-10-6 § 1(7)(d), 1980).

10.14.170 Right-of-way--Entering through street.

The operator of a vehicle shall stop, as required by posted signs, at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the

intersection from such through street or which are approaching so closely on the through street as to constitute a hazard, but the driver having so yielded may proceed cautiously and with due care enter the through street. (Ord. 626-10-6 § 1(7)(e), 1980).

10.14.180 Vehicles entering stop or yield intersection.

(1) 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 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.

(2) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing condition 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 intersection 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. (Ord. 806 § 2, 1990).

10.14.190 Right-of-way--Approaching emergency vehicle.

Upon the immediate approach of an authorized emergency vehicle, when the operator thereof is giving audible signal by any device, the operator of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as near as possible to the right-hand edge of the street. (Ord. 626-10-6 § 1(7)(g), 1980).

10.14.200 Right-of-way--Crosswalks.

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 even stopping, if need be to so yield, to a pedestrian crossing the street within any marked crosswalk or within any unmarked

crosswalk at an intersection. (Ord. 626-10-6 § 1(7)(h), 1980).

10.14.210 Backing.

(a) Safety Precaution. No operator shall back a vehicle on a street in this city unless he first ascertains that it can be done safely.

(b) Warning Signals. No vehicle shall be backed without first giving a warning signal to pedestrians and approaching vehicles.

(c) Distance Limitation. No vehicle shall be backed a distance of more than sixty feet on any street of this city.

(d) Backing Around Corner. No vehicle shall be backed around a corner at an intersection of highways unless preceded by an observer to direct the movement safely. (Ord. 626-10-6 § 1(8), 1980).

10.14.220 Speed restriction.

Any person driving a motor vehicle on a street of this city shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using the street will observe the law. A person operating a motor vehicle shall have the same under control at all times. He shall reduce the speed of his vehicle to a reasonable and proper rate:

(1) When approaching and passing a person walking in the traveled portion of the street;

(2) When approaching and passing an animal which is being led, ridden, or driven upon a public street;

(3) When approaching and passing a fusee, flares, red reflector electric lanterns, red reflectors, or red flags, or an emergency vehicle displaying a revolving or flashing light;

(4) When approaching and passing a person riding a bicycle on the traveled portion of the street;

(5) When approaching and passing a slow-moving vehicle displaying a reflective device as provided by the laws of the state of Iowa. (Ord. 626-10-9 § 1, 1980).

10.14.230 Obstructive objects on vehicle prohibited.

No person shall operate a vehicle, on the highways of this city, upon which any object or objects are so placed as to interfere with the vision of the operator or otherwise impair his safe and careful operation of the vehicle. (Ord. 446 § 24, 1962).

10.14.240 Reckless driving.

No person shall drive any vehicle in such a manner as to indicate a willful or wanton disregard for the safety of persons or property. Any person who drives a vehicle in such a manner shall be guilty of reckless driving. The minimum fine for reckless driving shall be twenty-five dollars. (Ord. 446 § 26, 1962).

Chapter 10.16

PASSENGERS

Sections:

10.16.010 Seat occupancy restriction.

10.16.020 Sitting in lap.

10.16.030 One-arm driving.

10.16.040 Confinement to interior of vehicle.

10.16.050 Climbing or hitching prohibited.

10.16.060 Interference with operator prohibited.

10.16.010 Seat occupancy restriction.

No operator shall drive a motor vehicle with more than two persons on the seat with him. (Ord. 446 § 17, 1962).

10.16.020 Sitting in lap.

No operator shall have in his lap any other person, adult or minor, nor shall he be seated in the lap of any person, while the vehicle is in motion. (Ord. 446 § 19, 1962).

10.16.030 One-arm driving.

No operator shall have either arm around another person nor shall another person have either arm around the operator while the vehicle is in motion. (Ord. 446 § 20, 1962).

10.16.040 Confinement to interior of vehicle.

No person shall ride or shall operate any motor vehicle in this city unless all major parts of such person's body are entirely within the portion of the vehicle designated for the carrying of passengers or merchandise; provided, however, that this section does not apply to any person whose employment makes riding otherwise necessary. (Ord. 446 § 23, 1962).

10.16.050 Climbing or hitching prohibited.

No person shall climb or hitch onto any moving vehicle with or without the operator's consent, and no operator shall knowingly permit such action. (Ord. 446 § 25, 1962).

10.16.060 Interference with operator prohibited.

No person shall interfere with the operator of a vehicle which such vehicle is moving on the streets of this city so as to impair the driver's safe and careful operation of the vehicle. (Ord. 446 § 28, 1962).

Chapter 10.17

NOISE AND FUME PREVENTION

Sections:

10.17.010 Purpose.

10.17.020 Definitions.

10.17.030 Nuisance.

10.17.035 Prohibited operation.

- 10.17.040 Exhaust system and muffler.
- 10.17.050 Repair.
- 10.17.060 Tires.
- 10.17.070 Exemptions.
- 10.17.080 Penalties and enforcement.

10.17.010 Purpose.

The purpose of this chapter is to regulate the operation of motor vehicles in this city, in order to prevent excessive noise or excessive fumes occasioned by the operation of motor vehicles within this city, and to require motor vehicles operated in this city, to have proper equipment, designed to prevent excessive noise created by the operation of said motor vehicles and to declare the creating of excessive noise by the operation of motor vehicles in this city to be a nuisance. (Ord. 530 § 1, 1969).

10.17.020 Definitions.

For the purposes of this chapter, the following definitions will apply:

- (1) "Baffles" or "baffle tubes" means those internal parts of a muffler of a nonporous rigid material which impedes the flow of exhaust from the point of entry of a muffler to the rearmost point of the muffler.
- (2) "Cutout" or "dumps" or "take pipes" means a cylindrical tube or tubes or enclosed conveyance or conveyances which are designed to eliminate any portion of an exhaust system which is deemed to include an exhaust pipe muffler and tail pipe but not limited thereto, said device being either fully, partially or intermittently operational.
- (3) "Engine block" means that single part of an internal combustion engine to which an exhaust manifold, as that term is normally used, would be attached.
- (4) "Excessive noise" means a sound which is loud, raucous, irritating, annoying and unreasonable and which exceeds the usual normal appropriate and regular sounds.
- (5) "Extensions" means any flared bell shaped or bellows shaped device which is attached, affixed or welded to the rearmost point of a tail pipe.
- (6) "Exhaust" means those gases, fumes, chemical and/or physical parts which are the result of an operation of the ignition stroke of an internal combustion engine.
- (7) "Exhaust pipe" means that part of the means of enclosed conveyance designed to carry from the lower extremity of an exhaust manifold to the entry point of a

muffler.

(8) "Exhaust system" means all parts of a motor vehicle through which the exhaust passes after leaving the engine block.

(9) "Glasspacks" or "glaspacks" or "fiberglass packed mufflers" means those mufflers whose muffling or baffling function is comprised in whole or in part of fiberglass, spun glass, steel wool or any nonrigid porous, readily malleable material.

(10) "Headers" mean the result of an alteration of an exhaust manifold of an internal combustion engine of seven cylinders or less that cause two or more means of exit of exhaust.

(11) "Motor vehicle" means every vehicle which is propelled by an internal combustion engine riding on one or more round wheels, designed to be capable of operating on any street, alley, right-of-way or public access within the city.

(12) "Muffler" means a device consisting of a series of baffle plates or chambers or perforated tube or tubes with spun glass, spun steel, steel wool or other type of sandwich packing or other mechanical design or construction for the purpose of receiving exhaust and/or exhaust gases and effectively reducing exhaust noise from the motor of a motor vehicle.

(13) "Smoke" means any emission of fumes or exhaust which can be readily observed by an individual of normal eyesight or corrected normal eyesight during the hours of daylight.

(14) "Snuff-er-nots" or "Snuff-nuts" mean a device consisting of a circular, oblong, rectangular, square flat metal part which is affixed at any point in the exhaust system for the purpose of impeding exhaust or decreasing noise; it being affixed at one or more points in a round pipe or cylindrical pipe which allows it to swivel or be swiveled or be set in a fixed position.

(15) "Straight pipes" mean any exhaust system which excludes any one or more of the following: exhaust pipe, muffler, baffler or baffle tube or tail pipe.

(16) "Tailpipe" or "tail pipe" means a pipe or tubing or other cylindrical enclosed device to convey exhaust from the rearmost point of a muffler to a point behind the rearmost wheel and to the outer edge of the motor vehicle. (Ord. 530 § 2, 1969).

10.17.030 Nuisance.

The operation of a motor vehicle within the corporate limits of this city, which

creates excessive noise or creates fumes by reason of not having an exhaust system or muffler as specified in this chapter or having devices specifically prohibited by this chapter is a nuisance. The operation of a motor vehicle in a manner that causes the tires of the motor vehicle to emit excessive noise is a nuisance. (Ord. 530 § 3, 1969).

10.17.035 Prohibited operation.

Devices within a motor vehicle capable of causing such nuisance by operation at an excessive level would be radios, tape players, cassette players, compact disc players, digital sound transmitters, loud speakers, or amplifiers. This would specifically relate to the following:

(1) Sound systems that are operated so loudly that they can be heard outside the vehicle when the vehicle is fully closed (windows up); or

(2) Sound systems that are operated so loudly that they can be heard at a distance of more than twenty-five feet from the vehicle (regardless of open or closed status of vehicle). (Ord. 953 § 1, 2001).

10.17.040 Exhaust system and muffler.

No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle on a street, roadway, alley or highway within this city, unless such motor vehicle meets the following standards:

(1) Any motor vehicle operated in this city shall be equipped with an exhaust system in good working order and in constant operation to prevent excessive noise or annoying or prohibited fumes or smoke. Any exhaust system shall be deemed defective and prohibited by this chapter if any changes, modifications, alterations, deletions, adjustments or deteriorations have been made or permitted which would, as a result of such changes, modifications, alterations, deletions, adjustments or deteriorations, cause such exhaust system to generate a higher or louder sound level which is excessive noise, than was generated by the system prior to the change, modification, alteration, deletion, adjustment or deterioration.

(2) No motor vehicle shall be operated in this city, which is equipped with an exhaust system which has a cut-out, lake pipes or dump, snuff-er-nuts (snuff-nuts), straight pipes or extensions.

(3) No motor vehicle shall be operated in this city, which is equipped with

headers which create excessive noise.

(4) No person shall operate a motor vehicle in this city unless the motor vehicle has in its exhaust system a muffler.

(5) No motor vehicle shall be operated in this city, equipped with a muffler from which the baffler plates, baffle tubes, screens, packing, lining, or other original internal or external parts have been removed and have not been replaced.

(6) No motor vehicle shall be operated in this city, equipped with an exhaust system which, upon acceleration or deceleration, with or without the drive chain engaged, of the speed of the motor vehicle, emits or produces a popping or crackling sound or creates excessive noise.

(7) No motor vehicle shall be operated in this city unless the vehicle is equipped with a tail pipe as defined in this chapter. This subsection shall not be deemed to apply to semimotor trucks and tandem trucks.

(8) No motor vehicle shall be operated in this city, equipped with an exhaust system which consists, in whole or in part, of any moveable, nonrigid fibrous or metal outer coverings.

(9) No motor vehicle shall be operated in this city, equipped with an exhaust system which has installed in the system, any device designed to ignite exhaust gases so as to produce flame within or without the exhaust system.

(10) No motor vehicle shall be operated in this city, by any person in any manner or by any method whereby the operation of the motor vehicle will create or cause the motor vehicle or any of its component parts to create excessive noise. (Ord. 530 § 4, 1969).

10.17.050 Repair.

Any exhaust system or muffler which does not meet the requirements enumerated in this chapter shall be repaired or replaced to restore the exhaust system or muffler to meet the requirements of this chapter within five days of the date of discovery of the defect. Failure to replace or restore the exhaust system or muffler to meet the requirements of this chapter within the five-day period shall constitute a separate violation of this chapter. (Ord. 530 § 5, 1969).

10.17.060 Tires.

No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle in such a manner or by such a method as to cause the tires of the motor vehicle to make any loud, raucous, squealing, screeching noise or other sounds caused by excessive acceleration from a stopped position or while a vehicle is in motion, or by deceleration while a vehicle is in motion. This section shall not apply to any noises or sounds caused by the tires of motor vehicles when the vehicle is engaged in an emergency situation where it is necessary to accelerate or stop the vehicle immediately or suddenly in order to avoid contact with another motor vehicle or with a pedestrian, as long as the emergency situation is not that of the owner's making. (Ord. 530 § 6, 1969).

10.17.070 Exemptions.

This chapter shall not apply to authorized police, fire and emergency vehicles and special mobile equipment, licensed and authorized by the state of Iowa as such special mobile equipment. (Ord. 530 § 7, 1969).

10.17.080 Penalties and enforcement.

Any person, firm or corporation who violates the prohibitions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one dollar nor more than one hundred dollars, and court costs in all cases, or be imprisoned for from one to thirty days; provided, however, that each offense or violation of this chapter shall be deemed a separate and distinct offense. (Ord. 530 § 8, 1969).

Chapter 10.18

EQUIPMENT REQUIREMENTS AND USAGE

Sections:

- 10.18.010 License plates.
- 10.18.020 Brakes.
- 10.18.030 Control of vehicle.

- 10.18.040 Horn required--Emergency warning devices restricted.
- 10.18.050 Mirrors.
- 10.18.070 Windshield.
- 10.18.080 Lights.
- 10.18.090 Safety belts and safety harnesses.
- 10.18.100 Luminous transmittance.

10.18.010 License plates.

No person shall operate a motor vehicle on any high-way or street in this city, except farm tractors and other vehicles exempt from such requirement by the state of Iowa, unless there is displayed on such vehicle a license plate or plates, as prescribed by the state of Iowa, indicating the taxes assessed against such vehicle have been paid. The license plate or plates shall bear the license number assigned to the vehicle and shall be displayed in a position on such vehicle so that the numbers are readily visible, and they shall be maintained free from mud and other obscuring matter. (Ord. 446 § 18, 1962).

10.18.020 Brakes.

An operator of a motor vehicle on the highways of this city shall have his vehicle equipped with brakes, adjusted to apply braking pressure as equally as practicable on wheels on each side of the vehicle, and adequate to control and stop such vehicle within the clear distance ahead. (Ord. 446 § 32(part), 1962).

10.18.030 Control of vehicle.

An operator shall have his vehicle under control at all times while using the highways of this city. (Ord. 446 § 32(part), 1962).

10.18.040 Horn required--Emergency warning devices restricted.

Every motor vehicle when operated on the highways of this city shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions for a distance of not less than two hundred feet; however, no horn or other warning device shall emit an un-reasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to assure safe operation of his vehicle, give audible warning with his horn, but shall not otherwise use such horn when

upon a highway. No vehicle shall be equipped with, nor shall any person use upon a vehicle a siren, whistle or bell, except emergency vehicles specifically authorized by statute or ordinance to have such devices. Loud signaling devices shall not be used during the nighttime. (Ord. 446 § 33, 1962).

10.18.050 Mirrors.

Every motor vehicle operated upon the highways of this city shall be equipped with a mirror so located as to reflect to the operator thereof a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. (Ord. 446 § 34, 1962).

10.18.070 Windshield.

The windshield of every motor vehicle operated upon the highways of this city shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled by the driver from within the vehicle. No person shall drive or operate a motor vehicle upon the highways of this city equipped with a windshield which does not permit clear vision, or with any sign, poster or other nontransparent material upon the windshield of such vehicle other than a certificate or other paper required by law to be so displayed, which shall be placed in the upper right hand corner of the windshield. (Ord. 446 § 36, 1962).

10.18.080 Lights.

All motor vehicles operated on the highways of this city shall be equipped with lights as follows:

(1) All lights required by this section must be lighted while the vehicle is upon the traveled portion of a highway during the nighttime and at such other times there is insufficient light to render clearly discernible a person on the highway at a distance of five hundred feet ahead.

(2) Whenever lights are required by this section to be visible or to reveal objects a certain distance ahead, it shall be deemed to mean under normal atmospheric conditions.

(3) Every motor vehicle shall be equipped with at least two headlamps at the front of and on opposite sides of the vehicle, projecting a white driving light sufficient to render clearly discernible a person two hundred feet ahead, but which shall not project a

glaring or daz-zling light to any approaching operator.

(4) The headlights shall be deflected when the highway is sufficiently lighted to reveal a person on the highway a distance of two hundred feet ahead of the vehicle, and within a reasonable distance when approaching another vehicle traveling in the opposite direction.

(5) Every motor vehicle and every vehicle which is being towed or drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp exhibiting a red light visible for a distance of five hundred feet to the rear, and either it or some other light shall be constructed and placed so as to illuminate, with a white light, the rear license plate and render it clearly legible from a distance of fifty feet to the rear, without exposing the white light in such a way as to be visible to the operator of a following vehicle.

(6) Every motor truck, every trailer or semitrailer, and every combination of motor truck and trailer shall be equipped with such clearance and identification lights as are specified in Section 321.392 of the 1962 Code of Iowa.

(7) Every motorcycle must comply with all the requirements of this section, with the exception that they may be equipped with only one head lamp or light.

(8) All other lights on vehicles, except those required or allowed by state law, are prohibited; except commercial vehicles for hire may use additional lights for advertising purposes, provided the use of the same does not interfere with traffic or prove a menace to safety. (Ord. 446 § 37, 1962).

10.18.090 Safety belts and safety harnesses.

(a) Safety Belt and Safety Harness Use Required. The driver and front seat occupants of a type of motor vehicle which is subject to registration in Iowa, 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 except that a child under six years of age shall be secured as required in this chapter.

(b) Exceptions. The safety belt and safety harness requirement does not apply to:

(1) The driver and front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses under rules adopted by the Iowa Department of Transportation;

(2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops;

(3) The driver of motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office;

(4) Passengers on a bus;

(5) A person possessing a written certification from a physician on a form provided by the Iowa Department of Transportation that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued;

(6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

(c) Persons Charged. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment in this section.

(d) Seat Belt Use in City Vehicles. No person shall operate a city vehicle or ride in a city vehicle without fastening the seat belt provided in the vehicle and keeping such belt fastened. No person shall permit a minor child of any age to ride in a city vehicle without having the seat belt provided for such child fastened and making sure it remains fastened. Fastening of a seat belt is not required of a person who is in a seat that is intended for passenger use but has no seat belt, such as a bus seat. In addition to the other penalty provided for herein or by other law for failure to use a seat belt, any city employee violating any provision of this section shall be subject to disciplinary action.

(e) Penalty. The penalty for violation of this section shall be such as in keeping with that prescribed by the laws of the state of Iowa. (Ord. 847 §§ 1--5, 1993).

10.18.100 Luminous transmittance.

(a) Front Windshield, Windows or Sidewings. Pursuant to Iowa Code § 321.438(2) and Iowa Administrative Code 761-450.7, a person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the

immediate right or left of the driver (front side window) or a sidewing forward of and to the left or right of the driver (front sidewing) which is excessively dark or reflective.

(b) Standard of Transparency. "Excessively dark or reflective" means that the windshield, front side window or front sidewing does not meet the minimum standard of trans-parency established in 49 C.F.R. 571.205 (ANS Z-26.1-1977 and Z26.1a-1980) adopted in Rule 450.1(321). Briefly, the federal regulation established a minimum standard of trans-parency requiring seventy percent light transmittance.

(c) Dark Window Exemption.

(1) A person suffering from a severe light sen-sitive condition may be exempt from the standard of trans-parency if the need is documented by a physician. The ex-emption does not apply to a commercial vehicle.

(2) A passenger or operator of a motor vehicle who for medical reasons requires a front windshield, a front side window or a front side wing with less than sev-enty percent but not less than thirty-five percent light transmittance may obtain a form to be signed by the per-son's physician. Form 432020 is available from the office of vehicle registration.

(3) "Physician," as used in this section, means a person licensed under Iowa Code Chapters 148, 150, 150A or 154. (Ord. 848 §§ 1--3, 1993).

Chapter 10.20

WEIGHT, SIZE AND LOAD LIMITATIONS*

Sections:

- 10.20.010 Height and width restrictions.
- 10.20.020 Projecting loads on passenger vehicles.
- 10.20.030 Secure loads required.
- 10.20.040 Load end indicators.
- 10.20.050 Exception.
- 10.20.060 Specific weight load limit.

* Prior history: Ord. 446 §§ 41 and 42.

10.20.010 Height and width restrictions.

No vehicle, laden or unladen, operated in this city shall exceed a height of thirteen and one-half feet; nor shall it have a total outside width, including its load, of more than eight feet unless the operator has obtained a permit for the movement of over-width vehicles pursuant to the laws of the state of Iowa. However, if hay, straw, or stover moved on any implement of husbandry and the total width of the load of the implement of husbandry exceeds eight feet in width, the implement of husbandry shall not be subject to the permit requirements of the state of Iowa. (Ord. 626-10-7 § 1(part), 1980).

10.20.020 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any street in this city with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. (Ord. 626-10-7 § 1(2), 1980).

10.20.030 Secure loads required.

No vehicle shall be driven or moved on any street of this city unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom. (Ord. 626-10-7 § 1(3), 1980).

10.20.040 Load end indicators.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load between sunset and sunrise and at such other times when conditions, such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway a distance of five hundred feet ahead, a red light or lantern plainly visible from a distance of five hundred feet to the sides and rear. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square. (Ord. 626-10-7 § 1(4), 1980).

10.20.050 Exception.

The provisions of this chapter governing the size and load shall not apply to fire

apparatus nor to implements of husbandry temporarily moved upon a street, or to implements moved between the retail seller and the farm purchaser, or implements received and moved by a retail seller of such implements in exchange for an implement purchased. (Ord. 626-10-7 § 1(5), 1980).

10.20.060 Specific weight load limit.

No vehicle shall either carry or pull any load in excess of ten tons on West Jefferson Street between Sixth Street and Twentieth Street, unless a special permit is first obtained from the city council therefor. (Ord. 801 § 1, 1990).

Chapter 10.22

PARKING RULES

Sections:

- 10.22.010 Restricted parking areas.
- 10.22.020 Liability for vehicle without operator.
- 10.22.025 Penalties for violations.
- 10.22.030 Abandonment--Prima facie evidence.
- 10.22.040 Sidewalk obstruction.
- 10.22.050 Moving other vehicles.
- 10.22.060 Unattended vehicle.

10.22.010 Restricted parking areas.

No person shall park or stand a vehicle on the highways of this city except in an emergency, breakdown or by direction of a traffic officer, and then only so long as is absolutely necessary, in the following designated places:

- (1) In a public alley except to load or unload expeditiously, during which time such parking shall not obstruct other vehicles from passing;
- (2) A space not to exceed fifty feet is reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five sleeping rooms, or other buildings 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;

(3) 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 of any flashing beacon, stop sign or traffic-control signal located at the side of a street or highway or in front of, or obstructing access to, any mailbox situated in the right-of-way next to any street of the city of Fairfield. Monday through Saturday during day light hours. (Specially defined penalty of ten dollars per occurrence shall apply, with each day of improper parking constituting a separate offense);

(4) Within fifty feet of the nearest rail of a rail-road crossing, except when parked parallel with such rail and not exhibiting a red light;

(5) Within twenty feet of a driveway entrance to any fire station; and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly signposted;

(6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(7) At any place where official signs prohibit stopping, parking or standing a motor vehicle;

(8) At any place on the area of land lying between the street curb, or traveled part of a highway and the property line where doing so would obstruct the view and make the use of the street or highway hazardous;

(9) On the left side of a two-way street in this city. This shall not be construed as restricting parking on the left side on full-time one-way streets unless otherwise prohibited;

(10) Between the 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. For the purpose of this section, safety zone is defined as 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;

(11) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

(12) Upon any street within the corporate limits of the city when the same is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets. (Ord. 1019 § 2, 2006; Ord. 998 § 2, 2004; Ord. 719 § 1(part), 1986).

10.22.020 Liability for vehicle without operator.

Whenever the operator is not in the vehicle, the owner thereof shall be charged with violation of any of the provisions of Section 10.22.010. (Ord. 719 § 1(part), 1986).

10.22.025 Penalties for violations.

Any person who parks or stands a vehicle in violation of this chapter shall, unless otherwise specifically provided, be subject to the following penalties:

(1) Ten dollars, payable at the office of the chief of police, or at the deposit box outside the Law Center, or by deposit as provided at Chapter 10.36.110 in posted meter boxes in the metered district, within a reasonable time after the ticket for the violation has issued, but in no event more than thirty days following;

(2) The fine shall increase to twenty dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred;

(3) The violation shall be charged and may be admitted and the admission shall constitute a conviction of the violation. Failure to admit the violation as provided in Iowa Code Section 321.236(1)(b) within thirty days shall be deemed denial of the offense and an information charging the violation shall be filed with the magistrate court of the county.

If information is filed, seventeen dollars for court costs will be charged in addition to the fine. Failure to adhere will result in further action and court costs. All filing fees and court costs assessed shall be consistent with Iowa Code Section 602.8106(1) and Section 805.6(1)(a) of the Code of Iowa;

(4) After the adoption of a resolution by the county board of supervisors pursuant to Section 321.40, Code of Iowa, providing for refusal to renew motor vehicle registration due to warrants outstanding for alleged violation of provision of this chapter, relating to stopping, parking or operation of a vehicle or the regulation of traffic, all notices of fine required by this section shall contain the following statement: "Failure to pay a judgment for a parking violation can be grounds for refusing to renew your motor vehicle's registration." (Ord. 984 §§ 2--4, 2003; Ord. 917 § 3, 1998).

10.22.030 Abandonment--Prima facie evidence.

Continuous standing of a vehicle on a highway of this city for a period of forty-eight hours or over shall be deemed prima facie evidence of abandonment. (Ord. 446 § 39, 1962).

10.22.040 Sidewalk obstruction.

No person shall drive, load or back any vehicle on or along any sidewalk in a street, highway or public place in this city, except at such points or places designated for such purposes by the lowering of the curb, or where it is otherwise impracticable to load or unload merchandise. In no event shall a sidewalk be obstructed more than necessary nor for a longer time. (Ord. 446 § 40, 1962).

10.22.050 Moving other vehicles.

No person shall move a vehicle not owned by such person into any prohibited parking area or away from a curb such distance as is unlawful. (Ord. 446 § 48, 1962).

10.22.060 Unattended vehicle.

No person operating or in charge of a motor vehicle shall permit it to stand unattended on a street of this city, without first stopping the engine; nor permit it to stand upon any perceptible grade with the transmission gear in the neutral position without effectively setting the brake thereon and turning the front wheels against the curb or to the side of the street. (Ord. 626-10-8 § 1, 1980: Ord. 446 § 49, 1962).

Chapter 10.24

DEBRIS AND INJURIOUS MATERIALS

Sections:

10.24.010 Putting bottles or debris on highway.

10.24.020 Removal of injurious material.

10.24.030 Clearing wrecks.

10.24.010 Putting bottles or debris on highway.

No person shall throw or deposit upon any highway or other public place in this city any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal or any other debris. (Ord. 446 § 52, 1962).

10.24.020 Removal of injurious material.

Any person who drops, or permits to be dropped or thrown, upon any highway in this city, any destructive or injurious material and other material as defined in Section 10.24.010, shall immediately remove same or cause it to be removed. (Ord. 446 § 53, 1962).

10.24.030 Clearing wrecks.

Any person removing a wrecked or damaged vehicle from a highway in this city shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Ord. 446 § 54, 1962).

Chapter 10.28

DRIVER'S LICENSES AND PERMITS

Sections:

10.28.010 Driver's license required.

10.28.020 Instruction permit.

10.28.030 Temporary permit.

10.28.040 Possession and exhibit of license.

10.28.050 Penalty.

10.28.010 Driver's license required.

No person, except those specifically exempt under provisions of the statutes of the state of Iowa, shall drive or operate a motor vehicle on the highways of this city unless such person has a valid license as an operator or chauffeur, issued by the Department of

Public Safety of the state of Iowa, in his immediate possession.

10.28.020 Instruction permit.

Any person holding a valid instruction permit issued by the Department of Public Safety of the state of Iowa shall be considered complying with the requirements of Section 10.28.010 while operating a motor vehicle in this city with a duly licensed operator or chauffeur over the age of twenty-one years beside such permit holder, provided, however, such permit holder has such instruction permit in his immediate possession at all times he is operating such motor vehicle. (Ord. 446 § 44, 1962).

10.28.030 Temporary permit.

The holder of a temporary permit, issued by the department of Public Safety of the state of Iowa under the provisions of Section 321.181 of the Code of Iowa shall be considered as complying with the requirements of Section 10.28.010, provided, that such holder has the temporary permit in his immediate possession while operating such motor vehicle. (Ord. 446 § 45, 1962).

10.28.040 Possession and exhibit of license.

The operator of a motor vehicle on the highways or other public place in this city shall have the driver's license or permit in his immediate possession and shall exhibit it, upon demand, to any peace officer or to a judge of any court. (Ord. 446 § 46, 1962).

10.28.050 Penalty.

The penalty for violation of this chapter shall be a fine of at least fifty dollars, but not to exceed five hundred dollars. Each instance of operation shall be a separate violation subject to separate penalty.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 929 § 1, 1999).

Chapter 10.30

SPEED LIMITS

Sections:

10.30.005 Streets with forty-five miles per hour limit.

10.30.007 Streets with forty miles per hour limit.

10.30.010 Streets with thirty-five miles per hour limit.

10.30.015 Streets with thirty miles per hour limit.

10.30.020 Streets with twenty miles per hour limit.

10.30.030 General limit.

10.30.040 Penalty for violations.

10.30.005 Streets with forty-five miles per hour limit.

No motor vehicle shall be operated on the following public streets within the city in excess of forty-five miles per hour:

(1) Burlington Avenue from the entrance to Chautau-qua Park east to the city limits.

(2) Burlington Avenue from the maximum speed sign posted approximately at the easternmost entrance to the Hy-Vee Food Store west to the city limits.

(3) North Fourth Street from the maximum speed sign posted approximately one hundred yards north of the entrance to Carter Drive on the campus of Maharishi International University north to the city limits.

(4) Pleasant Plain Road from a point approximately four hundred ninety-three feet north of the north line of Walton Road, thence north to the corporate limits of the city of Fairfield. (Ord. 907 § 1, 1997; Ord. 626-10-10 § 1(part), 1980: Ord. 423 § 2(part), 1959).

10.30.007 Streets with forty miles per hour limit.

No motor vehicle shall be operated on the following public streets within the city in excess of forty miles per hour:

(1) The east lane of South Main Street (Highway 1 South) from a point

approximately three hundred feet south of Fillmore Avenue and extending south therefrom a distance of one thousand five hundred sixty-two feet.

(2) The west lane of South Main Street from a point approximately at Fillmore Avenue for a distance of approximately one thousand eight hundred sixty-two feet south. (Ord. 928 §§ 2, 3, 1999).

10.30.010 Streets with thirty-five miles per hour limit.

No motor vehicle shall be operated on the following public streets within the city in excess of thirty-five miles per hour:

- (1) Burlington Avenue from D Street east to the entrance to Chautauqua Park.
- (2) Burlington Avenue from Sixth Street west to the maximum speed sign posted at the easternmost entrance to the Hy-Vee Food Store.
- (3) South Main Street from the sign posted in front of 701 South Main Street south to Fillmore Avenue.
- (4) West Grimes Street from 1300 West Grimes Street, west to Thirty-Second Street.
- (5) North 23rd Street between Stone and Grimes Avenues.
- (6) North B Street from a point eight hundred feet north of the north line of Stone Avenue north to the corporate limits.
- (7) West Burlington Avenue to Tyler Avenue on 32nd Street.
- (8) Pleasant Plain Road from the south line of a portion of the vacated Stone Avenue located in Block 1, Caldwell Addition of the city of Fairfield, thence north to a point approximately four hundred ninety-three feet north of the north line of Walton Road. (Ord. 907 § 2, 1997; Ord. 881 § 1, 1996; Ord. 849 § 1, 1994; Ord. 790 § 1, 1990; Ord. 671 § 1, 1984; Ord. 626-10-10 § 1(part), 1980; Ord. 423 § 1(part), 1959).

10.30.015 Streets with thirty miles per hour limit.

No motor vehicle shall be operated on the following public streets within the city in excess of thirty miles per hour:

- (1) North Second Street from Briggs Street north to Merrill Street.
- (2) Merrill Street from Second Street west to Fourth Street.
- (3) Fourth Street from Merrill Street north to a point one hundred yards north of Carter Drive entrance to the college campus on the east side of Fourth Street. (Ord. 671

§ 2, 1984).

10.30.020 Streets with twenty miles per hour limit.

No motor vehicle shall be operated on the following public streets within the city in excess of twenty miles per hour:

- (1) Main Street from Briggs Avenue south to Washington Avenue.
- (2) Court Street from Briggs Avenue south to Washington Avenue.
- (3) B Street from Briggs Avenue south to Washington Avenue.
- (4) Broadway Avenue from Second Street east to B Street.
- (5) Briggs Avenue from Second Street east to B Street. (Ord. 959 § 1, 2003;

Ord. 704 § 1, 1985; Ord. 671 § 3, 1984; Ord. 626-10-11 § 1, 1980; Ord. 423 § 2, 1959).

10.30.030 General limit.

On all other streets within the corporate limits of Fairfield not set out in Sections 10.30.005, 10.30.010 and 10.30.020, no motor vehicle shall be operated at a speed in excess of twenty-five miles per hour. (Ord. 423 § 3, 1959).

10.30.040 Penalty for violations.

The owner or operator of any motor vehicle which is operated on the public streets of Fairfield, at speeds in excess of the limits heretofore set out shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than one hundred dollars or may be imprisoned in jail for not more than thirty days. (Ord. 423 § 4, 1959).

Chapter 10.32

PARKING RESTRICTIONS AND ZONES

Sections:

10.32.010 Designation of zones--Sign posting.

- 10.32.020 Curb painting.
- 10.32.030 Parking space designation.
- 10.32.040 Parking method.
- 10.32.050 Emergency vehicles exempted.
- 10.32.060 Liability for violation.
- 10.32.070 Enforcement.
- 10.32.080 Penalties for violation.

10.32.010 Designation of zones--Sign posting.

(a) The council of the city of Fairfield may from time to time, by motion adopted by a majority vote, designate certain streets or portions thereof as "no parking" zones or as "limited parking" zones, and direct duly an authorized representative of the city to place accordingly proper signs thereon and/or appropriately paint the curbs thereby to indicate their character.

(b) The council of the city of Fairfield may from time to time, by motion adopted by a majority vote, designate special parking spaces for on-street parking areas or off-street parking facilities for motor vehicles displaying special identification devices for physically handicapped. Said devices shall be those issued by the Department of Transportation of the state of Iowa and shall be displayed in a motor vehicle being used by an individual, either as operator or passenger, who is confined to a wheelchair or is otherwise so physically handicapped that he/she has significant difficulty or insecurity in walking. The use of parking spaces so designated by a motor vehicle not displaying such device is unlawful.

(c) The use of a handicapped parking space, located on either public or private property, by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person, as operator or passenger, is a misdemeanor for which a fine may be imposed upon the owner, operator or lessee of a motor vehicle or the purchaser of the handicapped identification device. The penalty imposed shall be such as is in keeping with that prescribed by the laws of the state of Iowa. This penalty shall be in lieu of that penalty for parking violation outlined in Section 10.32.080 of this chapter. (Ord. 846 § 2, 1993; Ord. 804 § 1, 1990; Ord. 709 § 1, 1985; Ord. 628 § 1, 1980; Ord. 440 § 1(1), 1961).

10.32.020 Curb painting.

"No parking" zones will be painted yellow. Loading zones will be painted yellow and posted as such. (Ord. 717 § 1, 1986; Ord. 440 § 1(2), 1961).

10.32.030 Parking space designation.

The parallel and angle parking spaces will be designated by painted white lines. (Ord. 717 § 2, 1986; Ord. 440 § 1(3), 1961).

10.32.040 Parking method.

(a) Improper. It is unlawful for any person to park a vehicle improperly in a parallel or angle parking space.

(b) Proper. The proper method of parallel parking of a vehicle in the space is to park parallel to the curb and white lines that outline the space, with the vehicle not being on or over the white lines. Vehicles parking in an angular marked parking space shall be parked front first between the white lines designating the angular parking space. (Ord. 717 § 3, 1986; Ord. 440 § 1(4), 1961).

10.32.050 Emergency vehicles exempted.

This chapter shall not be deemed to prohibit emergency vehicles such as fire, law enforcement, city maintenance vehicles or ambulances, from parking in a space zone if it is necessary to park said vehicle in such place in case of emergency. (Ord. 440 § 1(5), 1961).

10.32.060 Liability for violation.

Either the person parking the vehicle in violation of this chapter or the person owning the vehicle may be charged and convicted under this chapter. (Ord. 440 § 1(6), 1961).

10.32.070 Enforcement.

It is the duty of a duly authorized representative of the city, or the police department thereof, to enforce all provisions of this chapter as prescribed herein. (Ord. 440 § 1(7), 1961).

10.32.080 Penalties for violation.

Any person, association, firm or corporation violating any of the provisions of this chapter shall be issued a parking ticket. The parking ticket shall give due notice to the violator of the nature, time and place of his violation.

(1) The violator shall pay the sum of ten dollars, in full satisfaction of such violation if the violation occurred within and including that area known as within one block of the Central Square, which area is bounded by and does include Second Street from Briggs Avenue to Washington Avenue; Washington Avenue from Second Street to B Street; B Street from Washington Avenue to Briggs Avenue; and Briggs Avenue from B Street to Second Street. In all violations of this chapter other than within the above designated area, the violator shall also pay the sum of five dollars. All of such violations shall be paid at any box designated for deposit of payment (Traf-O-Teria) at the office of the chief of police, or at the box outside the Law Center, within a reasonable time after the ticket for the violation has issued, but in no event more than thirty days following.

(2) The fine shall increase to twenty dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred.

(3) The violation shall be charged and may be admitted and said admission shall constitute a conviction of said violation. Failure to admit the violation as provided in Iowa Code Section 321.236(1)(b) within thirty days shall be deemed denial of the offense and an information charging said violation shall be filed with the magistrate court of the county. If information is filed, seventeen dollars for court costs will be charged in addition to the fine. Failure to adhere will result in further action and court costs. All filing fees and court costs assessed shall be consistent with Iowa Code Section 602.8106(1) and Section 805.6(1)(a) of the Code of Iowa.

(4) After the adoption of a resolution by the county board of supervisors pursuant to Section 321.40, Code of Iowa, providing for refusal to renew motor vehicle registration due to warrants outstanding for alleged violation of provision of this chapter relating to stopping, parking or operation of a vehicle or the regulation of traffic, all notices of fine required by this section shall contain the following statement: "Failure to pay a judgment for a parking violation can be grounds for refusing to renew your motor vehicle's registration." (Ord. 984 §§ 5--7, 2003; Ord. 917 § 5, 1998).

Chapter 10.34

PROHIBITED PARKING

Sections:

- 10.34.010 Motor vehicle defined.
- 10.34.020 Vehicles for sale or exchange.
- 10.34.030 Current model demonstrator defined.
- 10.34.040 Current model demonstrators exempted.
- 10.34.050 Trucks and similar vehicles restricted--Exception.
- 10.34.060 Time limit for extended parking.
- 10.34.070 Alleys.
- 10.34.080 Street cleaning provision.
- 10.34.090 Streets adjoining public park.
- 10.34.100 Double parking prohibited.
- 10.34.110 Impoundment.
- 10.34.120 Penalties for violators.
- 10.34.130 Trailer parking restricted.

10.34.010 Motor vehicle defined.

For the purposes of this chapter, "motor vehicle" includes any vehicle which is in any way motivated or propelled by power, or any vehicle which is towed or pulled by such a vehicle. The term specifically includes automobiles, trucks, tractors, trailers, farm machinery, and similar types of vehicles. (Ord. 392 § 1(part), 1953).

10.34.020 Vehicles for sale or exchange.

It is unlawful for any person to park or leave standing, or cause to be parked or left standing, any motor vehicle as defined in Section 10.34.010, which motor vehicle, is for sale, barter, exchanging, or for show, on any street, alley, or municipally-owned parking lot or space of the city of Fairfield, or in the space between the property line and the curb of the street in the city. (Ord. 392 § 2(part), 1953).

10.34.030 Current model demonstrator defined.

For the purposes of Section 10.34.040, "current model demonstrator" means any dealer-owned automobile of the current year model, carrying state of Iowa dealer's license plates, and used by any automobile dealer as a demonstrator model exclusively in connections with his effort to sell his current year product. (Ord. 392 § 1(part), 1953).

10.34.040 Current model demonstrators exempted.

For the purposes of this chapter, current model demonstrators are specifically excluded from all provisions of Section 10.34.020 and may be used upon the streets of the city of Fairfield as if they were privately owned vehicles not for sale. (Ord. 392 § 2(part), 1953).

10.34.050 Trucks and similar vehicles restricted--Exception.

It is unlawful to stop, stand, park, or leave immobile any motor truck, carrier, van, livestock truck, or any other vehicle of any kind, including car trailer, or combination, of more than eighteen feet in length, except emergency vehicles such as hearses or ambulances or city fire trucks, or other city owned trucks or vehicles that are being operated by city employees or city officials in the functions of city government; in or upon any of the streets abutting block thirteen of the original plat of the city of Fairfield, commonly known as the Public Square, in or upon Burlington Street between Second Street and B Street; Broadway between Second Street and B Street; Main Street between Briggs Street and Washington Street; Court Street between Briggs Street and Washington Street; or in or upon the east side of North Fourth Street between Grimes Street and South Depot Street; except during or while such vehicles are actually being loaded or unloaded. (Ord. 361 § 1, 1950).

10.34.060 Time limit for extended parking.

It is unlawful to park or leave immobile any vehicle or chassis or body of any motor vehicle on any street of the city for a longer period than twenty-four consecutive hours. (Ord. 626-10-12 § 1, 1980: Ord. 361 § 2, 1950).

10.34.070 Alleys.

It is unlawful to stop, stand, park or leave immobile any vehicle or body or chassis

of a vehicle of any de-scription in any alley of the city of Fairfield, except while such vehicle is being actually loaded or unloaded. (Ord. 361 § 3, 1950).

10.34.080 Street cleaning provision.

In order that the principal streets in the central business district of this city may be entirely cleared of all obstructions to facilitate cleaning, flushing and snow removal, between the hours of two a.m. and six a.m., it is unlawful to stop, stand, park or leave immobile any vehi-cle, motor vehicle, chassis or body of a vehicle in or upon any portion of the parts of streets hereinafter named in this section, on any day of the week between the hours of two a.m. and six a.m. The restrictions set out in this section shall apply to all parking meter districts as des-ignated in Section 10.36.040. (Ord. 504, 1967: Ord. 361 § 8, 1950).

10.34.090 Streets adjoining public park.

It is unlawful to stop, stand, park or leave immobile any vehicle of any kind on any of the streets adjacent to or abutting the block thirteen of the original plat of the city of Fairfield, on that side of the four streets ad-joining the public park, at each corner of the park within a radius of thirty-three feet as marked off and designated by "no parking" signs. (Ord. 361 § 4, 1950).

10.34.100 Double parking prohibited.

It is unlawful to stop, stand, park or leave immobile any vehicle of any kind in any street, which may in any way interfere with the free exit from or entrance to any lawful parking space in or upon the street by any other vehicle, or which may in any way interfere with the free and lawful travel in either direction upon the street by any other vehicle; the acts declared unlawful in this sec-tion being commonly spoken of as "double parking." (Ord. 361 § 5, 1950).

10.34.110 Impoundment.

When any vehicle, motor vehicle, chassis or body of a vehicle prohibited from parking, standing, stopping or be-ing immobile is found in violation of this chapter, it may be removed from its position by or at the direction of any police officer of this city. The cost of removal and storage, if any such storage was deemed necessary to pro-tect the

property by the official directing removal, shall be charged to the operator or owner in addition to the fine or imprisonment provided for in Section 10.34.120. (Ord. 361 § 7, 1950).

10.34.120 Penalties for violators.

Any person who parks or stands a vehicle in violation of this chapter shall, unless otherwise specifically provided, be subject to the following penalties:

(1) Ten dollars, payable at the office of the chief of police, or at the deposit box outside the Law Center, or by deposit as provided at Section 10.36.110 in posted meter boxes in the metered district, within a reasonable time after the ticket for the violation has issued, but in no event more than thirty days following;

(2) The fine shall increase to twenty dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred;

(3) Parking which impedes snow removal in those areas designated within Section 10.34.080 and Section 10.36.040 pursuant thereto, consistent with authority granted at Iowa Code Section 321.236 shall be fined twenty-five dollars, provided the area of parking is posted as a snow removal (or route) area, and the ticket specifies that the penalty is for a snow route violation;

(4) The violation shall be charged and may be admitted and said admission shall constitute a conviction of said violation. Failure to admit the violation as provided in Iowa Code Section 321.236(1)(b) within thirty days shall be deemed denial of the offense and an information charging said violation shall be filed with the magistrate court of the county. If information is filed, seventeen dollars for court costs will be charged in addition to the fine. Failure to adhere will result in further action and court costs. All filing fees and court costs assessed shall be consistent with Iowa Code Section 602.8106(1) and Section 805.6(1)(a) of the Code of Iowa;

(5) After the adoption of a resolution by the county board of supervisors pursuant to Section 321.40, Code of Iowa, providing for refusal to renew motor vehicle registration due to warrants outstanding for alleged violation of provisions of this chapter relating to stopping, parking or operation of a vehicle or the regulation of traffic, all notices of fine required by this section shall contain the following statement: "Failure to pay a judgment for a parking violation can be grounds for refusing to renew your motor vehicle's registration." (Ord. 984 §§ 8--10, 2003; Ord. 917 § 7, 1998).

10.34.130 Trailer parking restricted.

(a) It is unlawful to stop, stand, park or leave im-mobile any trailer, with or without a tractor or other ve-hicle attached thereto, on any public street, or street right-of-way of the city of Fairfield except during or while the trailers are actually being loaded or unloaded.

(b) Any person, association, firm or corporation violating this section shall be issued a parking ticket, giving due notice to the violator of the nature, time and place of said violation.

(c) The violator shall pay the sum of twenty dollars in full satisfaction of such violation, nothing contained in Section 10.34.120 as to penalty shall apply to a viola-tion of this section. (Ord. 984 § 11, 2003; Ord. 629 §§ 1--3, 1980).

Chapter 10.35

PARKING IN CITY PARKING LOTS

Sections:

10.35.010 Time limit.

10.35.020 Limit sign posting.

10.35.030 Violation--Liability.

10.35.040 Violation--Penalty.

10.35.050 Parking in city truck lot.

10.35.010 Time limit.

It is unlawful to stop, stand, park or leave immobile any vehicle, motor vehicle or chassis or body of any motor vehicle in or upon any off-street non-metered parking lot, either owned or leased by the city of Fairfield, for a longer period of time than twelve consecutive hours. (Ord. 560 § 1, 1972).

10.35.020 Limit sign posting.

All such parking lots shall have posted therein a sign designating the twelve-hour

time limit. (Ord. 560 § 2, 1972).

10.35.030 Violation--Liability.

Any person or persons owning such a vehicle as evidenced by the registration thereof shall be charged with the violation of this chapter. (Ord. 560 § 3, 1972).

10.35.040 Violation--Penalty.

Any person, firm, or corporation, who violates the preceding or following provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in subsections (1), (2) and (4) of Section 10.34.120; provided however, that each offense or violation of this chapter is a separate and distinct offense. (Ord. 984 § 12, 2003; Ord. 918 § 2, 1998).

10.35.050 Parking in city truck lot.

At all times that the city maintains, leases, or operates, any off-street non-metered parking lot(s) for the parking of trucks and trailers pulled by trucks the following restrictions shall be enforced:

(1) Time Limit. It is unlawful to stop, stand, park, or leave immobile any truck, or trailer pulled by truck, in a city truck lot for more than seven full days.

(2) Vehicle Limit. It is unlawful to stop, stand, park, or leave immobile any vehicle other than a truck, or trailer pulled by truck, in a city truck lot for any period of time.

(3) Limit Sign Posting. Any city truck lot shall have posted thereupon a sign or signs, designating its limitation to "Trucks and Truck Trailer Only" and designating the seven day time limit.

(4) Violation--Liability. No person, whether owner, or operator, shall cause or permit any truck, or trailer, registered in the name of, or operated by such person, to violate any illegal parking provision of this chapter. Any such violation by the operator shall be deemed a violation of the owner and so imprinted. (Ord. 918 § 3, 1998).

TIME LIMITATION PARKING*

Sections:

- 10.36.010 Short title.
- 10.36.020 Definitions.
- 10.36.030 Authorization.
- 10.36.040 Central business parking district designated.
- 10.36.050 Enforcement officer.
- 10.36.060 Parking places--Designation of spaces.
- 10.36.070 Hours of operation.
- 10.36.080 Time limit for central business parking district.
- 10.36.090 Collection and use of receipts.
- 10.36.100 Violations.
- 10.36.105 Citation for violation of parking code.
- 10.36.110 Penalties for violations.

* Editor's Note: The title of Chapter 10.36 was amended by Ord. 1026.

10.36.010 Short title.

This chapter shall be known and referred to as the "Time Limitation Parking Ordinance for the Central Business Parking District." (Ord. 1026 § 1, 2007; Ord. 421 § 1(1), 1958).

10.36.020 Definitions.

As used in this chapter, the following terms shall have the following respective meanings:

"Central business parking district" means the area where time limit parking enforcement would occur as defined at Section 10.36.040.

"Vehicle" means any device by which any person or property may be transported upon a city street. (Ord. 1026 § 2, 2007; Ord. 421 § 1(2 and 3), 1958).

10.36.030 Authorization.

In order to adequately regulate and control the parking of vehicles within the time limitation parking areas of the central business parking district, the chief of police, subject to the approval of the city council, is authorized to enforce the number, places, and manner of use of time-limited parking spaces within such parking district. (Ord. 1026 § 3, 2007).

10.36.040 Central business parking district designated.

The following portions of streets and avenues shall be in the central business parking district:

- (1) The south side of Briggs Avenue, between Second Street and Court Street;
- (2) Broadway Avenue, between Second Street and B Street;
- (3) Burlington Avenue, between Second Street and B Street;
- (4) The east side of Second Street between Burlington Street and Briggs Street;
- (5) Main Street between Washington Avenue and Briggs Avenue;
- (6) Court Street between Washington Avenue and Briggs Avenue;
- (7) Any parking lot which is now or may hereafter be owned or controlled by the city of Fairfield;
- (8) On Washington Avenue between Second Street and Main Street. (Ord. 1026 § 4, 2007; Ord. 989 § 1, 2003; Ord. 614 § 1, 1979).

10.36.050 Enforcement officer.

The supervision and enforcement within the central business parking district shall be under the control of the chief of police, who is authorized with the approval of the city council, to employ a parking enforcement officer, who shall be clothed with all the powers of a city policeman. Said employee is compensated at such wage as may be fixed by the city council, and shall post a fidelity bond with the city clerk for performance of duties assigned him by the chief of police. Such bond shall be subject to approval of city council. Cost of such bond shall be paid by the city of Fairfield from the revenue from parking enforcement. (Ord. 1026 § 5, 2007).

10.36.060 Parking places--Designation of spaces.

Parking spaces in the central business parking district area shall be as provided at

Section 10.32.030 de-fining spaces, and shall be used as provided at Section 10.32.040 defining parking method. (Ord. 1026 § 6, 2007: Ord. 421 § 4(part), 1958).

10.36.070 Hours of operation.

Parking in the central business parking district area shall be enforced and in operation from nine a.m. to five p.m., Monday through Friday. Time limit enforcement shall not occur on any legal holiday recognized by the state of Iowa, nor on Saturdays or Sundays. (Ord. 1026 § 7, 2007).

10.36.080 Time limit for central business parking district.

It shall be a violation of this chapter for the owner/operator of any vehicle to permit said vehicle to remain in a parking space within the central business parking district (formerly designated parking meter dis-trict) now defined by Section 10.36.040, unless otherwise specifically authorized or exempted by permit, for more than one hundred twenty minutes continuously, unless a different time limit is posted.

If a vehicle is parked in a specified zone for longer than the limited time period for that zone, the time pe-riod for that zone will be over, and run anew, and a vio-lation of the new running time period shall be considered a separate offense. (Ord. 1026 § 8, 2007).

10.36.090 Collection and use of receipts.

Collections from time-limit parking enforcement shall be turned over to the city clerk as collected periodi-cally, and shall be deposited by the clerk in an account to be known as Parking Time Limit Enforcement Account of the city of Fairfield. Disbursement from said fund may be made for purposes consistent with the enforcement of park-ing and traffic laws within the central business district parking district, as well as widening of streets and pro-vision of additional parking facilities, or for such other purposes as may be permitted by law and authorized by the city council. (Ord. 1026 § 9, 2007).

10.36.100 Violations.

(a) Continuous Parking Limits. It shall be a viola-tion of this chapter for the owner/operator of any vehicle to permit said vehicle to remain in a parking space con-trary to the provision of Section 10.36.080.

(b) Reparking. It shall be a violation of this chapter for the owner/operator of a vehicle, at the expiration of the time limit allowed, to repark said vehicle in the same parking space within fifteen minutes thereafter.

(c) Boundary Lines. It shall be a violation of this chapter for the owner/operator of a vehicle to be parked in any parking space so that any part of the vehicle extends over or across the boundary line designated for that parking space.

(d) Tampering. It shall be a violation of this chapter, punishable as provided at Section 1.01.100 of this code for any person to damage, tamper with, destroy or impair any device or marking method employed for parking enforcement, whether the same be signage, chalk, demarcation by other means, or any other type of electronic parking monitoring equipment, in the central business parking district. This prohibition is also applicable to posts upon which signage is affixed and to the yellow courtesy deposit boxes for payment of parking fees.

(e) Prima Facie Evidence. The fact that a vehicle is in a designated parking space when the time limit on such space is shown to have expired by appropriate demarcation, or chalk mark, or other electronic monitoring device, shall be deemed prima facie evidence of the unlawful parking of such motor vehicle by its owner/operator.

(f) Persons Responsible. No person, whether owner or operator, shall cause, allow, permit or suffer any vehicle registered in the name, or operated by such person, to be parked overtime, or beyond the period of legal parking time designated for any location as set forth in this chapter or to violate any illegal parking provisions of this chapter. Any such violation by the operator shall be deemed a violation of the owner, and so shall be imputed to the owner.

(g) Evidentiary Presumption. Evidence with respect to vehicles parked, or left in violation of this chapter and any prosecution with regard to the vehicle parked, left in a place, or in an inoperable condition, in violation of any provision of this code, proof that the particular vehicle described in the complaint was parked, or left in violation of any provision of this code, with the proof that the defendant named in the complaint was, at the time, the registered owner of that vehicle, is presumptive evidence that the defendant was the person who parked, or left the vehicle, in violation of this chapter. (Ord. 1026 § 10, 2007: Ord. 916 § 2, 1998).

(a) Citation on Vehicle Parked or Left in Violation of Code. Whenever any vehicle without a driver is found parked or left in violation of any provision of this code and is not removed and impounded, the officer finding such vehicle may take its registration number and any other information displayed on the vehicle which identifies its user, and conspicuously affix to such vehicle a traffic citation for the driver to answer to the charge against him on the date, time and place specified in the citation. Except for special parking violations, the citation form used shall ordinarily be known as a "Traf-O-Teria Ticket."

(b) A violation of the provisions of this chapter shall be charged upon a simple notice of such violation and fine therefor. The notice shall be printed on an envelope (Traf-O-Teria) provided by the city for the admission of the violation and payment of said fine, and if said violation is admitted, said envelope shall be deposited in the yellow courtesy box located where designated by the chief of police. The notice shall be placed on the windshield of the vehicle. The notice shall also provide information regarding the court date, and place and time at which appearance may be made if the violation is denied. The city's copy of the notice, duly sworn to, shall serve as the information if an information is required to be filed.

(c) This section shall not be deemed to in any manner abrogate, repeal, restrict, invalidate or nullify provisions of this chapter which provide for the removal of vehicles illegally stopped, standing or parked.

(d) Violation notices as required in this section may be issued by any parking enforcement officer, as authorized herein, or by any other peace officer of the city. (Ord. 1026 § 11, 2007; Ord. 916 § 3, 1998).

10.36.110 Penalties for violations.

Any violation of this chapter shall be issued a parking ticket subject to the penalties provided for in Section 10.32.080. The ticket shall give due notice to the violator of the nature, time and place of the violation. All provisions concerning penalty at Sections 10.32.080(1), (2), (3) and (4) shall be applicable to this section.

In those central business parking district enforced herein, ticketed by traffeteria, with authorization for towing and impoundment, there shall be placed conspicuous signage warning that continuing violation may result in removal by towing and impoundment, at the owner's expense. (Ord. 1026 § 12, 2007; Ord. 934 §§ 2, 3, 1999; Ord. 915 § 2,

1998).

Chapter 10.38

THROUGH STREETS AND INTERSECTIONS

Sections:

- 10.38.010 Definitions.
- 10.38.020 Through streets designated.
- 10.38.030 Traffic controls authorization.
- 10.38.040 Obedience to controls by through traffic.
- 10.38.050 Confirmation of existing controls.
- 10.38.060 Controls extended to arterial highways.
- 10.38.070 Stop signs.
- 10.38.080 Four-way stop streets.

10.38.010 Definitions.

Wherever used in this chapter, the following words and phrases shall have or include the meaning set forth in this section:

(1) "Traffic" means pedestrians, ridden or led or herded animals, vehicles, or any other conveyances using the street for purposes of travel.

(2) "Right-of-way" means the privilege of the immediate use of the street or highway for travel purposes.

(3) "Through street" means a street or highway where traffic from intervening or intersecting streets or highways is required by law to yield the right-of-way to traffic thereon.

(4) "Intersection" means the area embraced within the prolongation or connection of lateral curblines; or, if none, then the lateral boundary lines of the roadways of two streets that join one another at, or approximately at, right angles; or the area within which vehicles or other traffic traveling upon different streets joining at any other angle may come in conflict.

(5) "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 or by signs.

(6) "Stop sign" means the stop sign adopted by, and used throughout Iowa, by the Iowa State Highway Commission for traffic control. (Ord. 481 § 1, 1965).

10.38.020 Through streets designated.

The following streets or parts of streets are designated and established as through streets and all traffic on all intersecting streets and alleys shall be required to stop or yield only where appropriate signs have been erected, pursuant to ordinance or resolution of the city council as provided in Section 10.38.030:

- South Main Street from the south city limits to Burlington Avenue.
- North Second Street from Burlington Avenue to Merrill Avenue.
- Merrill Avenue from North Second Street to North Fourth Street.
- North Fourth Street from Burlington Avenue to Merrill Avenue.
- North Fourth Street from Merrill Avenue north to the city limits.
- North Sixth Street from Burlington Avenue to West Grimes Avenue.
- North Ninth Street from Burlington Avenue to West Grimes Avenue.
- North Ninth Avenue from West Grimes Avenue to West Stone Avenue.
- North Court Street from East Burlington Avenue to East Grimes Avenue.
- North D Street from East Burlington Avenue to East Kirkwood Avenue.
- West Broadway Avenue from North Fourth Street to North Second Street.
- East Broadway Avenue from North B Street to North Park Street.
- West Grimes Avenue from North Ninth Street to North Fourth Street.
- West Grimes Avenue from North Fourth Street to North Second Street.
- West and East Grimes Avenue from North Second Street to North D Street.
- West Gear Avenue from North Twelfth Street to North Eighth Street.
- West Kirkwood Avenue from North Ninth Street to North Fourth Street.
- West Kirkwood Avenue from North Fourth Street to North Second Street.
- West and East Kirkwood Avenue from North Second Street to the east city limits.
- West Stone Avenue from the west city limits to North Fourth Street.
- West Stone Avenue from North Fourth Street to North Second Street.

West and East Stone Avenue from North Second Street to North D Street.
North Main Street from Briggs Avenue to Grimes Avenue.
West Briggs Avenue from North Fourth Street to North Second Street.
Highland Street from East Harrison Avenue to East Madison Avenue.
Highland Street from East Madison Avenue to East Burlington Avenue.
South Maple Street from East Harrison Avenue to East Madison Avenue.
South Maple Street from East Madison Avenue to East Burlington Avenue.
South D Street from East Fillmore Avenue to East Burlington Avenue.
South Court Street from East Madison Avenue to East Burlington Avenue.
South Second Street from West Madison Avenue to West Burlington Avenue.
South Second Street from West Madison Avenue to West Harrison Avenue.
South Second Street from West Harrison Avenue to West Fillmore Avenue.
South Fourth Street from West Burlington Avenue to West Madison Avenue.
South Fourth Street from West Madison Avenue to West Harrison Avenue.
South Fourth Street from West Harrison Avenue to West Fillmore Avenue.
South Sixth Street from West Burlington Avenue to West Harrison Avenue.
South Sixth Street from West Harrison Avenue to West Fillmore Avenue.
South Seventh Street from West Harrison Avenue to West Fillmore Avenue.
West Adams Avenue from South Sixth Street to South Fourth Street.
West Adams Avenue from South Fourth Street to South Second Street.
East Adams Avenue from South Main Street to South D Street.
West Madison Avenue from South Sixth Street to South Fourth Street.
West Madison Avenue from South Fourth Street to South Main Street.
East Madison Avenue from South Main Street to South Highland Street.
West Harrison Avenue from South Seventh Street to South Main Street.
West Fillmore Avenue from the west city limits to South Main Street.
East Fillmore Avenue from South Main Street to South D Street.
East Lowe Avenue from North Court Street to North D Street.
Park Street from East Jefferson Avenue to the south city limits.
Washington Avenue from South D Street to South Ninth Streets. (Ord. 626-10-14 § 1, 1980: Ord. 522, 1968: Ord. 502, 1966; Ord. 481 § 2, 1965).

(a) Through Streets. The city council, either by ordinance or by resolution, may prescribe appropriate traffic-control signs and signals requiring all traffic intersecting with the through streets designated and established in Section 10.38.020 to stop before entering such intersections or, as the case may be, to yield the right-of-way to traffic on such through streets, and to direct the erection and maintenance of such traffic signs and signals; and when so erected, all traffic must observe and obey such traffic signs and signals.

(b) Other Streets. The city council may prescribe and cause to be erected and maintained appropriate traffic-control signs and signals on streets, not designated and not established as through streets either by ordinance or by resolution, and all traffic on such streets shall observe and obey such traffic-control signs and signals. (Ord. 481 §§ 3 and 4, 1965).

10.38.040 Obedience to controls by through traffic.

Nothing contained in this chapter shall be construed as excusing traffic on streets designated as through streets from observing and obeying all traffic-control signs and signals lawfully placed on through streets for the control of traffic thereon. (Ord. 481 § 5, 1965).

10.38.050 Confirmation of existing controls.

The adoption, erection, and maintenance of the electrically operated traffic-control signal lights now in place at the intersections of West Burlington Avenue and Ninth Street; at West Burlington Avenue and Sixth Street; at West Burlington Avenue and Fourth Street; at West Burlington Avenue and Second Street; at West Burlington Avenue and Main Street; at East Burlington Avenue and Court Street; at East Burlington Avenue and D Street; at South Main Street and Madison Avenue; at West Broadway Avenue at Second Street; at West Kirkwood Avenue at Second Street; and at North Fourth Street at Merrill Avenue, are approved and confirmed and made a part of the traffic-control system of the city. (Ord. 626-10-15 § 1, 1980: Ord. 481 § 6, 1965).

10.38.060 Controls extended to arterial highways.

The traffic-control signs, signals and devices, erected by the direction of the Iowa State Highway Commission for the control of traffic moving on or entering U.S. Highway

34 and Iowa State Highway 1 that pass through the city of Fairfield, are made a part of the traffic-control system. (Ord. 481 § 7, 1965).

10.38.070 Stop signs.

Traffic stop signs are authorized, have been erected, and are directed to be maintained at the following street intersections within the city:

(1) At the west side of Main Street at Broadway Avenue requiring all eastbound traffic on Broadway Avenue to come to a complete stop before entering the Main Street intersection.

(2) At the north side of Broadway Avenue at Court Street requiring all southbound traffic on Court Street to come to a complete stop before entering the Broadway Avenue intersection.

(3) At the north side of Broadway Avenue at Main Street requiring all northbound traffic on Main Street to come to a complete stop before entering the Broadway Avenue intersection.

(4) At the west side of Court Street at Broadway Avenue requiring all eastbound traffic to come to a complete stop before entering the Court Street intersection. (Ord. 626-10-16 § 1, 1980: Ord. 481 § 8, 1965).

10.38.080 Four-way stop streets.

The intersections of South Sixth Street and West Harrison Avenue; South Seventh Street and West Jackson Avenue; East Madison Avenue and Highland Street; East Madison Avenue and Maple Street; North Ninth Street and West Grimes Avenue; South D Street and East Fillmore Avenue; West Broadway Avenue and North Sixth Street; North Main Street and West Briggs Avenue; and East Broadway Avenue and North B Street are all four-way stop streets and traffic stop signs which have been erected shall be maintained at all four corners of such intersections requiring traffic approaching such intersections from any direction to come to a complete stop before entering them. (Ord. 626-10-17 § 1, 1980: Ord. 481 § 9, 1965).

Chapter 10.40

CONTROLLED ACCESS

Sections:

- 10.40.010 Policy.
- 10.40.020 Definition.
- 10.40.030 Facilities established--Project No. FN-120.
- 10.40.040 Parking prohibited.
- 10.40.045 Facilities established--Project No. FN-34-8(4)-21-51.
- 10.40.050 Unlawful use.
- 10.40.060 Penalty for violation.

10.40.010 Policy.

This chapter shall be deemed an exercise of the police power of the city under Chapter 148S, Acts of the Fifty-Sixth General Assembly of the state of Iowa, for the preservation of the public peace, health, safety and the promotion of the general welfare. (Ord. 458 § 1, 1953).

10.40.020 Definition.

For the purpose of this chapter "controlled-access facility" means a highway or street designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have only a controlled right of easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. (Ord. 529 § 2, 1969: Ord. 458 § 2, 1953).

10.40.030 Facilities established--Project No. FN-120.

There are fixed and established controlled-access facilities on the primary road system extension improvement, Project No. FN-120, Primary Road No. Iowa 1, within the city of Fairfield, described as follows:

Station 1600 plus 00 to station 1620 plus 53 regulating access to and from station 160 plus 00 to station 1620 plus 53 and to and from abutting properties along the highway all in accordance with the plans for such improvement identified as Project No. FN-120 on file in the office of the city clerk. The compiled list furnished by the Iowa

State Highway Commission of entrances provided for access under the above improvement specified as Project No. FN-120 are hereby recorded as follows in this chapter:

Station 1600 plus 27, east side of street; twenty feet entrance width: Use of entrance--college entrance.

Station 1606 plus 70, east side of street; thirty-five feet entrance width: Use of entrance--college entrance.

Station 1614 plus 81, east side of street; thirty-eight feet entrance width: Use of entrance--college entrance.

Station 1615 plus 10, west side of street; twenty feet entrance width: Use of entrance--field entrance. (Ord. 458 § 5, 1953).

10.40.040 Parking prohibited.

Parking of any nature is prohibited from station 1600 plus 00 to station 1620 plus 53. Parking is prohibited on the approach sides of the minor streets for a distance of thirty-five feet in advance of the stop signs. Parking is prohibited on the exit sides of minor street for a distance of thirty-five feet. (Ord. 458 § 6, 1953).

10.40.045 Facilities established--Project No. FN-34-8(4)-21-51.

There are hereby fixed and established controlled-access facilities on the primary road system extension improvement Project No. FN-34-8(4)-21-51 Primary Road No. U.S. 34 within the city of Fairfield, Iowa, described as follows:

From Station 1033 plus 57.2 at Court Street thence easterly on East Burlington Street (U.S. No. 34) to Station 1037 plus 37.3 equals Station 645 plus 98.3 thence continuing easterly on East Burlington Street to Station 679 plus 87.9 at the east corporation line regulating access to and from said highway and to and from abutting properties along said (High-way) all in accordance with the plans for such improvement identified as Project No. FN-34-8(4)-21-51 on file in the office of the city clerk. (Ord. 529 § 1, 1969).

10.40.050 Unlawful use.

It is unlawful for any person to:

- (1) Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled-access facilities;
- (2) Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line;
- (3) Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line;
- (4) Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section or dividing line which separates such service road from the controlled-access facility property. (Ord. 458 § 3, 1953).

10.40.060 Penalty for violation.

Any person violating any provision of Section 10.40.050 shall be guilty of a misdemeanor and upon conviction thereof shall be fined at least fifty dollars, but not to exceed five hundred dollars, or be punished by imprisonment for not more than thirty days.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 458 § 4, 1953).

Chapter 10.42

SCHOOL ZONES

Sections:

10.42.010 Zones established.

10.42.020 Stopping required--Hours.

10.42.030 Penalty for violation.

10.42.010 Zones established.

The following areas shall be school zones and are proclaimed and established as such:

(1) That part of North Fourth Street commencing at the intersection of West Kirkwood Avenue and running thence north to a point two hundred feet north of an in-tersection on North Fourth Street with a point known as "Carter Drive";

(2) That part of West Stone Avenue commencing at the intersection of North Third Street and running thence west to North Sixth Street;

(3) That part of North 5th Street commencing at the intersection of West Stone Avenue and running thence south to West Lowe Avenue;

(4) That part of Merrill Avenue commencing at the intersection of North Fourth Street and running thence east to North Second Street;

(5) That part of West Stone Avenue commencing at the intersection of North Eighth Street and running thence west to North Tenth Street;

(6) That part of South "D" Street commencing at the intersection of East Jefferson Avenue and running south to Wilson Boulevard;

(7) That part of East Madison Avenue commencing at the intersection of South Maple Street and running thence west to North "B" Street;

(8) That part of South Sixth Street commencing at the intersection of West Harrison Avenue and running thence south to West Fillmore Avenue;

(9) That part of West Polk Avenue commencing at the intersection of South Fifth Street and running thence west to South Sixth Street;

(10) That part of West Fillmore Avenue commencing at a point two hundred feet east of the intersection of South Main Street and running west to South Seventh Street;

(11) That part of South Fifth Street commencing at the intersection of West Taylor Avenue and running thence south to West Fillmore Avenue;

(12) That part of South Main Street commencing at the intersection of Wilson Boulevard and running thence south to a point two hundred feet south of West Fillmore Avenue;

(13) That part of East Broadway Avenue commencing at the intersection of North "C" Street and running thence east to Forest Drive;

(14) That part of South Main Street commencing at the intersection of West Jefferson Avenue and running thence south two hundred feet south of West Madison Avenue;

(15) That part of West Madison Avenue commencing at the intersection of South Second Street and running thence east to South Court Street;

(16) That part of East Burlington Avenue commencing at the intersection of South "C" Street and running thence east two hundred feet east of South "D" Street;

(17) That part of South "D" Street commencing at the intersection of East Briggs Avenue and running thence south to West Washington Avenue;

(18) That part of North Second Street commencing at the intersection of West Lowe Avenue and running thence north to North Stone Avenue;

(19) That part of West Kirkwood Avenue commencing at the intersection of North Main Street and running thence west to North Third Street. (Ord. 738 § 1, 1987; Ord. 735 § 1, 1986).

10.42.020 Stopping required--Hours.

All motor vehicles shall be stopped by their drivers, while passing school zones, school grounds and street in-tersections, on all school days, at such times as shall be indicated by visible temporary or permanent stop signs, which signs shall designate such stopping point or points; and such signs shall be placed in visible positions in such streets, or by the side of such streets, by the school authorities under direction of the chief of police, or by direction of the city council through the chief of police and kept there for such periods of time as the chief of police or city council shall determine. (Ord. 535 § 2, 1969; Ord. 383 § 2, 1952).

10.42.030 Penalty for violation.

Any driver violating any of the provisions of this chapter, or who fails to stop at the areas designated, or who fails to abide by the speed limits as posted in the several areas, shall be guilty of a violation of this chapter and shall be subjected to a fine of at least fifty dollars, but not to exceed five hundred dollars, and shall be found liable for the costs of prosecution.

Limitation as to Minors. Penalties concerning per-sons under eighteen years of age convicted of simple mis-demeanors set forth above are subject to limitation of Iowa Code

Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 383 § 3, 1952).

Chapter 10.44

PHYSICIANS' AUTOMOBILES

Sections:

10.44.010 Exemption from parking provisions.

10.44.010 Exemption from parking provisions.

The business automobile of each of the practicing medical and osteopathic physicians in the city is declared to be an emergency vehicle and is granted the rights and privileges of an emergency vehicle insofar as parking ordinances are concerned. (Ord. 626-10-19 § 1, 1980; Ord. 389 § 1, 1953).

Chapter 10.46

PEDESTRIANS

Sections:

10.46.010 Walking in street.

10.46.010 Walking in street.

Any person who walks in that part or portion of a street regularly used for vehicular traffic shall walk toward and facing the oncoming traffic, except when crossing streets at intersections, and shall so walk in such portion near enough to the left hand side as not to interfere with the free flow of vehicular traffic on the street; and no person or persons

shall stand in any part of the street used for vehicular traffic in any manner that interferes with the free flow of the traffic. (Ord. 478 § 24, 1965).

Chapter 10.50

SOLICITING RIDES

Sections:

10.50.010 Legal soliciting areas restricted.

10.50.010 Legal soliciting areas restricted.

No person shall stand on that portion of a street or highway ordinarily used for vehicular traffic in the city of Fairfield for the purpose of soliciting a ride from the driver or operator of any vehicle. Nothing in this section 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. (Ord. 451 § 1, 1963).

Chapter 10.52

TIRE PROJECTIONS, METAL WHEELS AND TRACKS

Sections:

10.52.010 Metal wheels or tracks prohibited.

10.52.020 Tire projections prohibited--Exceptions.

10.52.030 Enforcement.

10.52.010 Metal wheels or tracks prohibited.

No person, firm, association or corporation shall operate or move on any street or

alley any motor vehicle, trailer, semitrailer, tractor, traction engine or farm machinery, having any metal tire, metal wheel or moveable metal tracks (smooth or cleated), in contact with the roadway. (Ord. 439 § 1(1), 1961).

10.52.020 Tire projections prohibited--Exceptions.

No tire on a vehicle moved on any street in the city shall have on its periphery any block, stud flange, cleat or spike or any protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid;

(3) Pneumatic tires with inserted ice grips or tire

studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1st of each year to April 1st of the following year, except that a school bus and fire department emergency apparatus may use such tires at any time. (Ord. 626-10-22 § 1, 1980; Ord. 439 § 1(2), 1961).

10.52.030 Enforcement. It is the duty of a duly authorized representative of the city or the police department thereof to enforce all provisions of this chapter as prescribed herein or such provisions as may hereafter be enacted. (Ord. 439 § 1(3), 1961).

Chapter 10.56

ONE-WAY STREETS

Sections:

- 10.56.010 West to east traffic flow.
- 10.56.020 North to south traffic flow.
- 10.56.030 South to north traffic flow.
- 10.56.040 East to west traffic flow.

10.56.010 West to east traffic flow. The following streets are designated as one-way streets and the flow of traffic shall be from west to east:

- (1) Broadway Avenue from Second Street to B Street;
- (2) The alley between and adjacent to Lots One, Two, Three, Four, Five, Six, Seven and Eight, Block 17, New Plat of the city of Fairfield, Iowa;
- (3) School place from Fairview Drive to Sixth Street between three p.m. and three forty-five p.m. on days that Pence School is in session;
- (4) Hempstead Avenue from North Main Street to North Court Street. (Ord. 1027 § 1, 2007; Ord. 993 § 1, 2004; Ord. 887 § 1, 1996; Ord. 697, 1985; Ord. 549 §

1(a), 1972).

10.56.020 North to south traffic flow. The following streets are designated as one-way streets and the flow of traffic shall be from north to south:

10.56.030--10.56.040

- (1) Court Street from Briggs Avenue to Washington Avenue;
- (2) The north one-half of that alley between and adjacent to Lots Two and Three in Block Sixteen, Original Plat of the city of Fairfield, Iowa;
- (3) That alley which is located between and adjacent to Lots Two, Three, Six and Seven, Block Fifteen, Original Plat of the city of Fairfield;
- (4) That alley which is located between and adjacent to Lots One, Two, Three, Four, Five, Six, Seven and Eight, Block Fourteen, Original Plat of the city of Fairfield;
- (5) South E Street between East Madison Avenue and East Jackson Avenue, on school days only, at dismissal, not in excess of one hour per day, and only at such times as shall be indicated by temporary or permanent traffic signs and only at such times as East Jackson Avenue between South E Street and South D Street is designated and signed one-way. (Ord. 1047 § 1, 2009; Ord. 1018 § 1, 2006; Ord. 908 § 1, 1997; Ord. 892 § 1, 1996; Ord. 705 § 1, 1985; Ord. 697, 1985; Ord. 549 § 1(b), 1972).

10.56.030 South to north traffic flow. The following streets are designated as one-way streets and the flow of traffic shall be from south to north:

- (1) Main Street from Burlington Avenue to Briggs Avenue;
- (2) The south one-half of that alley between and adjacent to Lots Six and Seven in Block Six, Old Plat to the city of Fairfield, Iowa;
- (3) The north-south alley located between and adjacent to Lots One, Two, Three, Four, Five and Twelve, Block Eighteen, Henn Williams and Co. addition to the city of Fairfield. (Ord. 948 § 1, 2000; Ord. 792 § 1, 1990; Ord. 697, 1985; Ord. 549 § 1(c), 1972).

10.56.040 East to west traffic flow. The following streets are designated as one-way streets and the flow of traffic shall be from east to west:

- (1) East Broadway Avenue from the east line of North "D" Street to the west line of Forest Drive at such times when legally accepted "DO NOT ENTER" signs are posted on East Broadway Avenue immediately east of the east line of

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North "D" Street and legally accepted "ONE-WAY" signs are posted on North Maple Street, immediately south of the south line of East Broadway Avenue;

(2) That part of the alley between and adjacent to Lots Four and Five, Block 11, Gage Addition of the city of Fairfield, Iowa;

(3) That part of the alley located between and adjacent to Lots One, Two, Seven and Eight, Block Fifteen, Original Plat of the city of Fairfield;

(4) That alley which is located between and adjacent to Lots One, Two, Seven and Eight, Block Seventeen, Original Plat of the city of Fairfield;

(5) East Jackson Avenue from South E Street to South D Street, on school days only, at dismissal, not in excess of one hour per day, and only at such times as shall be indicated by temporary or permanent signs, and only at such times as South E Street between East Madison Avenue and East Jackson Avenue is designated and signed one-way. (Ord. 1018 § 2, 2006; Ord. 986 § 1, 2003; Ord. 908 § 2, 1997; Ord. 903 § 1, 1997; Ord. 715 § 1, 1986).

Chapter 10.57

MOTORCYCLES AND MOTORIZED BICYCLES

Sections:

- 10.57.010 General applicability.
- 10.57.020 Riders.
- 10.57.030 Sitting position.
- 10.57.040 Use of traffic lanes.
- 10.57.050 Headlights on.
- 10.57.060 Packages.
- 10.57.070 Handlebars.
- 10.57.080 Parades.

10.57.010 General applicability.

The motor vehicle ordinances apply to the operators of motorcycles and motorized bicycles to the extent practically applicable. (Ord. 732 § 1, 1986).

10.57.020 Riders.

(a) Motorized Bicycles. A person operating a motor-ized bicycle on the city streets shall not carry any other person on the vehicle.

(b) Motorcycles. A person shall not operate or ride a motorcycle on the city streets with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (Ord. 732 § 2, 1986).

10.57.030 Sitting position.

A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle. (Ord. 732 § 3, 1986).

10.57.040 Use of traffic lanes.

Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle. (Ord. 732 § 4, 1986).

10.57.050 Headlights on.

A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the city streets without displaying at least one lighted head-lamp. (Ord. 732 § 5, 1986).

10.57.060 Packages.

The operator of a motorcycle or motorized bicycle shall not carry any package, bundle or other article which prevents the operator from keeping both hands on the handlebars. (Ord. 732 § 6, 1986).

10.57.070 Handlebars.

A person shall not operate a motorcycle or motorized bicycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator. (Ord. 732 § 7, 1986).

10.57.080 Parades.

The provisions of this section do not apply to motor-cycles or motorized bicycles when used in a parade authorized by proper permit from local authorities. (Ord. 732 § 8, 1986).

Chapter 10.58

BICYCLES

Sections:

- 10.58.010 Applicability of State Motor Vehicle Code.
- 10.58.020 Impounding for violations.
- 10.58.030 Number of riders.
- 10.58.040 Improper riding.
- 10.58.050 Clinging to vehicles prohibited.
- 10.58.070 Lights, reflectors required.
- 10.58.080 Parking.
- 10.58.090 Riding on sidewalks.
- 10.58.100 Riding abreast.
- 10.58.110 Towing prohibited.
- 10.58.120 Following fire equipment prohibited.
- 10.58.130 Registration--Required.

10.58.010 Applicability of State Motor Vehicle Code.

Every person propelling a bicycle upon a roadway shall be subject to the provisions of Chapter 321, Code of Iowa 1971, except those provisions of this chapter which by their very nature can have no application. (Ord. 551 § 1, 1972).

10.58.020 Impounding for violations.

In addition to the penalties imposed for violation of this chapter, the bicycle of any person violating any of the provisions of this chapter may be impounded by the police department for not less than five days for the first offense, ten days for the second

offense, and thirty days for the third offense. (Ord. 551 § 2, 1972).

10.58.030 Number of riders.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. 551 § 3, 1972).

10.58.040 Improper riding.

It is unlawful for any person riding a bicycle within the city to ride in an irregular or reckless manner, such as zigzagging, stunting, speeding or otherwise riding with disregard for either the operator's safety or the safety of others. (Ord. 551 § 4, 1972).

10.58.050 Clinging to vehicles prohibited.

It is unlawful for any person riding on any bicycle, or similar device to cling to or attach himself or his vehicle to any other moving vehicle upon a public highway. (Ord. 551 § 5, 1972).

10.58.070 Lights, reflectors required.

All bicycles used within the city shall, during the hours from one-half hour after sunset and one-half hour before sunrise, display a headlight on the forward part of the bicycle visible from a distance of at least three hundred feet. Such headlight shall be stationary and with an illuminating power equal to that produced by a one and twenty-five hundredths volt electric bulb and battery. There shall also be displayed on the rear part of the bicycle a red reflector, not to be smaller than one and one-half inches in diameter or a red light of similar diameter. (Ord. 551 § 7, 1972).

10.58.080 Parking.

Bicycles shall be parked only at such places and in such manner as to not block any sidewalks, streets, or alleys, in any way that would restrict vehicular or pedestrian travel. (Ord. 551 § 8, 1972).

10.58.090 Riding on sidewalks.

Bicycles may be operated upon the sidewalks in the residential district, but not in the business district or upon the sidewalks adjoining any school premises, except those

permitted by the police department.

Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles upon any sidewalks not herein prohibited. Any person using or operating a bicycle upon any sidewalks shall turn off the sidewalks at all times when meeting or passing pedestrians. (Ord. 551 § 9, 1972).

10.58.100 Riding abreast.

Bicycles shall be ridden single file in business districts and upon sidewalks in residential districts, but may be ridden not over two abreast elsewhere. Bicycles shall be operated as near the right curb as possible at all times. (Ord. 551 § 10, 1972).

10.58.110 Towing prohibited.

It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the city. (Ord. 551 § 11, 1972).

10.58.120 Following fire equipment prohibited.

It is unlawful for any person riding a bicycle to follow a fire truck or other fire equipment at any time. (Ord. 551 § 12, 1972).

10.58.130 Registration--Required.

Bicycle registration with the city shall be entirely voluntary. Upon payment of the fee associated with administration and tag cost, a bicycle owner may receive from the police department a license tag which shall be permanently referenced with department records. (Ord. 1028 § 2, 2006).

Chapter 10.59

SKATEBOARDS, ROLLERSKATES AND ROLLERBLADES

Sections:

10.59.010 Operation or use on sidewalk--Permitted when.

- 10.59.020 Pedestrians--Right-of-way.
- 10.59.030 Operation or use on streets permitted.
- 10.59.035 Traffic rules for in-line skates and rollerskates.
- 10.59.037 Operation or use of skateboards on streets prohibited.
- 10.59.040 Violation--Impoundment.

- 10.59.010 Operation or use on sidewalk--Permitted when.

Skateboards, rollerskates and rollerblades may be used or operated upon the sidewalks in the residential districts, but shall not be used or operated upon the sidewalks in the commercial or business districts or upon the sidewalks adjoining any school premises when school is in session, except those premises permitted by the police department. (Ord. 834 § 2(part), 1992).

- 10.59.020 Pedestrians--Right-of-way.

Pedestrians upon the sidewalks shall have the right-of-way at all times over persons using or operating skate-boards, rollerskates and rollerblades upon any sidewalk not prohibited by this chapter for use or operation. Any person using or operating a skateboard, rollerskates or rollerblades upon any sidewalk not prohibited by this chapter for use or operation shall turn off the sidewalk at all times when meeting or passing pedestrians. (Ord. 834 § 2(part), 1992).

- 10.59.030 Operation or use on streets permitted.

It is lawful for any person to operate or use roller-skates or in-line skates on any public street or highway within the city of Fairfield. (Ord. 899 § 2, 1997).

- 10.59.035 Traffic rules for in-line skates and rollerskates.

(a) All on-street operation of in-line skates and rollerskates shall be conducted as far to the right of the traffic lane as possible, and flowing with traffic. All operations of these in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of re-reflective clothing or reflective strips on his or her clothing which can be seen from a distance of five hundred feet to the rear and side. Further, all operation shall be consistent with rules of the road established for bicy-cles.

(b) Improper Riding. It is unlawful for any person skating on city streets to ride in an irregular or reck-less manner, such as zigzagging, stunting or otherwise skating with disregard for either their safety or the safety of others.

(c) Clinging to Vehicles Prohibited. It is unlawful for any person skating on city streets to cling to or at-tach himself to any moving vehicle on a public highway or street or alley.

(d) Riding Abreast. Roller skates and in-line skates shall be ridden single file in business districts and upon sidewalks in residential districts, but may be ridden not over two abreast elsewhere. Individuals riding shall respect at all times the right-of-way of pedestri-ans.

(e) Damaging City Property. No person shall operate in-line skates or rollerskates on or against any city-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use.

(f) Skating Ramps. No person shall use or place a ramp, jump, or any other device used to force a skate-board, in-line skates, or rollerskates off the pavement, on the grounds of any city-owned parking lot, park, or sidewalk, or on any city street or highway.

(g) Skating on Private Property. No person shall operate a skateboard, in-line skates, or rollerskates on the premises of any privately owned residence or business without first having obtained express permission, or upon any other private property in violation of any sign posted prohibiting trespass. (Ord. 899 § 3, 1997).

10.59.037 Operation or use of skateboards on streets prohibited.

It is prohibited for any person to operate or use a skateboard on any public street or highway within the city of Fairfield. Traffic rules stated at Sections 10.59.035(d) Riding Abreast; (e) Damaging City Property; (f) Skating Ramps; and (g) Skating on Private Property are all expressly made applicable to the use of skateboards within the city of Fairfield. (Ord. 899 § 4, 1997).

10.59.040 Violation--Impoundment.

The skateboards, rollerskates, and rollerblades of any person violating any of the provisions of this chapter may be impounded by the chief of police or a member of the police department for not less than five days for the first offense, not less than ten days

for the second offense and not less than thirty days for the third offense. (Ord. 834 § 2(part), 1992).

Chapter 10.60

RAILROAD CROSSINGS

Sections:

- 10.60.010 Definitions.
- 10.60.020 Speed limit of railroad cars and trains.
- 10.60.030 Street-crossing obstructions.
- 10.60.040 Maintenance of crossing.
- 10.60.050 Flying switches.
- 10.60.060 Penalty.

10.60.010 Definitions.

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

(1) "Railroad train" means any steam, electric, die-sel or other motor-driven engine and the cars, if any, coupled to the engine operated on rails, but does not include interurban and street cars.

(2) "Operator" means any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train. (Ord. 579 § 1, 1975).

10.60.020 Speed limit of railroad cars and trains.

All railroad trains, engines, cars and other equipment or vehicles moving on fixed rails within the inhabited and business limits of the city shall be run and operated at a speed not to exceed that mandated by the Federal Railroad Safety Act, 49 U.S.C. Section 20106, and relevant regulations covering train speed pursuant to Title 49 of the Code of Federal Regulations. (Ord. 900 § 2, 1997).

10.60.030 Street-crossing obstructions.

A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten minutes except:

- (1) When necessary to comply with signals affecting the safety of the movement of trains;
- (2) When necessary to avoid striking any object or person on the track;
- (3) When the train is disabled;
- (4) When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations. (Ord. 597 § 1, 1977: Ord. 579 § 3, 1975).

10.60.040 Maintenance of crossing.

Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails. (Ord. 579 § 4, 1975).

10.60.050 Flying switches.

No operator shall cause any railroad car or cars, un-attached to any engine, to be propelled across any inter-section of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a fly-ing switch unless some employees of the railroad are sta-tioned at the intersection to give warning of such car or car's approach. (Ord. 579 § 5, 1975).

10.60.060 Penalty.

Any officer or employee of a railroad corporation vio-lating any provisions of this chapter shall upon conviction be punished by a fine not exceeding one hundred dollars for each offense. An employee shall not be guilty of such vio-lation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its su-pervisors. Such guilt shall then be with the railroad cor-poration. (Ord. 597 § 2, 1977: Ord. 579 § 6, 1975).

ABANDONED VEHICLES

Sections:

- 10.62.010 Purpose.
- 10.62.020 Definitions.
- 10.62.030 Removal of abandoned motor vehicles.
- 10.62.040 Notice to owner and lienholders.
- 10.62.050 Impoundment fees.
- 10.62.060 Auction of operable vehicles.
- 10.62.070 Inoperable abandoned vehicles.
- 10.62.080 Duties of demolisher.
- 10.62.090 Junk vehicles and machinery a nuisance.
- 10.62.100 Notice to abate.
- 10.62.110 Duty of owner to remove or repair.
- 10.62.120 Abatement.
- 10.62.130 Exceptions.
- 10.62.140 Penalty.

10.62.010 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property of this city by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in places authorized. (Ord. 566 § 1, 1974).

10.62.020 Definitions.

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

(a) "Abandoned vehicle" means any of the following:

- (1) A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight hours and lacks current registration plates or two or more wheels or other structural parts which render the vehicle totally inoperable; or
- (2) A motor vehicle that has remained illegally on public property for more than fifteen days; or

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

(4) A motor vehicle that has been legally im-pounded by order of the marshal (chief of police) and has not been reclaimed for a period of thirty days.

(b) "Junk motor vehicle" or "junk machinery" means any motor vehicle stored within the corporate limits of Fairfield, Iowa, not licensed for the current year as re-quired by law, and which, because of any one of the fol-lowing characteristics, constitutes a threat to the pub-lic-health and safety:

(1) Any vehicle with a broken or cracked wind-shield, window, headlight or taillight, or any other cracked or broken glass;

(2) Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tailpipe or decorative piece;

(3) Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects;

(4) Any vehicle which contains gasoline or any other flammable fuel;

(5) Any other vehicle which, because of its de-fective or obsolete condition, in any other way consti-tutes a threat to the public health and safety.

(6) Any vehicle, automobile, truck, truck body, tractor, trailer or other machinery capable of hauling and conveying (unless of type approved by city administrators or chief of police), converted to a use other than that original use for which it was intended (i.e.; storage rather than transportation) so as to present appearance of continuous use as a receptacle for materials, parts, de-bris, or refuse, otherwise not permitted to be stored on public streets and rights-of-way or in open view on pri-vate premises.

(7) Any vehicle which is no longer mobile, no longer capable of transporting passengers, or no longer capable of hauling, due to mechanical defect of a continu-ing nature, due to being partially dismantled, wrecked, stripped, junked, discarded, or otherwise inoperable, which is permitted to remain openly displayed on such premises (private) longer than fifteen days.

(8) Subsections (b)(3), (4), (5), (6), and (7) of this section shall apply to licensed vehicles, as well as unlicensed vehicles, should that circumstance be deter-mined to have existed for longer than fifteen days.

(c) This section shall not apply to any vehicle contained within an enclosed building or structure or so located on the premises as not to be visible from any public place, or from surrounding private property, or fully screened from view of all off premises locations by appropriate berming, landscaping, trees, shrubs, fencing, blind or structure serving as screen. (Ord. 952 § 1, 2001: Ord. 566 § 2, 1974).

10.62.030 Removal of abandoned motor vehicles.

The city police may remove and impound any abandoned motor vehicle whether in operable or totally inoperable condition as defined by Section 10.62.020. Impoundment shall be in any city-owned garage or area, or in any privately owned public garage or area designated by the city council. (Ord. 566 § 3, 1975).

10.62.040 Notice to owner and lienholders.

The city police shall notify, by certified mail, within three days of having taken possession of the abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within fourteen days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle, and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this city

shall be made by the city police and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

The owner and any lienholder may, by written request delivered to the police chief prior to the expiration of the fourteen-day reclaiming period, obtain an additional fourteen days within which the motor vehicle may be re-claimed. (Ord. 566 § 4, 1974).

10.62.050 Impoundment fees.

The owner or lienholder shall pay three dollars to the city if claimed within five days of impounding, plus one dollar for each additional day within the reclaiming period plus towing charges if stored in a city-owned facility, or upon payment of the towing and storage fees, if stored in a privately owned facility, whereupon the vehicle shall be released. The amount of towing charges and the rate of storage charges by privately owned facilities shall be established, by resolution of the council, before the provisions of this chapter are carried out by the police. (Ord. 626-10-25 § 1, 1980; Ord. 566 § 5, 1974).

10.62.060 Auction of operable vehicles.

If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 10.62.040, the police chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use, it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold, and title given in accordance with law. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in the state law. The purchaser shall take title as provided for by law, or if sold to a demolisher, no further titling of the motor vehicle shall be permitted. Proceeds from any sales shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law, and any balance shall be disposed of as required by law. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police chief shall apply for reimbursement from the state as provided by law. (Ord. 566 § 6, 1974).

10.62.070 Inoperable abandoned vehicles.

Any totally inoperable abandoned vehicle as defined in subsection (a)(1) of Section 10.62.020 or any such in-operable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the city police to a demolisher unless he deems it practicable to sell it as provided in Section 10.62.060. A sale to a demolisher shall not re-quire the notification procedures or public auction, but the police chief shall endeavor to obtain as much compen-sation as possible to defray any costs to the city. A person, firm, corporation, or this city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification pro-cedures, dispose of such motor vehicle if it lacks an en-gine, or two or more wheels, or other structural part which renders the vehicle totally inoperable, to a demol-isher for junk without the title. (Ord. 566 § 7, 1974).

10.62.080 Duties of demolisher.

Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under Section 10.62.060 or 10.62.070 he shall apply to the city police for a certificate to demolish the vehicle. The applica-tion shall include the name and address of the applicant, and the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the State Department of Public Safety for cancellation. (Ord. 566 § 8, 1974).

10.62.090 Junk vehicles and machinery a nuisance.

It is declared that storage, within the corporate limits, of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 10.62.130, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk motor ve-hicle or machinery is stored upon private property in vio-lation of this chapter, the owner of said motor vehicle, who is the owner or person in control of the property upon which it is stored, shall be prima facie liable for said violation. (Ord. 566 § 9, 1974).

10.62.100 Notice to abate.

Upon discovery of any junk motor vehicle or junk machinery stored upon private property within the corporate limits of this city in violation of Section 10.62.090, the police chief shall, within ten days, notify by certified mail the owner of the motor vehicle or other property owner that:

- (1) The motor vehicle constitutes a nuisance under the provisions of this chapter;
- (2) That the owner must remove or repair the motor vehicle or machinery in accordance with the terms of Section 10.62.110;
- (3) That failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the city at the owner's cost. (Ord. 566 § 10, 1974).

10.62.110 Duty of owner to remove or repair.

The owner of a junk motor vehicle or junk machinery (who is the owner or person in control of the property upon which it is stored) who violates the provisions of Section 10.62.090 must, within ten days after receipt of written notice from the police chief, remove the motor vehicle or machinery to an auto salvage yard or junkyard duly licensed by this city, or to a lawful place of storage outside the city limits, or repair the defects which cause such motor vehicle or machinery to violate the provisions of this chapter, including licensing if a motor vehicle not currently licensed. (Ord. 566 § 11, 1974).

10.62.120 Abatement.

If such owner of a junk motor vehicle or machinery fails to remove or repair the motor vehicle in accordance with the terms of Section 10.62.100, the city police shall abate such nuisance by causing the motor vehicle to be removed and impounded and sold or disposed of as specified in Sections 10.62.050 through 10.62.070, and the cost of abatement shall be charged to the owner of the motor vehicle or other property owner. (Ord. 566 § 12, 1974).

10.62.130 Exceptions.

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

- (1) A garage or other enclosed structure;
- (2) An auto salvage yard or junkyard duly licensed by this city. (Ord. 566 § 13, 1974).

10.62.140 Penalty.

Anyone failing to remove or repair any junk motor vehicle or machinery stored on private property in violation of Section 10.62.110 shall be guilty of a misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine of at least fifty dollars, but not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 566 § 14, 1974).

Title 11

STREETS AND SIDEWALKS

Chapters:

- 11.04 Street Names and Building Numbers
- 11.08 Tree and Landscaping Regulations
- 11.12 Obstructions
- 11.16 Excavations
- 11.20 Utility Connections
- 11.24 Sidewalk Construction and Repair
- 11.32 Snow and Ice Removal--Sidewalks
- 11.36 Snow and Ice Removal--Streets and Alleys

Chapter 11.04

STREET NAMES AND BUILDING NUMBERS*

Sections:

- 11.04.010 Street names designated.
- 11.04.020 North-south streets.
- 11.04.030 East-west streets.
- 11.04.040 Naming street extensions.
- 11.04.050 Public parks designated.
- 11.04.060 Block numbering system.
- 11.04.070 Building numbering system.
- 11.04.080 Placement of numbers required.

11.04.090 Violations.

* Prior history: Ord. 52.

11.04.010 Street names designated.

In general, the streets of the city shall hereafter be designated by the following names:

(1) The streets running east and west shall be designated avenues, and the streets running north and south shall be designated streets.

(2) The street running east and west along the north side of Central Park shall be called Broadway Avenue and the streets running parallel with the north of Broadway Avenue shall be designated Briggs Avenue, Hempstead Avenue, Grimes Avenue, Depot Avenue, Lowe Avenue, Kirkwood Avenue, Stone Avenue, Merrill Avenue and Carpenter Avenue, respectively, after the Governors of the state of Iowa.

(3) The street running east and west along the south side of Central Park shall be called Burlington Avenue and the streets running parallel with and south of Burlington Avenue shall be designated Washington Avenue, Adams Avenue, Jefferson Avenue, Madison Avenue, Monroe Avenue, Jackson Avenue, Van Buren Avenue, Harrison Avenue, Tyler Avenue, Polk Avenue, Taylor Avenue, Fillmore Avenue, Pierce Avenue, Buchanan Avenue, and Lincoln Avenue, respectively, after the Presidents of the United States.

(4) The street running north and south along the east side of Central Park shall be called Court Street and the streets running parallel with and east of Court Street shall be designated B Street, C Street, D Street, E Street, F Street, G Street, H Street, and Maple Street, respectively. That part of the next street east of Maple Street which joins and lies south of East Burlington Avenue shall be called Highland Street and that part which lies north of East Burlington Avenue shall be called Forest Drive. The remaining streets lying east of Forest Drive shall be called Cromwell Street, Morgan Street, and Park Street, respectively.

(5) The street running north and south along the west side of Central Park shall be called Main Street and the streets running parallel with and west of Main Street shall

be designated by numbers, as follows: Second Street, Third Street, Fourth Street, Fifth Street, Sixth Street, Seventh Street, Eighth Street, Ninth Street, Tenth Street, Eleventh Street and Twelfth Street, and continuing in like manner to the west limits of the city.

(6) In the southern portions of the city there are the following exceptions to the general rule concerning street designations:

(A) The street running west from Sixth Street for one block and lying immediately north of Pence Elementary School shall be called School Place. It is joined on its west end by a street running north to West Harrison Avenue and beyond which shall be called Fairview Place.

(B) The street which is an extension of South Seventh Street and which lies south of Fillmore Avenue and angles in a southwesterly direction to the west city limits shall be called Liberty Drive. The street which runs southerly from Liberty Drive for one block shall be called Little Fawn Street. It joins Grand Park Drive which generally parallels Liberty Drive.

(C) The first street which runs in a southwesterly direction which joins West Fillmore Avenue west of its intersection with Liberty Drive and which extends to the west city limits shall be called Sunset Place.

(D) The street which runs approximately one block west from South Sixth Street between West Tyler Avenue and West Taylor Avenue and then turns and runs south for approximately one block and dead ends there shall be called Sunny Lane.

(E) The first street north of Fillmore Avenue which extends west from South Main Street to South Fourth Street shall be called Iowa Avenue. The next street north of Fillmore Avenue which extends east from South Main Street to South D Street shall be called Wilson Boulevard.

(F) The first street east of South E Street which extends southeasterly from East Madison Avenue and joins Maple Street shall be called Hillside Drive. Proceeding southeasterly on Hillside Drive from its intersection with Madison Avenue, the first dead-end street running west from Hillside Drive shall be called Kingman Circle and the next dead-end street intersecting with Hillside Drive and running west shall be called Fairway Place.

(G) The first street which intersects with East Madison Avenue east of Hillside Drive and approximately parallels Hillside Drive shall be called Belaire Drive.

(H) The first street north of East Harrison Avenue which extends west from Park Street to an extension of Cromwell Street shall be called Hillcrest Avenue.

(I) The street which extends in an easterly di-rection from South Park Street south of its intersection with East Harrison Avenue and proceeds in a semicircular manner until it rejoins South Park Street north of its in-tersection with East Fillmore Avenue shall be called Glen-view Circle.

(7) In the northern portions of the city there is the following exception to the general rule concerning street designations:

The street running east from North Twelfth Street past North Tenth Street and which lies south of West Carpenter Avenue, and which otherwise would be designated an extension of Merrill Avenue, shall be called Spaulding Avenue.

(Ord. 626-11-1 § 1, 1980).

11.04.020 North-south streets.

All streets running north and south which lie north of a line running east and west through the center of Cen-tral Park shall have the word "north" added as a prefix to the name thereof, and all streets lying south of such line shall have the word "south" added as a prefix to the name thereof. (Ord. 626-11-1 § 2, 1980).

11.04.030 East-west streets.

All streets running east and west and which lie east of a line running north and south through the center of Central Park shall have the word "east" added as a prefix to the name thereof, and all streets lying west of such line shall have the word "west" added as a prefix to the name thereof. (Ord. 626-11-1 § 3, 1980).

11.04.040 Naming street extensions.

In general, all extensions of the streets within the present city limits or in any

additions which may hereaf-ter be made shall be called by the names of the respective streets of which they may be extensions or continuations. Exceptions to this rule shall be approved by the city council. (Ord. 626-11-1 § 4, 1980).

11.04.050 Public parks designated.

Block number thirteen of the original plat of the town of Fairfield and which lies in the center of what is commonly known as the "Public Square" shall be called "Central Park." The wooded land which lies east of Park Street and its extension and north of East Burlington Ave-nue shall be called "Chautauqua Park." The land which lies north of Broadway Avenue and between Forest Drive and North Cromwell Street shall be called "Forest Park." The land which is bordered on the west by North Ninth Street and which commences 132 feet north of Stone Street and runs north approximately 558 feet and is approximately 135 feet in width shall be called "Heritage Park." The block bounded on the north by Grimes Avenue, on the west by North Main Street, on the east by North Court Street, and on the north by Depot Avenue, shall be called "Howard Park." The land lying immediately north of and adjoining Wilson Boulevard which lies in a southwesterly-northeasterly direction between lots five and six on the east and lots 10, 21, and 20 on the west shall be called "Wilson Park." The land in Park Place Subdivision lying both east and west of Dogwood Drive and which has a walk-ing trail traversing it from the Fairfield Middle School parking area on the east to Grand Park Drive on the west, shall be called "Southwood Park." (Ord. 859 § 1, 1994; Ord. 626-11-1 § 5, 1980).

11.04.060 Block numbering system.

Each half block counted from the lines drawn through the center of Central Park dividing the streets shall be numbered beginning at fifty; each block thereafter in all four directions shall be numbered beginning at one hundred or the multiple thereof according to the number of the block. (Ord. 626-11-1 § 6, 1980).

11.04.070 Building numbering system.

The numbering system of the buildings in the business districts and in the

residential areas of the city, having already been adopted, is confirmed and the numbers of the buildings shall be retained unless the city council sees fit to make changes. The numbers assigned to buildings in any future additions to the city shall be those assigned by the city council by resolution or otherwise. (Ord. 626-11-1 § 7, 1980).

11.04.080 Placement of numbers required.

All owners of buildings on any of the public or private streets of the city shall affix, in a conspicuous place near the main entrance of the principal building on the lot, the address number of the building. Each number shall be in arabic numerals and no less than three inches in height, with a one-half inch stroke. Each digit shall be plain and legible from the street and shall be maintained in such condition at all times. (Ord. 936 § 2, 1999).

11.04.090 Violations.

It shall be unlawful for the owner of any building to fail to display an address number pursuant to the provisions of this chapter. Each day a violation occurs is considered a separate violation of this chapter. Any person who is convicted of a violation of this chapter shall be subject to a penalty of not more than five dollars. (Ord. 883 § 2, 1996).

Chapter 11.08

TREE AND LANDSCAPING REGULATIONS*

Sections:

11.08.010 Purpose.

11.08.020 Scope.

11.08.030 Definitions.

- 11.08.040 Fairfield tree enhancement board.
- 11.08.050 Placement and location of trees.
- 11.08.060 Species of trees limited.
- 11.08.070 Species of trees permitted.
- 11.08.080 Manufacturing districts (M-1, M-2) requirements.
- 11.08.090 Residential districts (R-1, R-2, R-3, R-4, R-5) requirements.
- 11.08.100 Permits.
- 11.08.110 Removal of trees and shrubs.
- 11.08.120 Notice of landowner to remove trees, parts of trees and/or shrubs.
- 11.08.130 Appeal.
- 11.08.140 Order of removal may be stayed.
- 11.08.150 Failure of landowner to remove.
- 11.08.160 Supervision of parks and recreation department required.
- 11.08.170 Other remedies.
- 11.08.180 Penalties.
- 11.08.190 Severability.

* Prior ordinance history: Ordinances 484, 626-11-2-626-11-5 and 850.

11.08.010 Purpose.

The purpose of this chapter is to protect and promote the public health and safety and to improve the aesthetic qualities of the community by regulating tree management and landscaping activities. The intent of the regulations is to reduce wind turbulence, heat and noise; to prevent erosion and reduce stormwater runoff; to protect private and public property and vehicular and pedestrian rights-of-way; and to promote aesthetic quality and otherwise create a pleasant community environment. (Ord. 861 § 2, 1995).

11.08.020 Scope.

These regulations include requirements and limitations for tree plantings adjacent to and within street rights-of-way in residential and manufacturing zoned districts. (Ord. 861

§ 3, 1995).

11.08.030 Definitions.

As used in this chapter:

"Board" means the Fairfield tree enhancement board.

"May" means that the indicated action is permissive.

"Person" means any individual person, firm, partnership, corporation, trust or any other organized group of persons.

"Shall" means that the indicated action is mandatory.

"Street" means all that tract of land used, or intended to be used, for a public street lying between the property lines extended along each side thereof. (Ord. 861 § 4, 1995).

11.08.040 Fairfield tree enhancement board.

Effective the twenty-second day of February, 1993, the Fairfield tree enhancement board shall be created and shall be governed by the following guidelines and procedures.

(1) Members of the board shall serve without compensation.

(2) The Fairfield city council shall establish a Fairfield tree enhancement board. Said board shall consist of five members. Members shall be recommended by the mayor and appointed by the Fairfield city council for terms of three years.

(3) It shall be the responsibility of the board to study, investigate, counsel and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public and private areas within the city. Such a plan will be presented to the city council and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the city of Fairfield, Iowa. The board shall review annually and update if needed the comprehensive city tree plan. The board, when requested by the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question within the scope of its work.

(4) The board shall choose its own officers, make its own rules and regulation, and keep a journal of its proceedings. A majority of the members shall be a quorum for

the transaction of business.

(5) The board shall investigate, study and compile a list of trees suitable for planting and growth within the city of Fairfield. Such list shall be known as "List of Recommended Trees for Fairfield" and may be amended from time to time as necessary. (Ord. 861 § 5, 1995).

11.08.050 Placement and location of trees.

All trees and shrubs shall hereafter be placed so as to avoid interference with overhead utility wires or underground cables, sewers or drains. All plantings within the public rights-of-way shall be of varieties that will pose a minimum of maintenance problems when mature. All plantings within the public rights-of-way shall be centered between the edge of the street and the sidewalk or property line. No trees shall be planted in areas where the distance between the street and the sidewalk or property line (where there is no sidewalk) is less than five feet. In areas where this distance is greater than five feet and less than eight feet, trees from the list of "small trees," as listed in the List of Recommended Trees for Fairfield may be planted. Where this distance is eight feet or greater, "small trees" and "large trees" may be planted. Any plantings in the rights-of-way other than trees shall not be allowed to grow higher than three feet and shall not interfere with pedestrian or vehicular traffic. (Ord. 888 § 1, 1996: Ord. 861 § 6, 1995).

11.08.060 Species of trees limited.

Hereafter no tree from the list of Not Recommended List of Trees for Fairfield shall be planted, seeded or permitted to grow on any lands within the city of Fairfield. (Ord. 888 § 1, 1996: Ord. 861 § 7, 1995).

11.08.070 Species of trees permitted.

The varieties of trees permitted by this title for planting in the city of Fairfield shall be compiled by the board. Said list shall contain a list of "small" trees which have a height at maturity of no more than thirty feet; a list of "large" trees which mature at

greater than thirty feet; and a list of "not recommended" trees. Said list shall be titled "List of Recommended Trees for Fair-field," shall be kept on file in the office of the plan-ning administrator, and shall be used to fulfill the re-quirements of this title. (Ord. 861 § 8, 1995).

11.08.080 Manufacturing districts (M-1, M-2) requirements.

Whenever there is development of a vacant lot or a new use established, the requirements of this section shall be applicable to the entire lot.

(1) Large trees shall be planted at no less than one tree for every sixty feet of frontage, or no less than one small tree for every forty feet of frontage.

(2) No trees, hedges or other obstructions shall be planted or allowed to grow in any portion of the front or side yard area within twenty feet of the intersection of two right-of-way lines.

(3) Hereafter, no tree shall be planted within three feet of the front property line.

(4) Hereafter, one large tree shall be planted for every six required parking spaces, or one small tree shall be planted for every four required parking spaces. (Ord. 888 § 3, 1996; Ord. 861 § 9, 1995).

11.08.090 Residential districts (R-1, R-2, R-3, R-4, R-5) requirements.

Whenever there is development on an undeveloped lot, the requirements of this section shall be applicable to the entire lot.

(1) Large trees shall be planted at no less than one tree for every sixty feet of frontage, or no less than one small tree for every forty feet of frontage.

(2) No trees, hedges or other obstructions shall be planted or allowed to grow in any portion of the front or side yard within twenty feet of the intersection of two right-of-way lines.

(3) Hereafter, no tree shall be planted within three feet of the front property line. (Ord. 888 § 4, 1996; Ord. 861 § 10, 1995).

11.08.100 Permits.

No person shall plant or remove any tree on any municipal-owned property, including street rights-of-way, without first filing an application and obtaining approval from the planning administrator. The applicant shall abide by the arboricultural specifications and standards of practice adopted by the board. The city shall have the authority to require posting of a bond adequate to fully repay the city for any and all costs attendant to the completion of the work covered in the permit. In addition, the applicant may be required to show adequate insurance coverage from potential damages during the execution of the work. (Ord. 888 § 5, 1996: Ord. 861 § 11, 1995).

11.08.110 Removal of trees and shrubs.

The city council may require the owner of any lands within the city to remove and destroy any dead or diseased tree or parts of trees standing on the lands of such owner at the cost and expense of such owner, and the city council may also require such landowner to remove any tree, part of tree, or shrub, whether dead or diseased or not, standing in a place in violation of the provisions set out in Section 11.08.050, also at the cost to such landowner. (Ord. 861 § 12, 1995).

11.08.120 Notice of landowner to remove trees, parts of trees and/or shrubs.

A landowner becomes liable for the cost and expense of removing a tree, part of tree or shrub only after a finding is made by the city council that such tree, part of tree or shrub is subject to removal under the provisions of Section 11.08.050, and orders the removal thereof at the cost and expense of such landowner, and service of a copy of the finding and removal order is made on the landowner. Such order shall set out with clarity the date fixed for the removal of such tree, part of tree or shrub, giving the landowner a reasonable time to remove same but not less than ten days from the time of service of such removal order. Such order shall be served on the landowner in the manner provided for service of original notices under the laws of the state of Iowa, and the city shall bear the cost of service of such removal order. (Ord. 861 § 13, 1995).

11.08.130 Appeal.

The landowner who, having been served with notice as provided for in Section 11.08.120, believes that mistake has been made by the city council, or that the time fixed for removal is too short, may appear before the city council at its next meeting any time prior to the date fixed for the removal and show cause why such order should not be corrected, canceled or the time for removal extended. (Ord. 861 § 14, 1995).

11.08.140 Order of removal may be stayed.

Should no meeting of the city council be held between the time of service of the removal notice and the time fixed in said notice for removal of such tree, part of tree or shrub, the landowner may file notice in writing in the office of the city clerk demanding a hearing before the city council at its next meeting and ask that execution of the removal order be stayed until such hearing is held. At that time, such removal order shall be stayed until the next meeting of the city council. Should the landowner, either in person or through his agent or attorney, fail to appear at said next meeting of the city council, after being advised of the time and place of the meeting, the city council may reinstate the original removal order and the removal order may be executed by its original date. (Ord. 861 § 15, 1995).

11.08.150 Failure of landowner to remove.

If the landowner fails to remove the tree, part of tree or shrub as ordered, the city council may cause the same to be removed at the cost and expense of the landowner in accordance with the provisions of Code of Iowa, Section 364.12, 1993; or the city council may proceed against the landowner under the penal provisions of this title, in which event, each day from the date fixed in the removal order for the removal of the tree, part of tree or shrub until the removal is accomplished shall constitute, and is declared to be, a separate and distinct violation of this title. (Ord. 861 § 16, 1995).

11.08.160 Supervision of parks and recreation department required.

No person shall trim, fell or uproot any tree growing in any public park unless the work is done under the supervision of the director of parks and recreation or the parks

superintendent. (Ord. 861 § 17, 1995).

11.08.170 Other remedies.

Nothing contained herein shall preclude the city from exercising the right to any and all remedies, either legal or equitable, provided for in such cases by the laws of the state of Iowa. (Ord. 861 § 18, 1995).

11.08.180 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not more than one hundred dollars or to a jail term not exceeding thirty days in the county jail. Each day a violation continues after notice shall be considered a separate offense or violation. (Ord. 861 § 19, 1995).

11.08.190 Severability.

If any section, provision or part of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance codified in this chapter as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. (Ord. 861 § 20, 1995).

Chapter 11.12

OBSTRUCTIONS

Sections:

11.12.010 Blocking street prohibited.

11.12.020 Restriction on construction of outside stairways.

11.12.030 Permit to block street for construction.

11.12.050 Display of merchandise for advertising.

11.12.060 Blocking sidewalk prohibited.

11.12.010 Blocking street prohibited.

It shall be unlawful for any person to obstruct any street or alley in the city of Fairfield by any structure of any kind over or upon any part of any street or alley, or by piling or placing in or upon any street or alley, any coal, wood, stone or other material of any kind, except as hereinafter provided. (Ord. 57 § 1, 1904).

11.12.020 Restriction on construction of outside stairways.

Hereafter it shall be unlawful for the owner of any corner building or any building adjoining an alley located in any of the business districts of the city to build a stairway on the outside of such building which extends over the sidewalk or alley area. These stairways which are located on the outside of such buildings at the present time may be repaired and maintained so long as the buildings are permitted to stand, but once the building is razed or otherwise destroyed, a stairway may not be erected so as to impinge upon the public streets or alleys. (Ord. 626-11-8 § 1, 1980: Ord. 57 § 2, 1904).

11.12.030 Permit to block street for construction.

Any person engaged in the erection or repair of any building may obtain from the mayor a permit to occupy a portion of the street immediately in front of such building and not to exceed one-half of the width of such street, and may place thereon materials intended for such building, and such permit shall not extend beyond a reasonable length of time. (Ord. 57 § 3, 1904).

11.12.050 Display of merchandise for advertising.

It shall be lawful for any person, firm, or corporation to use three feet of the sidewalk immediately next to and adjoining their place of business for the purpose of displaying merchandise for advertising purposes, but no space shall be occupied beyond three feet from the building, except receptacles to be used to receive litter upon which advertising has been printed may be placed on the sidewalks abutting the curb in the

business districts of the city, and except on special occasions when a joint venture by members of the Chamber of Commerce permit the display and sale of merchandise in the streets. (Ord. 626-11-10 § 1, 1980: Ord. 57 § 6, 1904).

11.12.060 Blocking sidewalk prohibited.

It shall be unlawful for any person, firm or corporation to place, keep or allow to remain upon any sidewalk under their control or adjoining their place of business any box, barrel, wood, coal, or any other obstruction whatever, except temporarily in transferring same to their place of business, and the sidewalks shall at all times be kept clear and free from all obstructions whatsoever, except as herein permitted and granted. (Ord. 57 § 7, 1904).

Chapter 11.16

EXCAVATIONS

Sections:

11.16.010 Filling required--Exception.

11.16.020 Responsibility for compliance.

11.16.010 Filling required--Exception.

Any person digging or excavating within the streets or alleys of the city for the purpose of making drains, or laying tile or gas or water or sewer pipes, or for any purpose whatever, shall as soon as practicable thereafter replace the dirt removed in such digging or excavating and shall tamp or wet down the same so that the surface of the ground at such place shall be and remain as level as it was before such digging or excavating was done; provided, this chapter shall not apply to excavating for cellars and stairways in immediate contact with the buildings. (Ord. 40 § 1, 1897).

11.16.020 Responsibility for compliance.

It is hereby made the duty of the person or persons owning the property for the benefit or advantage of which such digging was done to see that the requirements of Section 11.16.010 are fully complied with. (Ord. 40 § 2, 1897).

Chapter 11.20

UTILITY CONNECTIONS

Sections:

11.20.010 CurblinE connection for improvements.

11.20.020 Fee for failure to connect.

11.20.030 Notice to connect--Consideration of objections.

11.20.040 Failure to make connection--Work done by contract.

11.20.050 Levy and assessment for connections.

11.20.010 CurblinE connection for improvements.

Whenever the city council shall order any street, highway, avenue, alley, public ground or place permanently improved by paving, graveling or macadamizing, it shall be the duty of the owners of the property fronting thereon to make connections for gas, water and sewers to the curblinE of the adjacent property before the improvement is made. (Ord. 233 § 1(part), 1923).

11.20.020 Fee for failure to connect.

In any case in which such connection is not made before the improvement is made, no permit shall be issued for the making of such connections within fifteen months after such improvement is completed and accepted, except upon payment of a fee of

twenty-five dollars in addition to all other fees and charges, which fee shall be credited to the fund used for keeping improvements in repair. (Ord. 626-11-13 § 1(part), 1980: Ord. 233 § 1(part), 1923).

11.20.030 Notice to connect--Consideration of objections.

Whenever the city council shall have ordered any street, highway, avenue, alley, public ground or place permanently improved by paving, macadamizing or graveling, and the city council shall deem it necessary that the connections for gas, water and sewers should be made to the curblineline of any adjacent property, it shall cause written notice to be served upon the owner of the property, either personally or by publication once each week for two consecutive weeks in a daily or weekly paper having general circulation within the city to make such connection by a date fixed, which shall be not less than thirty days nor more than forty days after the date the notice was served or after the notice was first published or to show cause in writing filed with the city clerk-finance officer before the date fixed why such connection should not be made. At the expiration of the time fixed, the city council shall consider all objections so filed, and if overruled, shall thereupon, by resolution, order the making of such connections as shall be deemed necessary. (Ord. 626-11-13 § 1(part), 1980: Ord. 233 § 1(part), 1923).

11.20.040 Failure to make connection--Work done by contract.

If the owner or owners of any parcel of land fronting upon such contemplated permanent improvement shall fail to make such connections for gas, water and sewers within the time set by resolution of the city council, the city may cause the same to be done by contract. If the total cost of the public improvement exceeds ten thousand dollars, the city council shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as required by the laws of the state of Iowa, and it shall award the contract in accordance with the laws of the state of Iowa. If the total cost of the improvement does not exceed ten thousand dollars, the city may award the contract without following the rules laid down in Chapter 384 of the Code of Iowa. (Ord. 626-11-14 § 1, 1980: Ord. 233 § 3, 1923).

11.20.050 Levy and assessment for connections.

When the public improvement is completed and the work has been accepted the city council shall proceed to levy the special assessments for each privately owned parcel of real estate located within the special assessment district in accordance with Division IV, Chapter 384, Code of Iowa, 1977. (Ord. 626-11-15 § 1, 1980 Ord. 233 § 4, 1923).

Chapter 11.24

SIDEWALK CONSTRUCTION AND REPAIR

Sections:

- 11.24.010 Purpose and intent.
- 11.24.020 Definitions.
- 11.24.030 Provisions for construction.
- 11.24.040 Notice to construct or repair.
- 11.24.050 Work by city--Notice to owner.
- 11.24.060 Records of special assessment.
- 11.24.070 Specifications.

11.24.010 Purpose and intent.

The purpose of this chapter is to enhance safe pas-sage by citizens on sidewalks and to place the responsi-bility for the maintenance, repair, replacement or recon-struction of sidewalks upon the abutting property owner and to minimize the liability of the city. (Ord. 957 § 2(part), 2001).

11.24.020 Definitions.

For use in this chapter the following terms are de-fined:

- (1) "Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

- (A) Vertical separations equal to three-fourths inch or more;
- (B) Horizontal separations equal to one inch or more;
- (C) Holes or depressions equal to one inch or more;
- (D) Spalling over more than fifty percent of a single square of the sidewalk with one or more depressions equal to three-fourths inch or more;
- (E) A single square of sidewalk cracked in such a manner that there are four or more pieces;
- (F) A sidewalk with any part thereof missing to the full depth;
- (G) A change from the design or construction grade of equal to or greater than three-fourths of one inch per foot.

(2) "Owner" means the person owning the fee title to the property abutting the sidewalk and includes any contract purchaser for purposes of notification herein. For all other purposes "owner" includes the lessee, if any.

(3) "Sidewalk" means all permanent public walks in business, residential and commercial areas. (Ord. 957 § 2(part), 2001).

11.24.030 Provisions for construction.

The city council may order and direct the construction and/or repair of a sidewalk along the streets of the city, said sidewalk to be constructed and/or repaired of Portland cement and to be constructed in such manner as provided for in this chapter. Any such resolution shall state specifically the character of the sidewalk so ordered and where and time within which the sidewalk is to be constructed. (Ord. 957 § 2(part), 2001).

11.24.040 Notice to construct or repair.

Whenever any sidewalk is found to be defective by the criteria adopted by the city council and should be repaired or rebuilt, the planning administrator may order and direct the same to be done by a notice to the owner of the abutting property. (Ord. 957 § 2(part), 2001).

11.24.050 Work by city--Notice to owner.

Whenever any sidewalk shall have been ordered constructed, reconstructed or repaired by either of the methods provided in this chapter, a copy of the notice therefor shall be served by the planning administrator as soon as practicable upon each known resident, owner or occupant of the property along the street where such sidewalk is to be constructed or reconstructed. In the case of a non-resident owner, such notice or resolution shall also be published by one insertion in some newspaper printed and published within the city, and by posting the notice in front or near the property. In case any owner of property along any street where such sidewalk is ordered constructed shall fail to construct the same within thirty days after service of notice, or if the owner shall fail to reconstruct or repair the same within thirty days from the service of the notice, then the planning administrator shall proceed at once to order the construction, reconstruction or repair of the same as the case may be, and as soon as practicable, report the cost of same to the city council, who shall satisfy itself the exact amount of such cost and against what persons and lots or parcels of land the same should be assessed or taxed to and place the same of record by a preliminary resolution. The city council shall cause a notice of at least ten days to be served on the owners of the lots or parcels of land, reciting a description of the lots or parcels of land, the name of the owner in fact, or as shown by the auditor's books, and the time and place that the city council will adopt a resolution assessing the cost to the property and the owners thereof and the amount of cost that will be so assessed, and that the owners have a right to appear at the time and place and make objections as they see fit and to avail themselves of the provisions, of the Code of Iowa.

It shall be the duty of the city clerk as soon as such assessment is made by the council to certify to the county auditor of Jefferson County for collection as taxes, all charges and costs so assessed and determined against any lots or lands and their owners as provided in this section, which shall not have been collected, giving it his certificate of the description of each lot or parcel of land and the name of the owner at the time of the assessment in the amount assessed against each lot or parcel of land and against the owner. (Ord. 957 § 2(part), 2001).

11.24.060 Records of special assessment.

Immediately on the assessment and levy of any special tax or costs, the same shall be by the city clerk transferred to a book to be kept for that purpose to be known as the special assessment book. The book shall be properly indexed showing the name of the property owners, the lots or parcels of ground owned, number of feet frontage lying along the improvement, the amount and the date of the assessment or costs, and the date and amount of payment. (Ord. 957 § 2(part), 2001).

11.24.070 Specifications.

All sidewalk construction and/or repair shall be done according to specifications set forth by the department of public works and adopted in resolution form by the city council. The specifications and resolution may be updated as construction practices change. (Ord. 957 § 2(part), 2001).

Chapter 11.32

SNOW AND ICE REMOVAL--SIDEWALKS

Sections:

- 11.32.010 Purpose.
- 11.32.020 Removal required--Owner and/or occupant.
- 11.32.030 Conditional removal.
- 11.32.035 Removal by persons other than the city.
- 11.32.040 Responsibility and liability.
- 11.32.050 Notice to property owner and/or occupants.
- 11.32.060 Removal by city--Owner and/or occupant to bear cost.
- 11.32.070 Cost assessment.

11.32.010 Purpose.

The purpose of this chapter is to provide for the re-moval of snow and/or ice accumulation from public side-walks abutting and adjacent to private property, to pro-vide a method of assessing costs for said removal, to re-peal certain ordinances in conflict therewith and to pro-vide penalties for violations thereof. (Ord. 696 § 1, 1985).

11.32.020 Removal required--Owner and/or occupant.

The owner and/or occupant of any building, or any part thereof, fronting upon, abutting, lying or adjacent to any public sidewalk or the owner or agent of any unoc-cupied building, lot, lots, tract, or parcel of ground fronting upon, abutting, lying or adjacent to any public sidewalk shall clear such sidewalk of all snow and/or ice accumulation within twelve hours after the snow has fallen or ice has formed. (Ord. 696 § 2, 1985).

11.32.030 Conditional removal.

When it is not practical for the owner and/or occu-pant to remove the accumulated snow and/or ice from the sidewalk because it is frozen to the sidewalk, the owner and/or occupant shall spread suitable material upon the sidewalk to prevent the sidewalk surface from being slip-pery. (Ord. 696 § 3, 1985).

11.32.035 Removal by persons other than the city.

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

(b) It shall be unlawful to remove snow or ice from public right of way in a manner that interferes with or unduly restricts vehicular and/or pedestrian traffic.

(c) This subsection shall not apply to or limit the city's snowplowing operations. (Ord. 964 § 1, 2002).

11.32.040 Responsibility and liability.

The provision of this chapter fixes the responsibility for the removal of snow and/or ice accumulation from the public sidewalks on the property owner and/or occupant, and further, this chapter shall not relieve the owner and/or occupant from any and all liability for injuries or damages occurring as a result of the snow and/or ice accumulation on the sidewalk, nor shall this chapter render the city liable to a person, persons, firm or corporation for damages as a result of injuries occurring upon the sidewalk. (Ord. 696 § 4, 1985).

11.32.050 Notice to property owner and/or occupants.

Before the city removes snow and/or ice from any public sidewalk adjacent to private property, a notice shall be served on the property owners and/or occupants by publication in a daily newspaper of general circulation in the city on or before the first day of the following named months: November, December, January, February and March; notifying the property owners and/or occupants that unless such snow and/or ice accumulation has been removed from the sidewalks by the end of the designated time so stated in the notice, the city will remove the snow and/or ice accumulation and assess the cost thereof to the owner of the lot or parcel of ground. (Ord. 696 § 5, 1985).

11.32.060 Removal by city--Owner and/or occupant to bear cost.

In the event the owner and/or occupant fails to remove the accumulation of snow and/or ice by the time designated herein, it shall be the option of the city to cause the same to be done at a cost of seventy-five cents per lineal foot with a minimum cost of twenty-five dollars, which expense shall be paid by the owner and/or occupant of the property. (Ord. 696 § 6, 1985).

11.32.070 Cost assessment.

In the event the owner and/or occupant fails to make such payment as described herein, after being billed for the work by the city, the cost and expense thereof shall be assessed against such property abutting such sidewalk. The cost shall be reported to the city council, and the same shall be levied and assessed as a special tax, shall become

due and delinquent, bear the same rate of interest and be sold at the same time and in the same manner as provided for other special taxes in the city. (Ord. 696 § 7, 1985).

Chapter 11.36

SNOW AND ICE REMOVAL--STREETS AND ALLEYS

Sections:

- 11.36.010 Purpose.
- 11.36.020 Level of service.
- 11.36.030 Sequence of service.
- 11.36.040 Limitation of service.
- 11.36.050 Emergency conditions.

11.36.010 Purpose.

The purpose of this chapter is to establish this city's policy and level of service in respect to clearance of snow and/or ice and maintenance of its street and alley system during the winter months. This policy and level of service are to be permitted within the amount of money allocated for this service, and as contained in this city's street budget as submitted to and approved by the citizens of the city, and adopted by the city council, for the city. (Ord. 706 § 1, 1985).

11.36.020 Level of service.

Clearance of snow and/or ice and maintenance of the street and alley system during the winter months is primarily for the benefit of the local residents of this city. Each storm has individual characteristics and must be dealt with accordingly. The portion of the right-of-way approved for traveling will have upon it snow and/or ice in a compacted condition. These conditions may be continuous, or they may be more

concentrated on hills, in valleys, curves, and/or intersections. In the city exist-ing snow removal equipment will be utilized for this pur-pose. All clearance of snow and/or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of street and/or alley approved for travel may not be cleared from snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the street and/or alley approved for travel shall be placed on or in the adjacent shoulder, ditch or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a mo-torist's approaching these intersections may be greatly reduced or impaired. The city shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder or right-of-way by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibil-ity, and are advised to reduce their speed below that le-gally permitted or advised under normal conditions. In respect to roadways that have only one lane opened, fur-ther extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed ten miles per hour. During these conditions, no additional warning or regulatory signs will be placed that warn im-paired sight distances, visibility at intersections, street or alley blockages, one-lane conditions, or that the street surface is slick or slippery, or what the ad-vised speed should be. (Ord. 706 § 2, 1985).

11.36.030 Sequence of service.

In implementation of snow and ice removal and other maintenance of city's street and alley systems during the winter months, the director of public works shall select the actual sequence of streets and alleys to be cleared as provided for in this section and shall determine when drifting, wind velocity, and additional snow or snow storms will require that snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of unim-proved streets and alleys.

(a) Paved Routes.

(1) Initial effort will be devoted to open all streets to one-lane traffic insofar as possible.

(2) After all streets are open to one-lane travel, subsequent snow removal operations will be carried on only during normal working hours.

(3) Snow and ice removal equipment may be called off the streets and alleys by the director of public works or a delegated representative when severe weather causes hazardous and ineffective working conditions.

(4) When necessary, snow removal operations on unimproved streets and alleys may be delayed until the improved streets and alleys are open to one-lane travel.

(5) It is not the policy of the city to provide a "dry" pavement condition.

(6) If streets and alleys become covered with ice or packed snow, sand or other abrasives and/or other chemicals may be applied as directed by the director of public works.

(b) Unpaved Roads.

(1) Initial effort will be open to all streets and alleys providing access to residences to one-lane travel insofar as possible during daylight hours.

(2) After all streets and alleys providing access to residences are open to one-lane travel, subsequent snow removal will normally be carried on only during normal working hours.

(3) Equipment may be called off the streets and alleys by the director of public works or his delegated representative when severe weather causes hazardous and ineffective working conditions.

(4) Snow normally will not be removed from dirt streets and/or alleys, hardship cases or special requests will be considered by the director of public works on an individual basis.

(c) Private Drives. The city will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the street, shoulder or in right-of-ways.

The city will not replace or repair mail boxes destroyed or damaged during snow removal operations.

There is no time limit after a snow storm in which day of the above sequence of clearance on the streets and alleys in the city shall take place. (Ord. 706 § 3, 1985).

11.36.040 Limitation of service.

The policy and level of services provided for in this chapter shall not include performance of the following services:

(a) Sanding, salting, or placing of other abrasives upon the streets and alleys that are slick, slippery, and dangerous due to the formation of frost;

(b) Sanding, salting, or the placing of other abrasives upon paved roadways due to freezing precipitation that occurs outside the city's usual working hours unless directed by the director of public works;

(c) Placing of an additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, street blockages, one-lane conditions, or that the street surface is slick, slippery or what the advised speed should be;

(d) Sanding, salting, or placing abrasives upon any unimproved streets and alleys;

(e) Re-sanding or re-salting for freezing and thawing between snow storms. (Ord. 706 § 4, 1985).

11.36.050 Emergency conditions.

(a) Sequences of service may be suspended during "emergency" conditions. An "emergency" condition shall be considered as one where a loss of life is probable or a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the Jefferson County Law Center. The city will respond to all "emergency" conditions, either during or after a snow storm.

(b) The provisions of this chapter shall be further suspended in the event the Governor, by proclamation, implements a state disaster plan, or the mayor of the city, by proclamation, implements a city disaster plan. If such occurs, the city personnel and equipment shall be immediately subject to the direction of the Governor or the mayor of the City of Fairfield, Iowa. (Ord. 706 § 5, 1985).

Title 12

(RESERVED)

Title 13

SEWERS AND DRAINAGE

Chapters:

13.04 Public and Private Sewer Systems

13.08 Wastewater Treatment Works User Charge System

Chapter 13.04

PUBLIC AND PRIVATE SEWER SYSTEMS

Sections:

13.04.010 Purpose.

13.04.020 Definitions.

13.04.030 Use of public sewers required.

13.04.040 Private wastewater disposal.

13.04.050 Building sewers--Permits--Connections.

13.04.060 Discharges permitted into public sewers.

13.04.070 Protection from damage.

13.04.080 Powers and authority of inspectors.

13.04.090 Severability.

13.04.100 Penalty.

13.04.010 Purpose.

The purpose of this chapter is to establish the procedure and regulations to be followed in the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters, waste and sewage into the public sanitary sewer system of the city, in order to protect the public health, safety, and general welfare, and providing penalties for violations of this chapter. (Ord. 1023 (part), 2007: Ord. 692 § 1, 1985).

13.04.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter

shall be as follows:

(a) "Ammonia nitrogen" means the quantity of ammonia nitrogen as determined by standard methods and expressed in milligrams per liter (mg/l) as N.

(b) "BOD5" (denoting five-day biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by standard methods and expressed in milligrams per liter (mg/l).

(c) "Building drain" means the drain, waste, and vent piping system inside and/or within two feet of the outside face of the building wall which receives the discharge of wastewater from the building and building area.

(d) "Building sewer" or "house service" means the extension from the building drain to the public sewer.

(e) "City" means the city of Fairfield, Iowa.

(f) "Combined sewer" means a sewer intended to receive both surface runoff and wastewater.

(g) "DNR" means Department of Natural Resources.

(h) "Industrial wastes" means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource.

(hh) "NPDES" means National Pollutant Discharge and Elimination Standards.

(i) "Natural outlet" means any watercourse, pond, ditch, lake or other body of surface or ground water.

(j) "Owner" means the person holding legal title to the property.

(k) "Person" means any individual, firm, company, association, society, corporation, or group.

(l) "pH" is an expression of the intensity of the acidic or basic condition of a liquid with - the most acidic, 14 the most basic, and 7 neutral. Mathematically it is the hydrogen activity.

(m) "Properly shredded garbage" means the solid waste from the preparation, cooking, and dispensing of food or produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

(n) "Public sewer" means a sewer which is owned and controlled by the city.

(o) "Private sewer" means a sewer privately owned and not directly or indirectly controlled by the city.

(p) "Residential equivalents (Res. Equiv.)" shall be the greater of:

(1) Single-family apartment, house trailer, or residence;

(2) Planned daily water usage during normal occupancy divided by five hundred gallons per day, except for single-family residences;

(3) Planned daily pounds of BOD discharge during normal occupancy divided by 0.85 lbs. per day, except for single-family residences;

(4) Planned daily pounds of suspended solids discharge during normal occupancy divided by 1.00 lbs. per day, except for single-family residences.

(q) "Sanitary sewer" means a sewer which carries wastewater and to which storm runoff and groundwaters are not intentionally admitted.

(r) "Sewer" means a pipe or conduit for carrying wastewater.

(s) "Shall" is mandatory; "may" is permissive.

(ss) "Slug" means any discharge of wastewater which contains a concentration of any given constituent or a quantity which exceeds, for any period of duration longer than fifteen minutes, more than five times the average twenty-four hour concentration of the twenty-four hour average flow.

(t) "Standard methods" means the most recent edition of Standard Methods for the Examination of Water and Wastewater.

(u) "Solid waste" means garbage, refuse, rubbish and other similar discarded solid or domestic materials including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

(v) "Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and groundwater drainage, but excludes wastewaters and industrial wastes other than unpolluted cooling water.

(w) "Superintendent" means the city's public works superintendent or his/her designee. "WWTP superintendent" means the city's wastewater treatment plant superintendent or his/her designee.

(x) "SS" (denoting suspended solids) means solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, as determined by standard methods and expressed as milligrams per liter (mg/l).

(y) "Wastewater" or "sewage" means the combination of liquid and liquid-carried wastes and/or sewage from residences, business buildings, institutions, and industrial establishments, including but not limited to normal domestic wastewater; pollutants and toxic pollutants (intentional);

and unintentional amounts of groundwater and surface runoff.

(z) "Wastewater treatment works" means any and all devices or systems for the collection, transportation, storage, treatment, recycling, and reclamation of wastewater. These include but are not limited to 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 wastewater treatment works or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, or temporary storage of such compost), and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of wastewater in combined stormwater and sanitary sewer systems.

(aa) "Watercourse" means a natural open channel in which a flow of water occurs, either continuously or intermittently. (Ord. 1023 (part), 2007: Ord. 692 § 2, 1985).

13.04.030 Use of public sewers required.

(a) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, solid waste or other objectionable waste.

(b) Except as provided in Section 13.04.040, it is unlawful to discharge wastewater to any natural outlet within the city, or in any area under the jurisdiction of the city.

(c) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(d) The owner of all residences, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city where there is now located or may in the future 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 chapter, within sixty days after the date of official notice to do so, provided that the public sewer is within one hundred feet of the property line. Billing for the use of the wastewater treatment works will begin the date official notice is given to connect to the public sewer. (Ord. 1023 (part), 2007: Ord. 692 § 3, 1985).

13.04.040 Private wastewater disposal.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 13.04.030(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

(b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Jefferson County Sanitarian. The Jefferson County Sanitarian will also assist the owner in applying for an Iowa DNR NPDES General Permit No. 4 that is required to be on hand prior to construction.

(c) The type, capacities, location, and layout of a private wastewater disposal shall comply with the current Jefferson County Code of Ordinances, Chapter 3-10, Jefferson County, Iowa. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(d) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 13.04.030(d), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, and similar private wastewater disposal facilities shall be bypassed and abandoned by cleaning and filling with gravel or other suitable material approved by the superintendent.

(e) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. In addition, the owner shall maintain compliance with the Iowa DNR NPDES (National Pollutant Discharge and Elimination Standards) permit and Jefferson County sewer ordinance as applicable to the owner's facility to include required sampling, testing, and reporting requirements.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Jefferson County, Iowa, board of health or the Iowa DNR, and/or the city. (Ord. 1023 (part), 2007: Ord. 692 § 4, 1985).

13.04.050 Building sewers--Permits--Connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public street, alley, sewer or appurtenance thereof without first obtaining a written permit from the city administrator or his/her designee.

(b) Only those persons and/or contractors who have certificates of insurance on file with the city clerk/finance officer in the following amounts will be permitted to work within the city rights-of-way or city easements: public liability, five hundred thousand dollars to one million dollars; property damage, one hundred thousand dollars to two hundred thousand dollars. (See subsection

(c) of this section for bonding requirements.)

(c) Before a permit may be issued for public or private sewer construction in any city rights-of-way or city easement, the person and/or contractor to perform such work shall have executed unto the city and deposited with the city, a performance bond from a corporate surety in a sum not less than twenty-five thousand dollars, and conditioned that he will perform faithfully all work with due care and skill, and in accordance with the applicable codes, laws, rules, regulations, and/or ordinances of the state of Iowa and of the city. The bond shall state that the surety company will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of his lack of skill or negligence in connection with the sewer construction. Such bond shall remain in force and must be executed for the same period as the permit except that on such expiration it shall remain in force as to all penalties, claims, demands, that may have accrued thereunder prior to such expiration.

Contractors shall be required to comply with Guidelines of October 30, 2006, for trenching, backfilling, and pavement repair for utility installation under streets and alleys in the city of Fairfield.

Should any excavation be left open or partly refilled for twenty-four hours after the building sewer is installed and connected with the public sewer, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the city shall assess the costs to the owner or the person and/or contractor. If the person and/or contractor is assessed, he must pay the costs before he can receive another permit and the bond required by this chapter shall be security for the assessment. If the owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

(d) The application for the permit shall be filed with the city administrator or his/her designee on a form furnished by him/her. The application shall include a legal description of the property, the name of the owner; the amount and date of any prior assessment for construction for public sewers; the pipe materials to be used; the location of the building sewer and place of connection, if known; the intended use of the sewer; and the name and address of the person and/or contractor to be doing the work. The permit shall also show the disposal system for the foundation drain tile. The city administrator may allow amendments to the application or permit that do not conflict with this chapter. The city administrator or his/her designee shall issue the permit bearing his signature and the time and date of issuance, if the proposed work meets with all requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must begin within ninety days after it is issued or the permit will be voided and the inspection fees forfeited. The permit shall be returned within thirty days after completion showing the

work done, and all information required.

(e) The fee for obtaining a permit to connect to a public sewer shall be determined by the city clerk based upon the following:

(1) Inspection fee \$ 81.25

(2) Reinspection fee 55.00

(3) Tapping fee with existing wye 98.00

(4) Tapping fee if no wye exists 234.00

(5) Assessment fees:

If previously assessed none

If not previously assessed \$551.50 plus \$16.60 per foot per residential equivalent

These permit fees shall automatically increase at the rate of five percent per year at each anniversary date of the adoption of these amendments.

(f) All costs of the materials, installation, and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(g) All public property including parkway, grass, sidewalk, driveway, or street surface within the city right-of-way disturbed as a result of this permit must be replaced at the expense of the owner or person and/or contractor in a manner satisfactory to the city administrator or his/her designee.

(h) A separate and independent building sewer shall be provided for every building. Connection of an additional building will be considered only where independent building sewer access limitations are demonstrated.

(i) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter. Assessment fees will not be applicable for building sewer replacements unless use of the sewer is expanded.

(j) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in the excavation, placing of the pipe, jointing, testing, backfilling the trench, and connection to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplifications thereof, the procedures set forth in the appropriate specifications of the ASTM and

WPCF Manual of Practice No. 9 shall apply. Building sewer pipe shall not be less than four inches in diameter and the materials shall be Schedule 80, 50, or SDR 35 PVC, VCP, or SDR 23.5 ABS plastic with glued or rubber compression joints; or, Class 52 ductile iron or Class 22 cast iron with rubber compression type joints. All building sewers shall be free from flaws, splits, and breaks. Building sewers shall contain a minimum slope of twelve inches per one hundred feet or the wastewater shall be lifted by an approved means and discharged to the building sewer. All connections shall be gastight and watertight. All building sewers shall be enveloped in clean sand or other approved material to a thickness of not less than six inches. After the building sewer is properly laid and has been inspected by the city, backfilling must proceed at once and the backfilling must be thoroughly tamped or puddled or both and so done that there shall be no surplus earth left. Should there be a deficiency of earth to fill the excavation, the person and/or contractor doing the work should supply such deficiency with clean sand or other approved material. No rock larger than four inches across or thick may be put into any excavation within two feet of cover over building sewer.

(k) 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, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(l) Building sewers shall be connected to the public sewer at a location designated by the city administrator or his/her designee. All connections with the public sanitary sewers must be approved, in writing, by the city administrator before they are covered and the city administrator shall keep a record of such approvals in his office. If the city administrator refused to approve the work, the persons and/or contractor and owner must proceed immediately to correct work so that it will meet with the city administrator's approval.

(m) Every person who uses or intends to use the public sanitary sewers shall permit the superintendent to enter the premises to inspect, observe, or test sewers at all reasonable hours and on proof of authority.

(n) No building sewer shall be placed in the same trench or ditch with water pipes or with natural gas lines.

(o) Any construction of a sanitary sewer in a subdivision shall be in accordance with the plans and specifications approved by the city. All building connections to the main sewer are to be wyes and to be stubbed out to the property line. The sewer is to be inspected and approved by the city administrator or his/her designee before it will be accepted by the city as part of the public

sewer and stubbed out to the property line before street improvements are made.

(p) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. The permit holder must be able to demonstrate that a foundation drain system is not connected to the sanitary sewer. Foundation drains shall discharge to a storm sewer of natural outlet; or, shall be pumped to discharge on the ground surface.

(q) The applicant for a building sewer permit shall notify the city administrator or his/her designee at this office during business hours eight hours prior to the building sewer being ready for inspection and connection to the public sewer. A reinspection fee per subsection (e) of this section will be charged if subsequent inspections are needed.

(r) The city administrator shall have the power to issue a cease and desist order to suspend the work of any person and/or contractor for violation of any of the provisions of this chapter. A work suspension, unless revoked by the city administrator, shall continue until acted upon by the city council. The city administrator shall notify the permit holder immediately by personal written notice of the work suspension, the reasons for the suspension, and the time and place of the council meeting at which time that person will be granted a hearing, shall determine to continue or revoke the suspension.

(s) All excavations for building sewer installation shall be adequately guarded with approved fences, barricades and lights furnished by the owner, person and/or contractor so as to protect the public from hazard by the permit holder. (Ord. 1023 (part), 2007: Ord. 856 § 3, 1994; Ord. 692 § 5, 1985).

13.04.060 Discharges permitted into public sewers.

(a) No person shall discharge or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

(b) 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 WWTP superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

(c) No person shall, without the consent of the WWTP superintendent, discharge or cause to be discharged to a public sewer any wastewater:

- (1) With a BOD5 greater than two hundred mg/l; or
- (2) Containing more than two hundred fifty mg/l of SS; or
- (3) In a daily quantity greater than five thousand gallons; or
- (4) With ammonia nitrogen greater than thirty mg/l. Where necessary, as determined by

the WWTP superintendent, the owner shall provide, at his expense, such preliminary treatments as may be necessary to meet these wastewater limitations or to pay a surcharge as an "extra strength user" or "contributor of toxic pollutants" for the use of the wastewater treatment works to assure that the city's wastewater treatment plant does not produce wastewater effluent permit violations. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city administrator or his/her designee and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(d) No person shall discharge or cause to be discharged the following described substances, materials, or wastes as wastewaters, if it appears likely in the opinion of the WWTP superintendent that such discharge either singularly or by interaction with other wastes harm the wastewater treatment works (process, equipment, operating costs, etc.), have an adverse effect on the recovering stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming his/her opinion as to the acceptability of these wastewaters, the WWTP superintendent will give consideration to such factors as the quantities of substances, materials, or wastes present in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment works, and other pertinent factors. The substances prohibited are:

(1) Liquid or vapor having a temperature higher than one hundred forty degrees Fahrenheit (sixty degrees Celsius). In no case will the wastewater generated be accepted which causes the temperature at the introduction into the wastewater treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius).

(2) Any liquid or vapor having a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius). Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(3) Fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (zero and sixty-five degrees Celsius). Exceptions to the one hundred mg/l concentration discharge must be operated under an NPDES permit.

(4) Solid waste, except properly shredded garbage. The installation and operation of any

garbage grinder with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the WWTP superintendent.

(5) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(6) Pollutants or toxic or poisonous solids, liquids, or gases. If not covered under specific NPDES permit then limits of specific pollutants shall include:

Max. Per Day	
Cadmium	0.07 mg/l
Chromium	1.71 mg/l
Copper	2.07 mg/l
Lead	0.43 mg/l
Nickel	2.38 mg/l
Silver	0.24 mg/l
Zinc	1.48 mg/l
Cyanide (amendable)	0.32 mg/l
(total)	0.65 mg/l
Total Toxic Organics	2.13 mg/l
Oils and Grease	26.00 mg/l
Total Suspended Solids	13.00 mg/l

(7) Solids 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 wastewater treatment works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, diapers, etc., either whole or ground by garbage grinders.

(8) Phenols or other taste or odor-producing substances in such concentrations that after treatment, the composite sewage fails to meet the requirements of the state, federal, or other public agencies of jurisdiction for discharge to receiving waters.

(9) Radioactive wastes or isotopes of such half-life or concentration to exceed limits established by the WWTP superintendent or applicable state or federal regulations.

(10) Wastewater having a pH in excess of 10.5 or less than 6.0 or having any corrosive

property causing damage or hazard to the wastewater treatment works or personnel.

(11) Materials which exert or cause:

(A) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime solids) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(C) Unusual BOD, TKN (total Kjeldahl nitrogen), ammonia nitrogen, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load of the wastewater treatment works;

(D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(12) Any other material not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to the treatment only to such a degree that the wastewater treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(e) If any water is discharged, or is to be discharged, to the public sewers containing the substances or characteristics enumerated in subsection (d) of this section, the WWTP superintendent may:

(1) Reject the wastes; or

(2) Require pretreatment to an acceptable condition for discharge into the public sewers; and/or

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of cleanup of the wastewater treatment works, and handling and treatment of the wastewaters.

If the WWTP superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city administrator or his/her designee and all applicable codes, ordinances, and laws of the state of Iowa and the city.

(f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the WWTP superintendent, they are necessary for the proper handling of wastewater containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be

of a type and capacity approved by the city administrator or his/her designee, and shall be readily and easily accessible for cleaning and inspection.

(g) Where preliminary treatment, interceptors, or flow-equalizing facilities are provided for any wastewaters, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. When such maintenance is not provided, the superintendent shall clean the affected sewers, provide the needed maintenance, and bill the owner twice the cost of said cleaning and maintenance. Bills shall be due and paid under the same condition as user charges.

(h) When required by the WWTP superintendent, the owner of any building sewer discharging industrial wastewater shall install a suitable control structure together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastewater. Such structure shall be easily and safely accessible, and shall be constructed in accordance to plans and specifications approved by the city administrator or his/her designee. The structure shall be installed and maintained by the owner at his expense.

(i) All measurements, tests, and analysis of the characteristics of wastewaters shall be determined in accordance with standard methods. Samples for tests or analysis, and measurements shall be taken at the owner's control structure, at the option of the WWTP superintendent; the nearest downstream manhole in the public sewer from the point of discharge of the building sewer. Sampling and testing will be done by the WWTP superintendent. The owner shall reimburse the city for all such sampling and testing.

(j) If sampling performed by an industrial user indicates a violation, the industrial user must notify the WWTP superintendent within twenty-four hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the analysis to the WWTP superintendent within thirty days after becoming aware of the violation. The industrial user is not required to resample if the city's wastewater treatment plant performs monitoring at the industrial user between the initial sample that produced the violation and when the industrial user receives the results of this sample.

(k) The WWTP superintendent shall have the right, subject to the limitations of Section 13.04.080, to enter facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the WWTP superintendent or his/her representatives ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.

(l) If the WWTP superintendent has been refused access to a building, structure or

property or any part thereof, and if the WWTP superintendent has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or protect the overall public health, safety and welfare of the community, then upon application by the city attorney, the court may issue a search warrant describing therein specific location subject to the warrant. The warrant shall conform to the requirements of the Iowa Code.

(m) The WWTP superintendent may use a grab sample(s) to determine noncompliance with a pretreatment standard.

(n) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. 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 chapter, or when the industrial user has been specifically notified of a longer retention period by the WWTP superintendent.

(o) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial wastewater of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1023 (part), 2007: Ord. 692 § 6, 1985).

13.04.070 Protection from damage.

(a) No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater treatment works. Any person violating this provision shall be subject to immediate arrest and prosecution. (Ord. 1023 (part), 2007: Ord. 692 § 7, 1985).

13.04.080 Powers and authority of inspectors.

(a) The WWTP superintendent shall be permitted to enter all buildings for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The WWTP superintendent shall have no authority to inquire into processes of industries beyond that point having direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the superintendent shall observe all safety rules applicable to the premises

established by the owner and the owner shall be held harmless for injury or death to city employees and the city shall indemnify the owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and arising and growing out of the measuring and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

(c) The superintendent or WWTP superintendent shall be permitted to enter all private properties through which the city holds as easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater treatment works lying within said easement. (Ord. 1023 (part), 2007: Ord. 692 § 8, 1985).

13.04.090 Severability.

If any section, provision or part of this chapter shall be adjudged to be invalid or unconstitutional, such an adjudication shall not affect the validity of the chapter as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. (Ord. 1023 (part), 2007: Ord. 692 § 10, 1985).

13.04.100 Penalty.

(a) Notwithstanding any other section of this chapter, any industrial user that is found to have violated any provision of this chapter, its wastewater discharge permit and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed one thousand dollars. Such fines shall be assessed on a per violation, per day, basis. In cases of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Fines are levied in each instance pursuant to authorization vested in city per DNR rules adapted by reference for city industrial uses of pretreatment for violations of Industrial Users of Pretreatment Standards and requirement authorized by 40 Code of Federal Regulations 403 and Iowa Admin. Code 517.

(b) Unpaid charges, fines, and penalties, shall accrue interest at the legal rate.

(c) Any person who does or commits any act which is forbidden by this chapter, unless other penalties have been provided for in certain sections of this chapter, upon conviction, shall be punished by a fine of not less than fifty dollars, but not more than five hundred dollars, or by imprisonment not exceeding thirty days.

(d) Each day that a violation of this chapter is permitted to exist shall constitute a

separate offense.

(e) Limitations as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court or as may require the performance of community services as ordered by the court. (Ord. 1023 (part), 2007; Ord. 960 §§ 1, 2(part), 2001; Ord. 692 § 11, 1985).

Chapter 13.08

WASTEWATER TREATMENT WORKS USER CHARGE SYSTEM

Sections:

- 13.08.010 Purpose.
- 13.08.020 Definitions.
- 13.08.030 Use of revenues.
- 13.08.040 User charges.
- 13.08.050 Payment schedules and penalties.
- 13.08.060 Reviews.

13.08.010 Purpose.

The city has constructed wastewater treatment works and must pay all costs (except for state and federal grants) associated with said wastewater treatment works, and in order to protect the public health, safety, and welfare, and for their convenience, the city has determined it is necessary to collect charges from all users who contribute wastewater to the wastewater treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such wastewater treatment works. (Ord. 733 § 1, 1986).

13.08.020 Definitions.

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

- (a) "Ammonia nitrogen" means the quantity ammonia nitrogen as determined by Standard

Methods and expressed in milligrams per liter (mg/l) and N.

(b) "BOD5" (5-day biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by Standard Methods and expressed in milligrams per liter (mg/l).

(c) "Normal domestic wastewater" means wastewater that has a BOD5 concentration of not more than 200 mg/l, a suspended solids concentration of not more than 250 mg/l, and an ammonia nitrogen concentration of not more than 30 mg/l.

(d) "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the performance for which such wastewater treatment works were designed and constructed.

(e) "Pollutants" means any chemical or biological materials that are treatable at the wastewater treatment plant, the treatment of which results in a cost to the operation and maintenance of the wastewater treatment works.

(f) "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such wastewater treatment works were designed and constructed.

(g) "Residential contributor" means any contributor to the city's wastewater treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(h) "Rural sewer user" means any person, residence, business, or industry located outside the city corporation limits that contributes wastewater to the city's wastewater treatment works. Such users shall be subject to all provisions of this chapter.

(i) "Shall" is mandatory; "may" is permissive.

(j) "ss" (denoting suspended solids) means solids that either float on the surface of or are in suspension in water, wastewater, or other liquids as determined by Standard Methods and expressed as milligrams per liter (mg/l).

(k) "Standard Methods" means the most recent edition of "Standard Methods for the Examination of Water and Wastewater."

(l) "Surcharge" means a special additional charge to reimburse the city for the costs of treating pollutants in excess of those quantities, volumes, or types found in normal domestic wastewater.

(m) "Toxic pollutants" means any material that would restrict the ultimate disposal of the

treated wastewater or the treated sludge, or would adversely restrict the treatment efficiency of the wastewater treatment works.

(n) "Useful life" means the estimated period during which the subject item of the wastewater treatment works will be operable.

(o) "User charge" means that portion of the total wastewater treatment works costs which is levied against the user in a proportional and adequate manner for debt retirement, operation, and maintenance; and replacement of the wastewater treatment works.

(p) "Wastewater" ("sewage") means the combination of liquid and liquid-carried wastes from residences, business buildings, institutions, and industrial establishments including but not limited to normal domestic wastewater; pollutants and toxic pollutants (intentional); and unintentional amounts of groundwater and surface runoff.

(q) "Wastewater treatment works" means any and all devices or systems for the collection, transportation, storage, treatment, recycling, and reclamation of wastewater. These include but are not limited to 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 wastewater treatment works or are 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 application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of wastewater in combined stormwater and sanitary sewer systems.

(r) "Water meter" means a water volume measuring device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city. (Ord. 733 § 2, 1986).

13.08.030 Use of revenues. (a) The user charge system shall be established to generate annual revenues which are adequate to pay annual operation and maintenance costs; replacement costs of sanitary sewers and major equipment maintenance; and all or any part of the costs for debt retirement associated with financing the wastewater treatment works which the city, by ordinance, designates to be paid by the user charge system. (Ord. 1022 § 1, 2007; Ord. 733 § 3, 1986).

13.08.040 User charges. (a) Each user shall pay for the services provided by the city based on his use of the wastewater treatment works as indicated by the amount of water metered to the user. Water meter readings will be the normal basis for computing usage but other methods may be necessary.

(b) If a user has no water meter, has a private water supply, or in some manner uses water which is not returned to the wastewater treatment works, the user charge for that user may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense, and in a manner acceptable to the city of Fairfield.

(c) Effective on the first full billing cycle for each user that occurs after June 1, 2010, the minimum (base) charge per month for each user shall be fourteen dollars and forty cents regardless of use or non-use. In addition, each user shall pay a user charge (rate) for operation and maintenance, replacements and debt retirement at the rate of \$0.048 cents per cubic foot of water (or wastewater) per month, as determined in subsections (a) and (b) of this section.

Effective on the first full billing cycle for each user that occurs after August 1, 2007, the minimum (base) charge per month of each user shall be six dollars regardless of use or non-use.

In addition, each user shall pay a user charge (rate) for operation and maintenance, replacements and debt retirement at the rate of \$0.0176 cents per cubic foot of water (or wastewater) per month, as determined in subsections (a) and (b) of this section.

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13.08.050

(d) A surcharge, in addition to the normal user charge, will be collected from those "extra strength" users who contribute wastewater of greater strength than normal domestic wastewater. "Extra strength users" means those users who exceed the limitations established at Section 13.04.060(c). The surcharge for "extra strength" wastewater shall be as follows:

\$0.18 over 200 mg/l BOD

\$0.20 over 250 mg/l of suspended solids

\$0.60 over 30 mg/l of ammonia nitrogen

These permit fees shall automatically increase at the rate of five percent per year on each anniversary date of the adoption of these amendments.

No credit will be given if the concentration of any pollutant is less than the limits for normal domestic wastewater.

These permit fees shall automatically increase at the rate of five percent per year on each anniversary date of the adoption of these amendments.

No credit will be given if the concentration of any pollutant is less than the limits for normal domestic wastewater.

(e) Any user that discharges any toxic pollutants which cause an increase in the cost of managing, handling, or disposing of the sludge from the city's wastewater treatment works, or any other user that discharges any substance which singly or by interaction with other substances cause a decrease in the level in treatment or an increase in the cost of operation, maintenance, or replacement of the wastewater treatment works, shall pay a surcharge. The surcharge to each user will be as determined by the city administrator or his/her designee and approved by the city council.

(f) Rural sewer users shall pay a charge equal to the charges determined in subsections (c), (d) and (e) of this section, plus one hundred percent of the billing.

(g) The user charge requirements established in this section apply to all users, regardless of their location, or the location of the city's wastewater treatment works. (Ord. 1052 § 1, 2010; Ord. 1049 § 1, 2, 2009; Ord. 1022 § 2, 2007; Ord. 967 §§ 1, 2, 2002; Ord. 927 § 2, 1999).

13.08.050 Payment schedules and penalties. (a) All user charges (including

surcharges) shall be paid with and at the same time as payment of the user's water bill covering the same period of use. The user charges shall be due at the same time and shall be payable under the same conditions as the user's water bill.

(b) (1) All user charges (including surcharges) shall be paid with and at the same time as payment of the user's water bill covering the same time period of use. The user charges shall be payable under the same conditions as the user's water bill.

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13.08.060

(2) A late payment penalty of seven percent of the user charge bill will be added to each unpaid bill on the sixteenth day after the statement date. When any bill remains unpaid thirty days after the statement date, water and/or sewer services to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. Bills unpaid sixty days after statement date shall be certified by the City Clerk and submitted to the County Treasurer as a tax lien against the property. (Ord. 1049 § 1, 3, 2009; Ord. 733 § 5, 1986).

13.08.060 Reviews. (a) The city council shall review the user charge system annually and may revise the user charge rates as necessary to insure that adequate revenues are generated to pay all costs of operation, maintenance, replacement and debt retirement, as well as to provide for the proportional distribution of funds for operation and maintenance, replacement, and debt retirement.

(b) The city council will notify each user at least annually of the rate being charged. The notification may be in the form of a notice published in a newspaper of general circulation in the city of Fairfield, Iowa. (Ord. 733 § 6, 1986).

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Title 14

WATER

Chapters:

14.04 Water Regulations and Charges

14.08 Pollution of Reservoir

14.12 Recreational Activities on Reservoir

Chapter 14.04

WATER REGULATIONS AND CHARGES

Sections:

- 14.04.010 Utilities committee--Composition.
- 14.04.020 Repealed
- 14.04.030 Rules and regulations part of contract.
- 14.04.040 Right to shut off water.
- 14.04.050 User obligation to maintain pipes.
- 14.04.060 Laying of mains.
- 14.04.070 Outside curb valve--Opening restrictions.
- 14.04.080 Fire hydrant--Opening restrictions.
- 14.04.090 Tapping of water mains.
- 14.04.100 Service water lines.
- 14.04.110 Separate service line to buildings.
- 14.04.120 Prohibited connections.
- 14.04.130 Owner's requirement to install curb valve.
- 14.04.140 Extension of service lines prohibited.
- 14.04.150 Responsibility for damage.
- 14.04.160 Unlawful repair of service line.

- 14.04.170 Meters--Required.
- 14.04.180 Meters--Maintenance responsibility.
- 14.04.190 Meters--Installation by authorized personnel.
- 14.04.200 Meters--Interference with registration unlawful.
- 14.04.210 Installation and repair of service lines.
- 14.04.220 Suspension of plumber's rights.
- 14.04.230 Right of entry.
- 14.04.240 Water rates and charges.

14.04.010--14.04.070

14.04.010 Utilities committee--Composition. The water department of the city shall be overseen by the utilities committee of the city, city council, composed of three members who shall be appointed by the mayor. (Ord. 1053 § 1, 2010: Ord. 822 (part), 1991).

14.04.020 Repealed.

14.04.030 Rules and regulations part of contract. The rules and regulations adopted by the utilities committee shall be considered part of the contract with every person, firm, or corporation who is supplied water through the city waterworks system, and every user of city water shall be considered as having expressed his consent to be bound thereby. Whenever any such rules and regulations, or such further orders the utilities committee may in the future adopt, are violated by a user, the water may be turned off or disconnected from the building or place where such violation has taken place by the city and shall not be turned on again until satisfactory settlement of the dispute has been reached. (Ord. 1053 § 3, 2010: Ord. 822 (part), 1991).

14.04.040 Right to shut off water. The city reserves the right to turn off or disconnect water service for the purpose of making repairs, extensions, or connections considered by the city to be necessary or advisable, and neither the city nor the utilities committee shall be responsible for any damage that may arise as a result thereof. (Ord. 1053 § 4, 2010: Ord. 822 (part), 1991).

14.04.050 User obligation to maintain pipes. It shall be the obligation of each user who is furnished with city water to keep his own water pipes in good repair and protected from frost at his own expense. It shall be the duty of each user to prevent all waste of water. (Ord. 822 (part), 1991).

14.04.060 Laying of mains. The utilities commission shall be responsible for the laying of mains in all city-owned approaches and for the placement of necessary valves,

fire hydrants and fittings in order to serve the community as a whole. (Ord. 1053 § 5, 2010: Ord. 822 (part), 1991).

14.04.070 Outside curb valve--Opening restrictions. No person, other than an employee of the waterworks of the city, shall open an outside curb valve or curb box or turn the water from a water main on or off; provided, however, that bonded plumbers may turn water on or off to test plumbing or to make

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repairs, but whenever so used, the shutoff valve must be left closed, if found closed, and open, if found open, by the plumber using it, after the test has been completed or the repairs made. (Ord. 822 (part), 1991).

14.04.080 Fire hydrant--Opening restrictions. No person, except members of the city fire department, city employees, or waterworks employees while acting in the regular performance of their duties, shall open any publicly owned or privately owned fire hydrant without a written permit signed by an authorized representative of the waterworks.

No person shall place upon, plant, or permit to exist on the site of a fire hydrant, publicly or privately owned, or within six feet of the hydrant, any structure, object, weeds or plantings, or any other item which might interfere with access to, or opening of such hydrant. It shall be the responsibility of the owner of the premises upon which, or adjacent to the right-of-way upon which, such hydrant exists, to assure such unobstructed status and to promptly notice the city of Fairfield should such status change. (Ord. 1004 § 1, 2005; Ord. 822 (part), 1991).

14.04.090 Tapping of water mains. Water mains may be tapped by water department personnel only. (Ord. 822 (part), 1991).

14.04.100 Service water lines. Service water lines shall be laid so as to provide a minimum cover of earth of forty-eight inches, or laid at no less than the depth of the main to which the connection is made, whichever is less. (Ord. 822 (part), 1991).

14.04.110 Separate service line to buildings. There shall be a separate service line laid from a water main to each building to be serviced. Such service line shall be laid in a straight line perpendicular to the water main, and the connection shall be made within two lines drawn parallel to the sides of the building to be served and not more than three feet outside of either of these lines. (Ord. 822 (part), 1991).

14.04.120 Prohibited connections. After a water service line has been laid, no

person shall make any connection with it to serve premises other than those for which the service line was laid. (Ord. 822 (part), 1991).

14.04.130 Owner's requirement to install curb valve. Owners of premises having water service which does not have separate curb valves and boxes for each building or which otherwise does

14.04.140--14.04.170

not conform to the rules and regulations of the water department shall install such curb valve or make such other changes as are necessary to make it conform to the rules and regulations when so requested by a duly authorized agent of the utilities committee. (Ord. 1053 § 6, 2010: Ord. 822 (part), 1991).

14.04.140 Extension of service lines prohibited. No person shall extend water service lines along public streets or roadways or through the property of others in order to obtain a connection with an existing water main. (Ord. 822 (part), 1991).

14.04.150 Responsibility for damage. In turning on water, neither the city nor the utilities committee of the waterworks shall be responsible for any damage that may result by reason of improper fixtures, open or improper connections, or any other causes. (Ord. 1053 § 7, 2010: Ord. 822 (part), 1991).

14.04.160 Unlawful repair of service line. It is unlawful for any person, other than a bonded plumber, to repair any service line being served by the city water department. (Ord. 822 (part), 1991).

14.04.170 Meters--Required. (a) All water supplied to consumers by the city waterworks shall be metered. The city waterworks will supply the current standard three-quarter-inch meter for normal household use at no charge, except for the standard tapping and installation fee. However, for any service requiring a larger meter, the difference in the cost between the standard meter and the meter required shall be charged to the user. The ownership of all meters shall remain in the city. The waterworks shall maintain all meters in good working order and shall replace those which can no longer be efficiently repaired.

(b) In addition to the requirements concerning meters in subsection (a) of this section, effective June 1, 2010, all customers shall be required to have a remote reading device installed and servicing their meter. The customer's charge for such installation shall be fifteen dollars and shall be added to their regular water use bill. During such interim

period until the ordinance codified in this chapter is fully applicable to all customers, radio frequency signal remote reading meters shall be installed by waterworks employees, as time permits, with the following priority:

- (1) Any new account shall have a radio frequency signal remote reading meter installed at the time of initial service commencement;
- (2) Customers not presently serviced by radio frequency signal remote reading meters;

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(3) Any other customers not serviced by Read-O-Matic service registers. (Ord. 1053 § 8, 2010: Ord. 829 § 2, 1992: Ord. 822 (part), 1991).

14.04.180 Meters--Maintenance responsibility. The consumer shall be responsible for the care and protection of all meters installed for the use of the consumer and shall be responsible for any damage to any meter which occurs as a result of his negligence. (Ord. 822 (part), 1991).

14.04.190 Meters--Installation by authorized personnel. Only authorized waterworks personnel shall either install a meter in, or remove a meter from, a consumer's premises. Only authorized waterworks personnel shall break the seal of a meter; provided, however, that the water department of the city may grant a permit in writing to a bonded plumber to break a meter seal in case of an emergency in order to drain water pipes or to stop a leak. (Ord. 822 (part), 1991).

14.04.200 Meters--Interference with registration unlawful. No person shall interfere with the proper registration of a water meter. No person shall use water from the city water system which has not passed through and been recorded on a properly installed meter. (Ord. 822 (part), 1991).

14.04.210 Installation and repair of service lines. The installation and repair of service water lines shall be performed in compliance with the rules and regulations of the state of Iowa Plumbing Code. (Ord. 822 (part), 1991).

14.04.220 Suspension of plumber's rights. Any plumber or pipe fitter who is found guilty of violating any of the rules and regulations of the state of Iowa Plumbing Code or any of the provisions of this chapter shall have his right to do business with the waterworks department of the city indefinitely suspended. (Ord. 822 (part), 1991).

14.04.230 Right of entry. With the consent of the occupant of the premises, upon

the issuance of a duly authorized search warrant, or in the event of an emergency when life or property may be endangered, duly authorized personnel of the water department of the city shall have the right to enter premises of any consumer to examine the water pipes and fixtures and to read the water meter or meters. (Ord. 822 (part), 1991).

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14.04.240 Water rates and charges. (a) Water Rate Adjustment. Upon recommendation of the water and sewer utilities committee of the city council of the city of Fairfield, pursuant to this section, for adjustments in the cost of water to the consumer, the following adjusted rates for cost of water and rate structure on a monthly basis are adopted, to be effective July 1, 2009 and upon publication of the ordinance codified in this chapter.

Water Line Size (Inches) for Meter	Monthly Charge for Meter
1/2 - 5/8	\$7.50
3/4	8.50
1	12.00
1 1/2	20.00
2	27.00
3	47.00
4	67.00
6	107.00

Usage	Rate
0 to 1,500 cf/mo.	0.039
1,501 to 10,000 cf/mo.	0.035
10,001 to 50,000 cf/mo.	0.032
50,001 to 401,100 cf/mo.	0.028
Over 401,100 cf/mo.	0.018

Upon recommendation of the water and sewer utilities committee of the city council of the city of Fairfield, pursuant to this section, for adjustments in the cost of water to the consumer, the following adjusted rates for cost of water and rate structure on a monthly

basis are adopted, to be effective January 1, 2009.

Usage	Rate
0 to 1,500 cf/mo.	0.03241
1,501 to 10,000 cf/mo.	0.02919
10,001 to 50,000 cf/mo.	0.02592
50,001 to 401,100 cf/mo.	0.02269
Over 401,100 cf/mo.	0.01463

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Surcharge of fifty percent applicable prior to this rate adjustment to water service extended to consumers outside the city limits of Fairfield, except by bulk water rate agreement, shall remain in effect upon adoption of the ordinance codified in this chapter.

Prior to May 1st of each year the water and sewer utilities committee shall review the above stated rates and make a recommendation to the city council on further adjustments as is deemed necessary.

(b) Charges for Services. The water and sewer utilities committee of city council further recommends to the city council user fees for meter maintenance and replacement, tapping fees, frozen meter fees, reconnect fees, etc., to bring such fees into line with adjusted rates and revenue requirements of the utility as follows:

Item	Fee
New Customer Deposit	\$75.00* * Applies to residential deposits only, commercial and industrial deposits are by separate agreement and will ordinarily always exceed residential.
Hook Up New Account.	\$25.00 regular hours (8:00--3:30 M--F) \$65.00 after hours \$110.00 Sundays and Holidays
Late Payment Fee	Seven percent (7%) of the outstanding monthly charges
Returned Check Charge	\$25.00
If unable to shut a water service off and the account is delinquent	\$25.00
Turn-On After Disconnection	First Offense:

	\$25.00 regular hours (8:00-3:30, M--F)
	\$65.00 after hours
	\$110.00 Sundays and Holidays
	Second Offense within two years: 150% of the above

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Item	Fee
Turn-On After Disconnection (Cont.)	Third and subsequent Offense within two years: 200% of the above
Sending Account to Collection Agency	\$40.00
Frozen Meter	Cost of materials, labor, plus 15%
Use of City Backhoe for Repair of Customer Water Lines	\$175.00 per hour
Tapping Fees	Cost of materials, labor, plus 15%
Labor cost per man	\$75.00/hr.

(Ord. 1053 § 10, 2010; Ord. 1050 §§ 2 - 4, 2009; Ord. 1035 §§ 3, 4, 2007).

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Chapter 14.08

POLLUTION OF RESERVOIR

Sections:

14.08.010 Dumping or depositing prohibited.

14.08.020 Damaging waterworks.

14.08.030 Excavations near water pipes.

14.08.040 Penalty for violations.

14.08.010 Dumping or depositing prohibited.

No person shall throw or place any substance or fluid into any city reservoir that could pollute the reservoir. Nor shall any person deposit, place or discharge, or permit to be deposited, placed or discharged any substance of a pollutable nature in or near the banks of the reservoir, or upon any ground from which the water drains into the reservoir so that the same may wash or flow into the reservoir. Nor shall any person drive or lead any animal into the waters of any city reservoir. (Ord. 569 § 1, 1974).

14.08.020 Damaging waterworks.

No person shall willfully or carelessly break, injure, mar, deface, interfere with, or disturb any building, reservoir dam, machinery, apparatus, fixture, attachment or appurtenance of a waterworks of the city, or any public or private hydrant, or water cock box, meter, water supply or service pipe, or any part thereof, nor shall any person deposit anything in any stopcock box, or commit any act tending to obstruct or impair the intended use of any of the property in this section. (Ord. 569 § 2, 1974).

14.08.030 Excavations near water pipes.

No person, other than an employee of the water department or of the city, shall make any excavation in any street, alley, or highway of the city within six feet of any known buried water main or water service pipes or within a like distance of city sewer lines or buried public utility lines without consulting with and obtaining the consent of the city department or public utility involved. (Ord. 626-14-2 § 1, 1980: Ord. 569 § 3, 1974).

14.08.040 Penalty for violations. Any person violating any of the provisions of this chapter shall be punished by a fine of at least fifty dollars, but not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 569 § 4, 1974).

Chapter 14.12

RECREATIONAL ACTIVITIES ON RESERVOIR

Sections:

- 14.12.010 Swimming.
- 14.12.020 Skating.
- 14.12.030 Docks.
- 14.12.040 Hunting.
- 14.12.050 Parking--Littering.
- 14.12.060 Horseback riding.
- 14.12.070 Overnight campers--Reservoir park hours.
- 14.12.080 Construction and repairs.
- 14.12.090 Responsibility.
- 14.12.100 Penalty.

14.12.010 Swimming. No person shall swim, wade, or bathe in Reservoir No. 2 or Walton Lake.

Persons swimming, wading, or bathing, as permitted by law, shall be subject to the

provisions of Fairfield Municipal Code Chapter 9.92, regulating use of Fairfield's park and specifying penalty for violation(s). Enforcement against violators, in the discretion of the law enforcer, may be by issuance of citation or summons, in the manner of enforcing scheduled violations, in addition to other legal remedies available. Penalty provisions of Section 9.92.060 shall apply, except first offense violations of this section shall be subject to a fine of twenty-five dollars only. (Ord. 1012 § 1, 2005; Ord. 997 § 2, 2004).

14.12.020--14.12.080

14.12.020 Skating. No person shall skate, ride snow-mobiles, slide, or sleigh upon the ice of, nor the city-owned land adjacent to, any city-owned reservoir, except the employees of the water department of the city of Fairfield, Iowa, in pursuance of their duties. (Ord. 570 § 2, 1974).

14.12.030 Docks. No person shall construct or float upon the surface of any reservoir any type of dock, raft, or other device that will extend out into, or upon, the water of the city-owned reservoirs. (Ord. 570 § 3, 1974).

14.12.040 Hunting. No person shall hunt or shoot with rifles or handguns in the area or from land owned by the city around any city-owned reservoirs, except specific clubs and organizations that have been granted the right to shoot in designated areas by the utilities committee of the Fairfield waterworks. No person shall construct any permanent duck blinds or other structures therefor on any land owned by the city, around any city-owned reservoir. (Ord. 1053 § 11 (part), 2010: Ord. 570 § 4, 1974).

14.12.050 Parking--Littering. No person shall drive nor park any motor vehicle upon land adjacent to the reservoir other than upon designated roadways and parking lots. Nor shall any person throw or deposit any litter or garbage, or other debris along the shorelines or upon the land owned by the city of Fairfield, adjacent to any city-owned reservoir, or place the same in any waterway which drains into any city reservoir. (Ord. 570 § 5, 1974).

14.12.060 Horseback riding. No person shall ride or lead any horse on city-owned ground around any city-owned reservoir, other than upon any designated maintained roadway or parking lot. (Ord. 570 § 6, 1974).

14.12.070 Overnight campers--Reservoir park hours. No person shall park or camp overnight on any city-owned land adjacent to any city-owned reservoirs, and all city parks maintained adjacent to any city-owned reservoir shall close at ten p.m. (Ord. 570 §

7, 1974).

14.12.080 Construction and repairs. There shall be no new residence construction or exterior remodeling or enlargement of any existing residence structure either below or aboveground on or around any city-owned reservoirs. This shall in no way prohibit any residence owners from repair maintenance or interior remodeling of those existing residence structures. Any other

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construction or enlargement of nonresidence structures shall be prohibited until such time as plans and specifications therefor have been submitted and approved by the utilities committee of the Fairfield waterworks. (Ord. 1053 § 11 (part), 2010: Ord. 570 § 8, 1974).

14.12.090 Responsibility.

The city council grants to the utilities committee the full authority and responsibility for control, supervision, and maintenance of all city-owned reservoirs and the land adjacent thereto, all for the purpose of providing the best and safest water sources as possible, free from pollution, to the residents of the city of Fairfield, Iowa. (Ord. 1053 § 11 (part), 2010: Ord. 570 § 9, 1974).

14.12.100 Penalty. Violations of any sections of this chapter constitute a misdemeanor, and any person convicted of a violation shall pay a fine of at least fifty dollars, but not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 690 §§ 1, 2(part), 2001; Ord. 570 § 10, 1974).

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Title 15

(RESERVED)

Title 16

FIRE

Chapters:

16.04 Fire Prevention

16.08 Explosives and Flammable Liquids

Chapter 16.04

FIRE PREVENTION

Sections:

- 16.04.010 Division of fire prevention--Established.
- 16.04.020 Enforcement of regulations--Duty of division.
- 16.04.030 Fires or burning--Prohibited.
- 16.04.055 Burning in streets, alleys, curblines or stormwater intakes.
- 16.04.060 Deposit of combustible materials.
- 16.04.070 Accumulation of combustible materials.
- 16.04.080 Material used for decorating show windows.
- 16.04.090 Fireworks and explosives.
- 16.04.100 Smoking and fires at assemblages.
- 16.04.110 Hand fire extinguishers.
- 16.04.120 Right of entry for inspection.
- 16.04.130 Required inspections of hazardous processes, storages and installations.
- 16.04.140 Inspections required--Removal of fire hazards.
- 16.04.150 Inspection upon complaint or necessity--Remedy.

- 16.04.160 Service of order to remedy.
- 16.04.170 Conduct of investigation.
- 16.04.180 Fire drills.
- 16.04.190 Annual report by division.
- 16.04.200 Penalty for violation.

16.04.010 Division of fire prevention--Established.

A division within the fire department of the city is established which shall be called the division of fire prevention. The chief of the fire department shall be the chief of the division. The city fire inspector shall be a member of, and shall act as the chief inspector for, the division. The chief of the fire department may detail all officers and other members of the fire department as inspectors as shall from time to time become necessary or advisable. (Ord. 626-16-1 § 1, 1980).

16.04.020 Enforcement of regulations--Duty of division.

It shall be the duty of the officers of the fire prevention division to enforce all laws and all rules and regulations issued by the fire marshal or by the Commissioner of Public Safety of the state of Iowa concerning the following:

- (1) The prevention of fires;
- (2) The storage and use of explosives and inflammables;
- (3) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;
- (4) The construction and maintenance of fire escapes;
- (5) The means and adequacy of exits in case of fire from factories, schools, hotels, motels, lodginghouses, hospitals, churches, halls, theaters, and all other places in which numbers of persons work, live, or congregate from time to time for any purpose;
- (6) The investigation of the cause, origin, and circumstances of fires;
- (7) Such other matters as may be conferred or imposed from time to time by law or by rules and regulations. (Ord. 626-16-1 § 2, 1980).

16.04.030 Fires or burning--Prohibited.

No person shall kindle or maintain any fire or burn-ing of any articles of trash, garbage or other substances within the limits of the city of Fairfield, Iowa, except:

(1) That leaves, small limbs and twigs only may be burned during the months of April, October and November of each year during the daylight hours, after sunrise and be-fore sunset, on Tuesday, Wednesday, Thursday and Saturday provided, however, that any such fire or burning shall be supervised by a person in attendance thereto, and that no fire or burning shall be in any street or alley. Such burning shall only be done on the property of the person performing and attending the burning of any such leaves, small twigs and limbs, and under such conditions that are not endangering adjacent buildings or property;

(2) Cooking of food products within containers or receptacles, such as charcoal grills, electric grills, gas grills, smokers, etc., and use of enclosed portable patio fireplaces, fireboxes, chimineas, and other similar en-closed devices. (Ord. 992 § 2, 2004).

16.04.055 Burning in streets, alleys, curblines or stormwater intakes.

No person shall gather, collect, or burn any leaves, or other debris in any streets, alleys, drainage ditches, street curbs, or gutter lines, or in stormwater intakes, in the city. (Ord. 710 § 1, 1985).

16.04.060 Deposit of combustible materials.

No person shall deposit ashes, smouldering coals or embers, or greasy or oily substances, or other material which is liable to ignite by spontaneous combustion within ten feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, shavings, rubbish or other combustible materials, except in metallic or other noncom-bustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the build-ing, must be placed on noncombustible stands and in every case must be kept at least two feet away from any combus-tible wall, partition, or material. (Ord. 626-16-1 § 6, 1980).

16.04.070 Accumulation of combustible materials.

The accumulation and storage of combustible material, such as excelsior, shavings, bags, paper, or combustible trash shall be in accordance with the rules and regulations of the State Fire Marshal or the State Commissioner of Public Safety. (Ord. 626-16-1 § 7, 1980).

16.04.080 Material used for decorating show windows.

The material used for the decoration of show windows or stores shall be only that approved by the State Fire Marshal; provided, that nothing in this section shall be held to prohibit the display of goods permitted and offered for sale by the store. No combustible material shall be used for the decoration of beer halls, auditoriums, or other places of assembly unless suitably treated to make them flameproof. (Ord. 626-16-1 § 8, 1980).

16.04.090 Fireworks and explosives.

No person shall offer for sale, expose for sale, sell or retail or use or explode any fireworks within the city, as that term is defined by the laws of the state of Iowa; provided, however, that the city council may grant a permit upon application in writing to organizations or groups of individuals for a display of fireworks when such display will be handled by a competent operator. When such a permit has been granted, the sale of fireworks may be made for the permitted display only. (Ord. 626-16-1 § 9, 1980).

16.04.100 Smoking and fires at assemblages.

No person shall ignite or maintain a fire, nor shall any person smoke cigarettes, cigars, or pipes in any room, building or other enclosure where people are assembled or are about to assemble, after being requested not to do so orally or by written statement or sign by any person in charge of such room, building, or enclosure, or by his agent, or by any peace officer of the city. This section shall not apply to private dwellings. (Ord. 626-16-1 § 10, 1980).

16.04.110 Hand fire extinguishers.

(a) All hand fire extinguishers shall be maintained in perfect working conditions at all times. Extinguishers which contain substances which deteriorate upon standing shall be recharged at least once a year, and oftener if so ordered by a member of the fire prevention division of the city fire department.

(b) No fire extinguisher in any building not used exclusively for private living quarters shall be recharged by any person unless he possesses a permit from the fire prevention division. Such permit shall be issued to any person who successfully passes the standard qualifying examination adopted by the fire prevention division. All hand fire extinguishers shall bear an approved tag which shows the date of last recharge and the identity of the person who recharged it. (Ord. 626-16-1 § 11, 1980).

16.04.120 Right of entry for inspection.

With the consent of the owner or other person in charge of any building or premises, upon the issuance of a valid search warrant, or in the case of an extreme emergency where delay might mean the loss of life or property, the chief of the fire prevention division, the city fire inspector, or any member of the fire department when detailed by the chief of the division may enter any building or premises within the city for the purpose of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary to be made. (Ord. 626-16-1 § 12, 1980).

16.04.130 Required inspections of hazardous processes, storages and installations.

The chief of the fire prevention division or the city fire inspector shall inspect, as often as may be necessary, but not less than two times a year, all especially hazardous manufacturing processes, storages, or installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the chief of the fire prevention division shall designate, and shall issue such orders as may be deemed necessary for the enforcement of the laws and rules and regulations governing the safeguarding of life and property from fire. (Ord. 626-16-1 § 13, 1980).

16.04.140 Inspections required--Removal of fire hazards.

The chief of the fire prevention division or the city fire inspector shall inspect, or cause to be inspected by a member of the division, as often as may be necessary, but not less than once a year in outlying districts and two times a year in the closely built portions of the city, all buildings and premises, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or any violation of the rules and regulations of the State Fire Marshal concerning the fire hazard. Whenever any in-spector finds in any building or upon any premises combus-tible or explosive material or dangerous accumulations of rubbish or other highly flammable materials which is so situated as to endanger property, or whenever he finds ob-structions to or on fire escapes, stairs, passageways, doors, or windows which would be liable to interfere with the operation of the fire department or the egress of oc-cupants in case of fire, he shall order the same to be re-moved or otherwise remedied. (Ord. 626-16-1 § 14, 1980).

16.04.150 Inspection upon complaint or necessity--Remedy.

The chief of the fire prevention division or the city fire inspector shall inspect or cause to be inspected by a member of the fire prevention division, upon the complaint of any person or whenever it is deemed necessary or advis-able, all buildings and premises within the city. When-ever any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equip-ment, or by reason of age, dilapidated condition, or other cause is especially liable to fire and which is so situ-ated as to endanger other property, or the occupants thereof is found, and whenever combustible or explosive material or flammable conditions dangerous to the safety of such building, the occupants thereof, or to other prop-erty is found in any such building, he shall order such dangerous materials removed or conditions remedied. (Ord. 626-16-1 § 15, 1980).

16.04.160 Service of order to remedy.

The service of such orders as mentioned in Sections 16.04.130, 16.04.140, and

16.04.150, which shall be in writing, may be made upon the occupant of the premises to which it is directed, either by delivering a copy to such occupant personally or by delivering a copy to any person in charge of the premises. If the occupant or the person in charge of the premises is not the owner, service may be made upon the owner by personally delivering a copy of the order to the owner, if he can be located within the county, or if not, by mailing a copy to him at his last known address. If the premises are unoccupied and the owner is unknown, service of the order may be made by posting a copy of the order at a conspicuous place on the door to the entrance of the premises. The order shall provide at least ten days within which compliance may be made. If the order is made by the city fire inspector or by a member of the fire prevention division other than the chief, the owner or occupant of the premises may, prior to the time by which compliance is required, appeal to the chief of the fire department, who shall, within five days, review such order and file his decision thereon. Unless it is found that a fire hazard does not exist and by his authority the order is revoked or modified, it shall remain in full force and effect and shall be complied with within the time fixed in the decision of the chief of the fire department. (Ord. 626-16-1 § 16, 1980).

16.04.170 Conduct of investigation.

The investigation and reporting of fires shall be conducted in accordance with the laws of the state of Iowa and the rules and regulations of the State Fire Marshal. (Ord. 626-16-1 § 17, 1980).

16.04.180 Fire drills.

Fire drills for public and private schools within the city shall be conducted in compliance with the laws of the state of Iowa. (Ord. 626-16-1 § 18, 1980).

16.04.190 Annual report by division.

The annual report of the division of fire prevention of the city fire department shall be made on or before the first day of April to the mayor and city council. It shall contain a record of all actions taken pursuant to this chapter and a report of all fires required by

the rules and regulations of the State Fire Marshal. The report shall also contain such statistics as the chief of the fire prevention division or the city fire inspector may wish to include and shall contain such recommendations for amendments to this chapter as either of said officers deem desirable. (Ord. 626-16-1 § 19, 1980).

16.04.200 Penalty for violation.

Any person who violates any of the provisions of this chapter or who fails to comply with any orders issued pursuant to this chapter shall upon conviction be fined at least fifty dollars, but not to exceed five hundred dollars or imprisoned in the county jail not to exceed thirty days. Each violation or failure to comply shall be considered a separate offense. The imposition of a penalty for any violation or failure to comply under this section shall not excuse the violation or failure to comply or permit it to continue, and any person convicted under this chapter shall be required to correct the defects within a reasonable time.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 626-16-1 § 20, 1980).

Chapter 16.08

EXPLOSIVES AND FLAMMABLE LIQUIDS

Sections:

- 16.08.010 Manufacture and storage regulated.
- 16.08.020 Transportation regulated.
- 16.08.030 Storage tank--Application for installation.
- 16.08.040 Storage tank--Installation in residence district.

- 16.08.050 Residence district defined.
- 16.08.060 Investigation of application.
- 16.08.070 Application of requirements.
- 16.08.080 Penalty for violations.

16.08.010 Manufacture and storage regulated.

No person shall wilfully manufacture, import, store, detonate, sell, or otherwise transfer any explosives, as that term is defined in the laws of the state of Iowa, except pursuant to the provisions of Chapter 101A, Code of Iowa, 1977, and the rules and regulations issued pursuant thereto by the Commissioner of Public Safety. (Ord. 626-16-2 § 1, 1980).

16.08.020 Transportation regulated.

No person shall transport, store, handle, or otherwise use "flammable liquids" or "liquefied petroleum gases," as those terms are defined in the laws of the state of Iowa, except pursuant to the rules and regulations issued by the State of Iowa Fire Marshal pursuant to Chapter 101, Code of Iowa, 1977. (Ord. 626-16-2 § 2, 1980).

16.08.030 Storage tank--Application for installation.

Any person who desires to install a storage tank for the storage of flammable oils shall file with the city clerk-finance officer an application accompanied by a plat drawn to scale showing the storage tanks to be installed, the location of the premises to be used and all other structures thereon and the present use of each building within one hundred feet of the premises. Any person who desires to install a storage tank for the storage of liquefied petroleum gas over one hundred twenty-five gallons in size, must obtain a certification from the fire chief of the city of Fairfield, that said installation is pursuant to the rules and regulations of the state of Iowa Fire Marshall pursuant to Chapter 101, Code of Iowa, 1997. (Ord. 925 § 2, 1999).

16.08.040 Storage tank--Installation in residence district.

If the desired location is within a residence district, the application shall be accompanied by the written consent of seventy-five percent of the property owners owning at least seventy-five percent of the property, including all abutting property, within three hundred feet of the premises on which the applicant desires to install a storage tank. (Ord. 626-16-2 § 4, 1980).

16.08.050 Residence district defined.

Any district shall be deemed a residence district for the purpose of this chapter when fifty percent or more of the area within a distance of three hundred feet from the premises on which such storage tank is to be installed is being used for residence purposes. (Ord. 626-16-2 § 5, 1980).

16.08.060 Investigation of application.

Whenever an application is filed as provided in Section 16.08.030, the city council shall make a full, fair and impartial investigation of the proposed location, taking into consideration its proximity to schools, churches, and other places of public gathering, traffic conditions, fire hazards, and such other matters which may affect the safety and welfare of the general public and shall grant or refuse any permit for any particular location as the public welfare and safety may require. (Ord. 626-16-2 § 6, 1980).

16.08.070 Application of requirements.

The requirements of Sections 16.08.030 through 16.08.060 shall not apply to so-called "gasoline service stations" within the city which were operating on November 1, 1977. (Ord. 626-16-2 § 7, 1980).

16.08.080 Penalty for violations.

Any person who violates any of the provisions of this chapter shall upon conviction be fined at least fifty dollars, but not to exceed five hundred dollars or imprisoned in the county jail for a term not to exceed thirty dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code

Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 626-16-2 § 8, 1980).

Title 17

BUILDINGS AND CONSTRUCTION

Chapters:

- 17.02 Building Code
- 17.04 Floodplain Districts
- 17.08 Unsafe Buildings
- 17.10 Rental Housing Code

Chapter 17.02

BUILDING CODE

Sections:

- 17.02.010 Short title.
- 17.02.020 Purpose.
- 17.02.030 Adoption of state building code.
- 17.02.040 Copies filed.
- 17.02.050 Building inspector.
- 17.02.060 Building board of review.
- 17.02.070 Permit--Required.
- 17.02.080 Permit--Emergency work.
- 17.02.090 Permit--Applications.
- 17.02.100 Indemnity.
- 17.02.110 Plans and specifications.
- 17.02.120 Plan review.
- 17.02.130 Plan approval.
- 17.02.140 Partial plans.
- 17.02.150 Retention of plans.
- 17.02.160 As-built plans.
- 17.02.170 Issuance of permits.
- 17.02.180 Validity.

- 17.02.190 Expiration of permit.
- 17.02.200 Suspension or revocation.
- 17.02.210 Building permit fees.
- 17.02.220 Expiration of application--Plan check.
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- 17.02.260 Inspection required.
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- 17.02.350 Approved fabricators.
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- 17.02.370 Access.
- 17.02.380 Power, fuel and water supply connection.
- 17.02.390 Certificate of occupancy.
- 17.02.400 Violations.
- 17.02.420 Penalty.
- 17.02.430 Severability.

17.02.010 Short title.

This chapter shall be known as the city building code, and may be cited as such, and will be referred to herein as "this chapter." (Ord. 729 § 1, 1986).

17.02.020 Purpose.

The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use,

height, area, and maintenance of buildings, structures and other related equipment, fixtures and systems. (Ord. 729 § 2, 1986).

17.02.030 Adoption of state building code.

Pursuant to publishing notice and public hearing, as required by law, the Iowa State Building Code, including mechanical, plumbing, electrical and energy codes therein, promulgated pursuant to Chapter 103A of the 1980 Code of Iowa, as Title 680, Chapter 5 and Chapter 16, Iowa Administrative Code is adopted by reference. (Ord. 729 § 3, 1986).

17.02.040 Copies filed.

Official copy of the aforementioned Iowa State Building Code, the standard codes adopted herein, and a certified copy of the ordinance codified in this chapter are also on file in the office of the city clerk/finance officer. Certified copies of the ordinance codified in this chapter are also on file in the office of the State Building Code Commissioner and in the office of the Secretary of State. (Ord. 729 § 4, 1986).

17.02.050 Building inspector.

The building inspector shall be appointed by the mayor with the approval of the city council. The building inspector is authorized and directed to enforce all of the provisions of this chapter. The building inspector shall have the following powers and duties.

(1) Deputies. In accordance with the established procedure and with approval of the city council, the building inspector may appoint a plans examiner, other related technical officers, inspectors and employees that are authorized from time to time by the city council.

(2) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the building inspector or the inspectors 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 unsafe as defined in this chapter, the building inspector, or the authorized representative, may enter such building or premises at all reasonable times to make an inspection or to perform any duty imposed upon the building inspector by this chapter; provided, that if the building or premises is occupied, the inspector shall first present proper credentials and request entry;

and if the building or premises is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building inspector or the authorized representative shall have recourse to every remedy provided by law to secure entry.

When the building official or the authorized representative has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building inspector, or the authorized representative, for the purpose of inspection or examination pursuant to this chapter.

(3) Stop Orders. Whenever any work is being done contrary to the codes adopted herein, the building inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until written authorization is given by the building official to proceed with the work.

(4) Occupancy Violations. Whenever any building or structure or equipment therein regulated by this chapter is being used contrary to the provisions of this chapter, the building inspector may order such use discontinued and the structure or portion thereof vacated, by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building inspector after receipt of such notice or promptly make the structure, or portion thereof, comply with the requirements of a certificate of occupancy.

(5) Liability. The building inspector or the authorized representative charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of those duties, shall not thereby be rendered personally liable for any damage that may occur to persons or property as a result of any act or omission in the discharge of those duties. Any suit brought against the building inspector or an employee because of such act or omission performed in the enforcement of any provisions of this chapter shall be defended by legal counsel provided by the city until final termination of such proceedings. This chapter shall not be construed to relieve from or lessen responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement department or the city be held as assuming any such liability by reason of inspections authorized by this chapter or for

any certificates of inspection under this chapter.

(6) Cooperation of Other Officials. The building inspector may request and shall receive as far as it is required in the discharge of this duties, the assistance and cooperation of other officials and department heads of the city. (Ord. 729 § 5, 1986).

17.02.060 Building board of review.

A building board of review is created. The building board of review shall be appointed by the mayor with the approval of the city council. The board shall consist of five members who are qualified in experience and training to pass upon matters pertaining to building construction.

(1) Term. At the time of first appointments to the board, one member shall be appointed for a term of five years, one member for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year. Thereafter, each member shall be appointed for a term of five years. Any vacancy shall be filled for the unexpired portion of the term. Any member of the board directly interested in any matter before the board, shall be disqualified from any action on the matter.

(2) Compensation. All members shall serve without compensation.

(3) Secretary. The building inspector shall serve as the secretary of the board of building review. In the absence of the secretary, the chairman may appoint another person to serve for that meeting. The secretary shall keep minutes of the proceedings, showing the vote of each member upon a question, or if the member is absent or fails to vote or is disqualified, indicating such fact and shall keep records of any official actions, all of which shall be filed in the office of the city clerk/finance officer.

(4) Chairman and Meetings. The board shall annually elect a chairman at the first meeting on or after January 1st of each year. The board shall have the power to call any city department for assistance in the performance of its duty and it shall be the duty of each department to render such assistance.

(5) Quorum. The presence of three members shall be necessary for a quorum and the concurring vote of three members of the board shall be necessary on all matters upon which it is required to consider. The chairman, or acting chairman, is a voting member of the board.

(6) Rules and Regulations. The board shall adopt from time to time, subject to

the approval of the city council, rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(7) Appeals. Appeals to the board may be taken by any person aggrieved or by any officer, department or board of the city affected by decision of the building inspector. An appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the building inspector a written notice of the appeal specifying the grounds for the appeal. The building inspector shall submit to the board all papers constituting the record upon which the action appealed from was taken. All decisions of the board relating to materials and methods of construction must be forwarded to the State Building Code Commissioner for review and may be denied by the commissioner.

(8) Effect of Appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board that a stay would, in the inspector's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board, or by an order of a court of record upon application and notice to the officer from whom the appeal was taken.

(9) Powers. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building official in the enforcement of state law or any ordinance adopted pursuant thereto.

(10) Initiation of Appeal. An application by an aggrieved person for an appeal shall be filed with the building inspector. The application shall be accompanied by adequate drawings and other descriptive materials constituting a record essential to understanding the appeal requested. The application shall also be accompanied by a fee of twenty-five dollars payable to the city.

(11) Notice of Meeting. Notice of the time and place of the board's meeting and of the purpose shall be given by the building official not less than twenty-four hours prior to the meeting. (Ord. 729 § 6, 1986).

17.02.070 Permit--Required.

Permits shall be required as follows:

(1) New Construction. No person, firm, or corporation shall erect or construct a new building or structure in the city, or cause the same to be done, without first obtaining

a separate building permit for each building or structure from the building official.

(2) Existing Structures. No person, firm, or corporation shall enlarge, alter, move, improve, remove, convert, or demolish any existing building or structure in the city or cause the same to be done, without first obtaining a separate building permit for each building or structure from the building official when the proposed work exceeds one thousand dollars in value.

(3) Mechanical--New Construction. No person, firm, or corporation shall install, alter, reconstruct, or repair the heating, ventilating, cooling, or refrigeration equipment within or on a new building or structure unless a permit therefor has been obtained from the building inspector except as otherwise provided in this chapter.

A permit shall not be required for the following:

- (A) Any portable heating appliance;
- (B) Any ventilating equipment;
- (C) Any portable cooling unit;
- (D) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter;
- (E) Replacement of any component part or assembly of any appliance which does not alter its original approval, and complies with other applicable requirements of this chapter;
- (F) Any portable evaporative cooler;
- (G) Any refrigeration equipment which is a part of the equipment for which a permit has been issued pursuant to the requirements of this chapter;
- (H) Any unit refrigerating system.

(4) Mechanical--Existing Structures. No person, firm, or corporation shall install, alter, reconstruct or repair any heating, ventilation, cooling or refrigeration equipment within or upon any existing building or structure unless a permit therefor has been obtained from the building inspector. However, permits are not required for the proposed mechanical work if that work does not exceed one thousand dollars in value or where both mechanical and plumbing work for the building or structure, in combination do not exceed one thousand dollars in value.

(5) Plumbing--New Construction. No person, firm, corporation shall install any plumbing or drainage system or part thereof as defined in the plumbing code adopted by the ordinance codified in this chapter within or on a new building or structure unless a

permit therefor has been obtained from the building inspector.

(6) Plumbing--Existing Structures. No person, firm, or corporation shall install, alter, or reconstruct any plumbing or drainage system or part thereof as defined in the plumbing code adopted in the ordinance codified in this chapter within or on an existing building or structure unless a permit therefor has been obtained from the building inspector.

However, permits are not required for the proposed plumbing work if it does not exceed one thousand dollars in value, or, where both plumbing and mechanical work for the same building or structure, in combination do not exceed one thousand dollars in value.

(7) Electrical--New Construction. No person, firm, or corporation shall install any electrical conductor or equipment subject to the provisions of the electrical code adopted by the ordinance codified in this chapter within or on a new building or structure unless a permit therefor has been obtained from the building official.

(8) Electrical--Existing Structures. No person, firm, or corporation shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the electric code adopted by the ordinance codified in this chapter within or on any existing building or structure unless a permit therefor has been obtained from the building official, when the electrical work exceeds five hundred dollars in value.

(9) Zoning. No person, firm, or corporation shall erect, or construct a new building or structure, enlarge or alter, move, improve, remove, convert, or demolish any existing building or structure in the city, or cause the same to be done, without first obtaining a permit from the building inspector stating to the effect said project complies with the current zoning regulations of the city.

(10) Sanitary Sewer. No person, firm, or corporation shall erect or construct a new building or structure, enlarge, alter, move, improve, remove, convert, or demolish any existing building or structure in the city, or cause the same to be done, without first obtaining a written permit from the building inspector stating that said project complies with the regulations of the city, sanitary sewer system and Ordinance No. 692 as codified in Chapter 13.04 regulating the use of public and private sewers. (Ord. 729 § 7, 1986).

17.02.080 Permit--Emergency work.

In emergency situations, work may be initiated without first submitting a permit application and receiving a permit therefor. However, a permit application must be submitted within a reasonable time after the passage of the critical period. With this one

exception all emergency work must be done in accordance with this chapter. (Ord. 729 § 8, 1986).

17.02.090 Permit--Applications.

To obtain a permit for work described in this chapter the applicant shall first file an application therefor in writing on a form furnished for that purpose. Each application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made;
- (2) Describe the land on which the proposed work is to be done, by lot, block, tract, house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by plans and specifications as required in this chapter;
- (5) State valuation of the proposed work;
- (6) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority;
- (7) Indicate the name and business address of all the persons, firms, corporations or other associations that are to do the work;
- (8) The name of the occupant of the property with their consent for the project;
- (9) A general description of materials to be used;
- (10) Other such information as may be required by the building inspector for lawful enforcement of the provisions of this chapter. (Ord. 729 § 9, 1986).

17.02.100 Indemnity.

The applicant for any permits under this chapter, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to, or death to any person or persons, including all costs and expenses incidental thereto, arising from or in connection with or related to the issuance of the permit or the doing of anything under a permit, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide or comply with any of the provisions of this code or other ordinances of the city. The applicant, by making an application for a permit, agrees to save harmless the city, from any and all claims, demands, lawsuits, or liability for any loss, damage, injury or death, cost and expense, by reasons of the work under the permit

even though acts or omissions of the city may have caused or contributed thereto. The foregoing provision shall be deemed to be a part of any permit issued under this chapter whether expressly recited therein or not. (Ord. 729 § 10, 1986).

17.02.110 Plans and specifications.

With each application for a building permit, when required by the building inspector for enforcements of any provisions of this chapter, two sets of plans and specifications shall be submitted. The building inspector may require the plans and specifications to be prepared and designed by an engineer or architect licensed to practice by the state of Iowa. Plans and specifications when required shall be of sufficient detail and clarity to show that the proposed work will conform with the provisions of this chapter and of other applicable laws, ordinances, rules, regulations and orders. The building inspector may waive the filing of plans and specifications with an application for the following:

(1) Private garages, carports, sheds and agricultural buildings of conventional wood stud construction;

(2) Small and unimportant work. (Ord. 729 § 11, 1986).

17.02.120 Plan review.

Required plans and specifications shall be checked by the building inspector. Such plans shall be reviewed by other city departments or personnel to check compliance with the laws and ordinances under their jurisdiction where applicable. (Ord. 729 § 12, 1986).

17.02.130 Plan approval.

If the plans and specifications, upon being checked, appear to conform to the requirements of this chapter and other laws and ordinances, the building inspector may endorse in writing or stamp on all sets of plans and specifications "APPROVED." Plans and specifications shall not be changed, modified, or altered after this approval without written authorization from the building inspector, and all work shall be done in accordance with the approved plans. (Ord. 729 § 13, 1986).

17.02.140 Partial plans.

The building inspector may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure

have been submitted or approved provided adequate information and detailed statements have been filed, complying with all pertinent requirements of this chapter. The holder of such permit may proceed at his own risk without assurance that a permit for the entire building or structure will be granted. (Ord. 729 § 14, 1986).

17.02.150 Retention of plans.

One set of plans, specifications, and computations shall be retained by the building inspector for a period of not less than ninety days from the date of completion of work covered therein, and one set of plans and specifications shall be returned to the applicant, which set shall be kept at all times on building or worksite for which the permit was issued during the time the work authorized is in progress. (Ord. 729 § 15, 1986).

17.02.160 As-built plans.

In cooperation with the building inspector and, upon completion of the project and prior to issuance of the certificate of occupancy, the applicant will prepare a set of final plans indicating all authorized changes in the plans and specifications, said plans to be labeled "AS BUILT PLANS" which shall remain on file in the office of the building inspector. (Ord. 729 § 16, 1986).

17.02.170 Issuance of permits.

When the building inspector is satisfied that the work described in the application for permit and in the plans and specifications where required to be filed therewith, conform to the requirements of this chapter and other pertinent laws and ordinances including any applicable soil erosion control plans, and that the fees as specified have been paid in full, the inspector may issue a permit therefor to the applicant. (Ord. 729 § 17, 1986).

17.02.180 Validity.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel any provisions of this chapter shall be valid.

The issuance of a permit based upon plans and specifications shall not prevent the building inspector from thereafter requiring the correction of errors in said plans and

specifications, or from preventing building operations being carried on thereunder in violation of this chapter or any other ordinance of the city. (Ord. 729 § 18, 1986).

17.02.190 Expiration of permit.

Every permit issued by the building official under the provision of this chapter shall expire and become null and void, if the building or work authorized by such permit is not commenced within ninety days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days or more.

Before such work can be recommenced a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for the previous permit, provided no changes have been made or will be made in the original plans and specifications for such permit; and provided further, such suspension or abandonment has not exceeded one hundred eighty days, in which event the permit fee shall be paid in full. (Ord. 729 § 19, 1986).

17.02.200 Suspension or revocation.

The building inspector, may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any applicable ordinance or regulation or any of the provisions of this chapter. (Ord. 729 § 20, 1936).

17.02.210 Building permit fees.

A fee for each building permit shall be paid to the city as set forth herein. The determination of value or valuation under any of the provisions of this chapter shall be made by the building inspector, the valuation to be used in computing the permit and plan-check 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 work or permanent equipment. The building inspector will use as a guide to determine the value, the latest "building valuation data" and the "reasonable modifier" as published by the International Conference of Building Officials, unless the applicant can show that the actual cost will be less.

TABLE OF BUILDING PERMIT FEES

Fees shall be charged as follows:

Total Valuation

\$1.00 to \$500.00 \$15.00

\$501.00 to \$2,000.00 \$15.00 for the first \$500.00 plus \$1.40 for each additional \$100.00 or fraction thereof.

\$2,001.00 to \$25,000.00 \$32.00 for the first \$2,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof.

\$25,001.00 to \$50,000.00 \$170.00 for the first \$25,000 plus \$5.00 for each additional \$1,000.00 or fraction thereof.

\$50,001.00 to \$100,000.00 \$300.00 for the first \$50,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof.

\$100,001.00 to \$500,000.00 \$500.00 for the first \$100,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof.

\$500,001.00 to \$1,000,000.00 \$1,500.00 for the first \$500,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

\$1,000,001.00 and up \$2,500.00 for the first \$1,000,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.

Moving Buildings (Lot to Lot) For a permit for the moving of a building or structure from one lot to another, the fee shall be at the rate of one dollar (\$1.00) per one thousand dollars or fraction thereof of the estimated value of the building or structure in its completed condition after relocation.

Moving Building (Same Lot) For a permit for moving a building or structure to a new location within the same lot, the fee shall be at the rate of twenty-five cents per one thousand dollars or fraction thereof, of the estimated cost of moving; of the new foundations and the work necessary to put the building or structure in useable condition in its new location.

Demolition For a permit for the demolition of a building or structure, there shall be a fee of ten dollars per one thousand dollars or fraction thereof, of the estimated cost of the removal; disconnecting of utilities and cleanup of the project site.

Plan-Checking When a plan check is required by the building inspector, the fee shall be as follows:

Total Project Valuation

\$1.00 to \$1,000.00	\$ 5.00
\$1,001.00 to \$25,000.00	\$ 10.00
\$25,001.00 to \$50,000.00	\$ 25.00
\$50,001.00 to \$100,000.00	\$ 50.00
\$100,001.00 to \$500,000.00	\$ 75.00
\$500,001.00 and up\$100.00	

Should the initial plan check result in the issuance of a building permit in conformance with the provisions of this chapter, the above required fee for plan check shall be waived.

In the event the city retains the services of a consultant to perform a plan check, the fee shall be equal to the fee charged by the consultant plus any other expenses incurred by the city.

The building inspector shall have the sole authority to determine whether the use of a consultant is desirable.

A plan check may be waived, when required, if the plan submitted is certified by an engineer or architect, registered pursuant to the laws of the state of Iowa, that the plans are in compliance with the requirements of this chapter, or comparable plans have been previously certified and are on file with the building inspector. (Ord. 729 § 21, 1986).

17.02.220 Expiration of application--Plan check.

Applications for which no permit is issued within ninety days following the date of application shall expire and plans submitted for checking may thereafter be returned to the applicant. The building inspector may extend the time for action by the applicant for a period not exceeding forty-five days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

In order to renew action on the application after its expiration, the applicant shall resubmit plans and pay a new plan-check fee. (Ord. 729 § 22, 1986).

17.02.230 Re-inspection fee.

In the event re-inspection is necessary, there shall be paid to the city a re-inspection fee in the following amounts applicable:

- (1) Zoning inspections \$15.00
- (2) Foundation inspection 15.00
- (3) Sanitary sewer inspection 15.00
- (4) Frame inspection 15.00
- (5) Final inspection 15.00
- (6) Mechanical work 15.00
- (7) Plumbing work 15.00
- (8) Electrical work 15.00.

(Ord. 729 § 23, 1986).

17.02.240 Other inspection fees.

In the event that an inspection or review is requested and performed pursuant to any of the following items there shall be paid to the city a fee in the following amounts:

- (1) Inspections outside of normal business hours (minimum charge: two hours)--\$15.00 per hour;
- (2) Inspections for which no fee is specifically indicated--\$15.00 per hour;
- (3) Additional plan review required by changes, or additions, or revisions to the approved plans (minimum charge: 2 hours)--\$15.00 per hour. (Ord. 729 § 24, 1986).

17.02.250 Penalty fee.

Where work for which a permit is required by this chapter is started or commenced without obtaining a permit, the fee specified for such permit shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein. (Ord. 729 § 25, 1986).

17.02.260 Inspection required.

All construction work for which a permit is issued may be subject to inspection by

the building inspector and certain types of construction may have continuous inspection by special inspectors, as specified in this chapter. (Ord. 729 § 26, 1986).

17.02.270 Lot survey.

A survey of a lot may be required by the building inspector to verify a compliance of the structure with the approved plans. Said survey, if required, shall be surveyed by a registered land surveyor licensed for that purpose with the state of Iowa. (Ord. 729 § 27, 1986).

17.02.280 Concealed work.

That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved. (Ord. 729 § 28, 1986).

17.02.290 Inspection record card.

Work requiring a permit shall not be commenced until the permit holder or his agent has posted an inspection record card in a conspicuous place on the front of the premises and in a convenient position for the building official to make the required entries thereon regarding inspection of the work. This card shall be maintained in that position by the permit holder until the certificate of occupancy of satisfactory completion has been issued. (Ord. 729 § 29, 1986).

17.02.300 Approvals required.

No work may be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building inspector, such written approval may be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in this chapter. There shall be a final inspection and approval on all buildings and work when ready for occupancy and/or completed. (Ord. 729 § 30, 1986).

17.02.310 Required inspections.

The building inspector, upon notification from the permit holder or his agent may make the following applicable inspections and shall either approve that portion of the work

as completed or shall notify the permit holder or his agent where the work fails to comply with this chapter.

(1) Reinforcing Steel or Structural Framework. Reinforcing steel or structural framework of any part of any building or structure may not be covered or concealed without first obtaining the approval of the building official.

(2) Zoning. Inspection of the site for zoning compliance shall be made at the time the building and or structure is laid out on the lot or tract of ground. The layout shall indicate the outside dimensions of the entire building or structure. This inspection is required for the purpose of obtaining conformity to city zoning regulations on setbacks.

(3) Sanitary Sewer. Inspection shall be made after the installation of the building sewer and prior to backfilling of the trench. This inspection also includes the connection of the building sewer to the public sewer.

(4) Foundation Inspection. Inspection of footings shall be made after trenches are excavated and forms erected and when all reinforcing materials and chains, ties and saddles for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed transit mixed or readymix) is to be used, the concrete materials need not be on the job.

(5) Frame Inspection. Frame inspection shall be made after the roof, all framing, fire height and blocking, and bracing are in place and all pipes, chimneys, and vents are complete.

(6) Mechanical Inspection. Inspection of plumbing installation shall be made before concealed or use.

(7) Plumbing Inspection. Inspection of plumbing installation shall be made before concealed or use.

(8) Electrical Inspection. Inspection of electrical installation shall be made before concealment or use.

(9) Other Inspections. In addition to the called inspections specified herein the building official may make or require any other inspections of any construction or work to ascertain compliance with provisions of this chapter and other laws which are enforced by the building inspector.

(10) Re-inspections. Re-inspections and fees therefor may be required as follows:

(A) A re-inspection fee may be assessed for each inspection or re-inspection

when such portion of work for which inspection is called is not complete or when inspection of corrected work is called for but has not been made.

(B) This division is not to be interpreted as requiring re-inspection fees for the first time a job is rejected for failure to comply with the requirements of this chapter, but as controlling the practice of calling for inspection before the job is actually ready for such inspection or re-inspection.

(C) Re-inspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector for failure to provide access on the date for which inspection is requested, or for deviating from plan requiring the approval of the building official.

(D) To obtain a re-inspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with this chapter.

(E) In instances where re-inspection fees have been assessed no additional inspection of work will be performed until the required fees have been paid.

(11) Final Inspection. Final inspection shall be made after work is completed and/or the building is ready for occupancy. (Ord. 729 § 31, 1986).

17.02.320 Maintenance of site and buildings--Safe and sanitary.

All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall ultimately be responsible for the maintenance of buildings and structures, whether the construction contract assigns any responsibility to a contractor. (Ord. 729 § 32, 1986).

17.02.330 Special inspections.

In addition to the inspections to be made as specified in this chapter, the owner or his agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

(1) Concrete. On concrete work where the structural design is based on an f'c in excess of two thousand pounds;

(2) Masonry. Masonry work shall have special inspections when required by the

Iowa State Building Code.

(3) Welding. On all structural welding;

(4) Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited;

(5) Special Cases. On special construction or work involving unusual hazards requiring constant inspection;

(6) Exception. The building official may waive the requirement for the employment of a special inspector if he finds that the construction or work is such that no unusual hazard exists. (Ord. 729 § 33, 1986).

17.02.340 Special inspector.

A special inspector shall be a qualified person approved by the building inspector. A special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall report to the building inspector in writing, noting all violations of the city's construction regulations and other information as required. (Ord. 729 § 34, 1986).

17.02.350 Approved fabricators.

Special inspections required by this chapter shall not be required where the work is done on the premises of a fabricator approved by the building inspector to perform such work without special inspection. The certificate of approval shall be subject to revocation by the building inspector if it is found that any work done pursuant to the approval is in violation of this chapter. (Ord. 729 § 35, 1986).

17.02.360 Requests for inspection.

The building inspector may require that every request for inspection filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the building inspector. (Ord. 729 § 36, 1986).

17.02.370 Access.

It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The building inspector shall not be liable for expense entailed in removal or replacement of any material required to allow for inspection. (Ord.

729 § 37, 1986).

17.02.380 Power, fuel and water supply connection.

Systems and or equipment regulated by this chapter shall not be connected to power, fuel or water supply until authorized by the building inspector, except that this section shall not be considered to prohibit the operation of any equipment installed to replace existing equipment serving an occupied portion of a building in the event a request for inspection of such equipment has been filed with the building inspector not more than twenty-four hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building. (Ord. 729 § 38, 1986).

17.02.390 Certificate of occupancy.

No building or structure where a certificate of occupancy is required by the Iowa State Building Code "Administration" section shall be used or occupied and no change to the existing occupancy classification of a building or structure or portion thereof shall be made until the building inspector has issued a certificate of occupancy therefor, as provided in this chapter.

(1) Changing Use. Changes in the character or use of a building shall not be made except as specified in the Iowa State Building Code adopted by the ordinance codified in this chapter, and in compliance with the city's zoning regulations.

(2) Certificate Issued. After final inspection where it is found that the building or structure complies with the provisions of this chapter, the building inspector shall issue a certificate of occupancy which shall contain, but not be limited to, the following:

- (A) The building permit number;
- (B) The address of the building;
- (C) The name and address of the owner;
- (D) A description of that portion of the building for which the certificate is issued;
- (E) A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy and the use for which the proposed occupancy is classified;

(F) The name of the building official.

(3) Temporary Certificate. A temporary certificate of occupancy may be issued by the building official for the use of a portion or portions of the building or structure prior

to the completion of the entire building or structure. (Ord. 729 § 39, 1986).

17.02.400 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, 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 chapter. (Ord. 729 § 40, 1986).

17.02.420 Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 729 § 41, 1986).

17.02.430 Severability.

If any section, provision or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance codified in this chapter as a whole or any section, provision or any part thereof not adjudged invalid or unconstitutional. (Ord. 729 § 42, 1986).

Chapter 17.04

FLOODPLAIN DISTRICTS*

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* Prior ordinance history: Ord. 742.

17.04.010 Statutory authority.

The Legislature of the state of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact regulations to secure safety from floods and to promote health and general welfare. (Ord. 845 § 1, 1993).

17.04.020 Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which can result in loss of life, property, health, safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety and general welfare of the community.

(b) Those losses, hazards and related adverse effects are caused by:

(1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise

protected from flood; and,

(2) The cumulative effect of floodplain construction on flood flows, which causes increases in flood heights and flood water velocities.

(c) This chapter relies upon engineering methodology for analyzing flood hazards which are consistent with the standards established by the Department of Natural Resources. The engineering methodology steps include:

(1) Determination of flood magnitudes and the corresponding flood frequencies by statistical and engineering calculations which permits a consideration of such flood factors as expected frequency of occurrence, area inundated and depth of inundation;

(2) Calculation of water surface profiles based upon hydraulic engineering analysis of the capability of the stream channel and overbank areas to convey flood flows;

(3) Computation and delineation of a floodway, an area which must be reserved (no obstructions) for conveyance of flood flows so that flood heights and velocities will not be substantially increased by future encroachment of the floodplain. (Ord. 845 § 2, 1993).

17.04.030 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare by minimizing those flood losses described in Section 17.04.020 with provisions designed to:

(a) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially;

(b) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities;

(c) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction;

(d) Protect individuals from buying lands which are unsuited for individual purposes because of flood hazard;

(e) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program. (Ord. 845 § 3, 1993).

17.04.040 Definitions.

For the purpose of this chapter, unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Development" means any manmade change to improved or unimproved real estate but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavations or drilling operations.

"Factory-built homes" means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation on a building site. For the purpose of this chapter, factory-built homes includes mobile homes, manufactured homes and modular homes and also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

"Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

"Flood" means a general or temporary condition of partial or complete inundation of normally dry land areas resulting from overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

"Flood elevation" means the elevation flood waters would reach at a particular site during the occurrence of a specified flood. For instance, the one hundred year flood elevation is that elevation of flood waters related to the occurrence of the one hundred year period.

"Flood Insurance Rate Map" means the official map prepared as a part of, but published separately, from the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study" means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the city, with the necessary information for adopting a floodplain management program; and establishing actuarial flood insurance rates.

"Floodplain" means any land area susceptible to being inundated by water as the result of a flood.

"Floodplain management" means an overall program of corrective and preventative measures for reducing flood damages and promoting the wise use of floodplain, including, but not limited to emergency preparedness plans, flood control works, flood proofing and

floodplain management regulations.

"Flood proofing" means any combination of structural or nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

"Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.

"Flooding fringe" means those portions of the floodplain, other than the floodway, which can be filled, leveed or otherwise obstructed without causing substantially higher flood levels or flood velocities.

"Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 17.04.140(b)(4), and

(2) The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

(3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the one hundred year flood level; and

(4) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies the above criteria, the lowest floor is the floor of the next highest enclosed area that does not satisfy the above criteria.

"New construction (new buildings, new factory-built home parks)" means those structures or developments for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"One hundred year flood" means a flood, the magnitude of which has a one percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every one hundred years.

"Recreational vehicle" means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal

projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck;

and

(4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

"Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, factory-built homes.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred structural damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration will not preclude the structure's continued designation as a historic structure.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

Any addition which increases the original floor area of a building by twenty-five percent or more. All additions constructed after the effective date of the ordinance codified in this chapter shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent. (Ord. 845 § 4, 1993).

17.04.050 Applicability.

This chapter shall apply to all lands within the jurisdiction of the city, shown on the Flood Boundary and Floodway Map to be within the one hundred year flood boundaries. (Ord. 845 § 5, 1993).

17.04.060 Official Floodplain Map--Established.

The Flood Boundary and Floodway Map dated February 18, 1981, issued by the Federal Insurance Administration is adopted by reference and declared to be the Official Floodplain Zoning Map. The map shall be on file in the office of the planning administrator, city of Fairfield, Iowa. The flood profiles and all explanatory material contained with the Flood Insurance Study and the Flood Insurance Rate Map(s) for the city, dated February 18, 1981 are attached to and made a part of the Official Floodplain Map and are declared to be a part of this chapter. (Ord. 845 § 6, 1993).

17.04.070 District boundaries.

The boundaries of the floodplain districts shall be determined by scaling distances on the Official Floodplain Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Floodplain Map, the board of adjustment, city of Fairfield, Iowa, shall make the necessary interpretation. The person contesting the location of the district boundary shall be given reasonable opportunity to present their case and submit technical evidence. (Ord. 845 § 7, 1993).

17.04.080 Compliance required.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. (Ord. 845 § 8, 1993).

17.04.090 Conflicting provisions--Greater restrictions.

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other chapters inconsistent with this are repealed to the extent of the inconsistency only. (Ord. 845 § 9, 1993).

17.04.100 Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes. (Ord. 845 § 10, 1993).

17.04.110 Liability--Warning and disclaimer.

The degree of flood protection required by this chapter is considered and is based on engineering and scientific methods of study. Larger floods may occur on occasions. Flood heights may be increased by manmade or natural causes, such as ice jams, and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damage. This chapter shall not create liability on the part of the city, or any officer or employee thereof for any flood damages that result from reliance on this chapter or by any administrative decision lawfully made thereunder. (Ord. 845 § 11, 1993).

17.04.120 Floodplain districts established.

The floodplain areas within the jurisdiction of this chapter are divided into the following districts:

(1) Floodway (Overlay) District. The floodway district shall be consistent with the boundaries of the floodway as shown on the Official Floodplain Map.

(2) Floodway Fringe (Overlay) District. The floodway fringe district shall be those areas shown as flooding fringe on the Official Floodplain Map.

(3) General Floodplain (Overlay) District. The general floodplain district shall be those areas shown on the Official Floodplain Map as being within the approximate one hundred year flood boundary.

(4) Shallow Flooding (Overlay) District. The shallow flooding district shall be those areas shown on the Official Floodplain Map as being within the one hundred year flood boundary and identified on the Flood Insurance Rate Map as (AO and AH) districts. (Ord. 845 § 12, 1993).

17.04.130 Floodway (overlay) district (FW).

(a) Permitted Uses. The following uses shall be permitted within the floodway

district to the extent they are not prohibited by any other ordinances or underlying zoning district and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation or alteration of a watercourse.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;

(2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips;

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;

(4) Residential uses such as lawns, gardens, parking areas and play areas;

(5) Such other open-space uses similar in nature to the above.

(b) Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon issuance of a conditional use permit by the board of adjustment as provided for in Section 17.04.190, such uses must also meet the applicable provisions of the floodway district performance standards.

(1) Uses or structures accessory to open-space uses;

(2) Circuses, carnivals and similar transient amusement enterprises;

(3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards;

(4) Extraction of sands, gravel and other materials;

(5) Marinas, boat rentals, docks, piers and wharves;

(6) Utility transmission lines, underground pipelines;

(7) Other uses similar in nature to uses described in subsection A or B of this section which are consistent with the provisions of subsection C of this section and the general spirit and purpose of this chapter.

(c) Performance Standards. All floodway district uses allowed as a permitted or conditional use shall meet the following standards.

(1) No use shall be permitted in the floodway district that would result in any increase in the one hundred year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) All uses within the Floodway District shall:

(A) Be consistent with the need to minimize flood damage;

(B) Use construction methods and practices that will minimize flood damage;

(C) Use construction materials and utility equipment that are resistant to flood damage.

(3) No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch or any other drainage facility or system.

(4) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe district and shall be constructed or aligned to present the minimum possible resistance to flood flows.

(5) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

(6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway district within the time available after flood warning.

(7) Water course alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

(9) Pipeline river or stream crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

(10) No factory-built home that is mobile in any way shall be permitted except in existing mobile home parks. Tie-down standards of the floodway fringe district must be met in such cases. (Ord. 845 § 13, 1993).

17.04.140 Floodway fringe (overlay) district (FF).

(a) Permitted Uses. All uses within the floodway fringe district shall be permitted to the extent that they are not prohibited by any other ordinances or underlying zoning district and provided they meet applicable performance standards of the floodway fringe district.

(b) Performance Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standard:

(1) All structures shall:

(A) Be adequately anchored to prevent flotation collapse or lateral movement of the structure;

(B) Be constructed with materials and utility equipment resistant to flood damage;

(C) Be constructed by methods and practices that minimize flood damage.

(2) Residential Building.

(A) All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one foot above the one hundred year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one hundred year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the board of adjustment, and issuance of a conditional use permit, where existing topography, street grades or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the one hundred year flood.

(3) Nonresidential Buildings.

(A) All new or substantially improved nonresidential buildings shall have the first floor, including basements, elevated a minimum of one foot above the one hundred year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer, registered in the state of Iowa, shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred year flood; and that the structure, below the one hundred year flood level, is

watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation, in relation to National Geodetic Vertical Datum, to which any structures are flood proofed shall be maintained by the planning administrator.

(4) All New and Substantially Improved Structures.

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

(i) A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade;

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

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

(C) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so that to prevent water from entering or accumulating within the components during conditions of flooding.

(5) Factory-Built Houses:

(A) Factory-built homes including those placed in existing factory-built home (mobile home) parks or subdivisions shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

(i) Over-the-top ties be provided at each of the four corners of the factory-built home (mobile home) with two additional ties per side at intermediate locations for homes fifty feet or more in length or one such tie for homes less than fifty feet in length;

(ii) Frame ties to be provided at each corner of the home with five additional ties per side at intermediate points for factory-built homes (mobile homes) fifty feet or more in length or four such ties for factory-built homes (mobile homes) less than fifty feet in length;

(iii) All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds;

(iv) Any additions to the factory-built home (mobile home) be similarly anchored.

(B) All factory-built homes (mobile homes) not being placed in existing factory-built home (mobile home) parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the one hundred year flood level. In addition, the tie-down specifications of subsection (b)(5)(A) of this section must be met and adequate surface drainage and access hauler must be provided.

(6) Factory-Built Home Parks.

(A) New factory-built home (mobile home) parks, expansion to existing factory-built home (mobile home) parks where repair, reconstruction or improvement of the streets, utilities and lots equals or exceeds fifty percent or more of the value of the streets, utilities and lots before repair, reconstruction or improvements has commenced shall provide:

(i) All factory-built homes (mobile homes) shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the one hundred year flood level;

(ii) Adequate surface drainage;

(iii) Access for a hauler;

(iv) Ground anchors for factory-built homes (mobile homes).

(7) Utility and Sanitary Systems.

(A) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one foot above the one hundred year flood elevation.

(B) On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(C) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal or greater than one foot above the one hundred year flood elevation.

(D) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

(8) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one hundred year flood level. Other material and equipment must either be similarly elevated or:

(A) Not subject to major flood damage, and be anchored to prevent movement due to flood waters;

(B) Be readily removable from the area within time available after flood warning.

(9) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a one hundred year flood with a minimum of three feet design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

(10) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.

(11) Subdivisions, including factory-built home (mobile home) parks or subdivisions, shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the one hundred year flood.

(12) The exemption of detached garages, sheds and similar structures from the one hundred year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds and similar accessory type structures are exempt from the one hundred year flood elevation requirements when:

(A) The structure shall not be used for human habitation;

(B) The structure shall be designed to have low flood damage potential;

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

(D) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures;

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

(13) Require that recreational vehicles placed on sites within zones A, A1-30, AE, AO and AH on the community's FIRM either:

- (A) Be on the site for fewer than one hundred eighty consecutive days;
- (B) Be fully licensed and ready for highway use; or
- (C) Meet the permit requirements of elevation and anchoring for a factory-built home.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Ord. 845 § 14, 1993).

17.04.150 General floodplain (overlay) district (FP).

(a) Permitted Uses. The following uses shall be permitted within the general floodplain district to the extent they are not prohibited by any other ordinance or underlying zoning district and provided they do not require placement of structures, factory-built homes (mobile homes), fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse:

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;

(2) Industrial - commercial uses such as loading areas, parking areas, airport landing strips;

(3) Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet range, hunting and fishing areas, hiking and horseback riding trails;

(4) Residential uses such as lawns, gardens, parking areas and play areas.

(b) Conditional Uses. Any use which involved the placement of structures, factory-built homes (mobile homes), fill or other obstruction, the storage of materials and equipment, excavation, or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the board of adjustment, as provided in Section 17.04.190.

All such uses shall be reviewed by the Department of Natural Resources to determine whether the land involved is in either wholly or in part within the floodway or floodway fringe and in the one hundred year flood level.

The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(c) Performance Standards. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the floodway (overlay) district, Section 17.04.130. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the floodway fringe (overlay) district, Section 17.04.140. (Ord. 845 § 15, 1993).

17.04.160 Shallow flooding (overlay) district (SF).

(a) Permitted Uses. All uses within the shallow flooding district shall be permitted to the extent that they are not prohibited by any other ordinances or underlying zoning district and provided they meet the applicable performance standards of the shallow flooding district.

(b) Performance Standards. The performance standards for the shallow flooding district shall be the same as the performance standards for the floodway fringe district with the following exceptions:

(1) In shallow flooding areas designated as AO District on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the rate map above the crown of the nearest street.

(2) In shallow flooding areas designated as an AH District on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the elevation specified on the rate map. (Ord. 845 § 16, 1993).

17.04.170 Administrator--Appointment--Duties and Responsibilities.

(a) An administrator appointed by the Mayor with the approval of the city council shall administer and enforce this chapter and will herein be referred to as administrator.

(b) Duties and responsibilities of the administrator shall include, but not necessarily be limited to, the following:

(1) Review all floodplain development permit applications to insure that all

necessary permits have been obtained from federal, state and local governments;

(2) Review all floodplain development permit applications to insure that all provisions of this chapter will be satisfied;

(3) Record and maintain a record of:

(A) The elevation, in relation to National Geodetic Vertical Datum, of the lowest habitable floor level of all new or substantially improved buildings,

(B) The elevation to which new or substantially improved structures have been flood proofed;

(4) Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a water course and submit evidence of such notifications to the Federal Insurance Administrator;

(5) Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this chapter;

(6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator;

(7) Notify the Federal Insurance Administration of any annexations or modifications to the corporate boundaries;

(8) Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the city council of potential conflicts. (Ord. 845 § 17, 1993).

17.04.180 Floodplain development permit.

(a) Permit Required. A floodplain development permit issued by the administrator shall be secured prior to initiation of any floodplain development (any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes (mobile homes).

(b) Application for Permit. Application for a floodplain development permit shall be made on forms supplied by the administrator and shall include the following information:

(1) Description of the work to be covered by the permit for which application is made;

(2) Description of the land on which proposed work is to be done (i.e., lot,

block, tract, street address or similar description) that will readily identify and locate the work to be done;

(3) Identification of the use or occupancy for which the proposed use is intended;

(4) Elevation of the one hundred year flood level;

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

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

(7) Such other information as the administrator deems reasonably necessary for the purpose of this chapter.

(c) Action on Permit Application. The administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The administrator shall not issue permits for conditional uses or variances except as directed by the board of adjustment.

(d) Construction and Use. Floodplain development permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter and shall be punishable as provided in Section 17.04.220. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the state of Iowa, that the finished fill, building floor elevations, flood proofing or other flood protection measures were accomplished in compliance with the provisions of this chapter prior to the use and occupancy of any structure. (Ord. 845 § 18, 1993).

17.04.190 Board of adjustment--Conditional uses, appeals and variances.

(a) The now present zoning board of adjustment is designated and directed to hear and decide:

(1) Applications for conditional uses upon which the board is authorized to pass under this chapter;

- (2) Appeals;
- (3) Requests for variances to the provisions of this chapter;
- (4) Take any other action which is required by the board.

(b) Conditional Uses. Requests for conditional uses shall be submitted to the administrator, who shall forward such to the board of adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the board of adjustment.

(c) Appeals. Where it is alleged there is any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the board of adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(d) Variances. The board of adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

(1) No variance shall be granted for any development within the floodway district which would result in any increase in the one hundred year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) Variances shall only be granted upon:

(A) A showing of good and sufficient cause;

(B) A termination that failure to grant the variance would result in exceptional hardship to the applicant;

(C) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

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

(4) In cases where the variance involved a lower level of flood protection for

buildings than what is ordinarily required by this chapter, the applicant shall be notified, in writing, over the signature of the administrator that:

(A) The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage;

(B) Such construction increases risks to life and property.

(5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

(e) Hearings. Upon filing with the board of adjustment of an appeal, an application for a conditional use permit, or a request for a variance, the board shall hold a public hearing. The board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

(f) Decisions. The Board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the board may, so long as such action is in conformity with the provision of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and it shall make its decision in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 17.04.190(f)(2).

(1) In passing upon applications for conditional uses on variances, the board shall consider all relevant factors specified in other sections of this chapter, and

(A) The danger to life and property due to increased flood heights and velocities caused by encroachments;

(B) The danger that materials may be swept on to other lands or downstream to the injury of others;

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

(D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(E) The importance of the services provided by the proposed facility to the community;

(F) The requirements of the facility for a floodplain location;

(G) The availability of alternative locations not subject to flooding for the proposed use;

(H) The compatibility of the proposed use to the comprehensive plan and floodplain management program for the area;

(I) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(J) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(K) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site;

(L) Such other factors which are relevant to the purpose of this chapter.

(2) Upon consideration of the factors listed above, the board may attach such conditions to the granting of conditional uses or variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

(A) Modifications in the waste disposal and water supply facilities;

(B) Limitations or periods of use and operation;

(C) Imposition of operational controls, sureties and deed restrictions;

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

(E) Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood.

The board of adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the

particular area. Such flood proofing measures may include, but not necessarily be limited to the following:

- (i) Anchorage to resist flotation and lateral movement,
 - (ii) Installation of watertight doors, bulkheads and shutters, or similar methods of construction,
 - (iii) Reinforcement of walls to resist water pressures,
 - (iv) Use of paints, membranes or mortars to reduce seepage,
 - (v) Addition of mass or weight structures to resist flotation,
 - (vi) Installation of pumps to lower water levels in structures,
 - (vii) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters,
 - (viii) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures,
 - (ix) Construction to resist rupture or collapse caused by water pressure or floating debris,
 - (x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into buildings or structures,
 - (xi) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.
- (g) Court Appeals. Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after filing of the decision in the office of the board of adjustment. (Ord. 845 § 19, 1993).

17.04.200 Nonconforming uses.

A structure or the use of a structure of land which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

- (a) No such use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity;
- (b) No structural alteration, addition or repair to any nonconforming structure

over the life of the structure shall exceed fifty percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use;

(c) If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter;

(d) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter;

(e) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses;

(f) Except as provided in subsection (c) of this section, any use which has been permitted as a conditional use or variance shall be considered a conforming use. (Ord. 845 § 20, 1993).

17.04.210 Amendments.

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed as provided in Section 414.4, 414.5 and 414.21, Code of Iowa, 1977, as amended. No amendment, supplement, change or modification to this chapter shall be undertaken without prior approval from the Department of Natural Resources. (Ord. 845 § 21, 1993).

17.04.220 Violation--Penalty.

Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of conditional uses or variances, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereon, be fined not more than one hundred dollars or imprisoned for not more than thirty days. Each twenty-four hour period such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 845 § 23, 1993).

UNSAFE BUILDINGS

Sections:

17.08.010 Declared nuisance--Defined.

17.08.020 Enforcement officer.

17.08.030 Inspection--Notice to owner.

17.08.040 Signposting required.

17.08.050 Right to demolish.

17.08.060 Costs--Collection.

17.08.070 Violation--Penalty.

17.08.010 Declared nuisance--Defined.

(a) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter, the city building codes, or any other ordinances, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified within this chapter.

(b) "Unsafe buildings" means any structure or mobile home meeting any or all the following criteria:

(1) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(2) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty pounds per square foot;

(3) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to

winds or earthquakes than is required in the case of similar new construction;

(4) Whenever the building or structure, or any portion thereof, because of (A) dilapidation, deterioration, or decay; (B) faulty construction; (C) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such buildings; (D) the deterioration, decay or inadequacy of its supporting foundation; or (E) any other cause, is likely to partially or completely collapse;

(5) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(6) Whenever the exterior walls or other vertical structural members list, lean or buckle to such extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

(7) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

(8) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (A) an attractive nuisance to children; (B) a harbor for vagrants, criminals or immoral persons; or as to (C) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

(9) Whenever a building or structure, used or intended to be 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 condition that is likely to cause sickness or disease;

(10) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the State Fire Marshal or Fire Chief to be a fire hazard;

(11) Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence;

(12) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure

is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 639 § 2, 1981).

17.08.020 Enforcement officer.

The city council may either appoint a person to be the enforcing officer or designate some other officer who shall be responsible for the enforcement of this chapter. (Ord. 639 § 1, 1981).

17.08.030 Inspection--Notice to owner. (a) The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in Section 17.08.010, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety days from the date of notice, unless otherwise stipulated by the enforcing officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcing officer.

(b) Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if he or she shall be found within the corporate limits. If he or she is not found within the corporate limits such service may be made upon the owner by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the enforcing officer shall begin as of the date he or she receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the city council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least ten days before the deadline set in the notice, if less than fifteen days was set, and at least fifteen days if over twenty-one days was set. (Ord. 639 § 3, 1981).

17.08.040 Signposting required. The enforcement officer shall cause to be posted at each entrance to such building a notice to read "DO NOT ENTER. UNSAFE TO OCCUPY, CITY OF FAIRFIELD, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building. (Ord.

639 § 4, 1981).

17.08.050 Right to demolish. In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the city council may order

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the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the city council. (Ord. 639 § 5, 1981).

17.08.060 Costs--Collection.

Costs incurred under this section shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the manner provided for taxes in Chapter 364, Code of Iowa, as amended. (Ord. 639 § 6, 1981).

17.08.070 Violation--Penalty. Anyone who violates any of the provisions of this chapter shall be subject, upon conviction, to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars. (Ord. 639 § 7, 1981).

Chapter 17.10

RENTAL HOUSING CODE

Sections:

- 17.10.010 Short title.
- 17.10.020 Purpose.
- 17.10.030 Adoption of the International Property Maintenance Code, First Edition, 1998.
- 17.10.040 Revisions.
- 17.10.041 Adoption of landlord rules and regulations.
- 17.10.050 Registration required.

- 17.10.055 Fees.
- 17.10.057 Landlord/owner responsibilities.
- 17.10.058 Contract/lease/option to buy exception.
- 17.10.060 Responsibility of tenants.
- 17.10.065 Inspection and correction of deficiencies--Timing and notice.
- 17.10.070 Penalty.

17.10.010 Short title. This chapter shall be known as the Rental Housing Code and may be cited as such and will be referred herein as "this chapter." (Ord. 938 § 1(part), 2000).

17.10.020 Purpose. The purpose of this chapter is to provide for regular rental inspections, rental inspections upon

receipt of a complaint, certification of inspected housing, issuance of rental permits and collection of inspection fees, and the registration of all rental dwelling units. (Ord. 938 § 1(part), 2000).

17.10.030 Adoption of the International Property Maintenance Code, First Edition, 1998. That a certain document, one copy of which is on file in the office of the city clerk of the city of Fairfield being marked and designated as "the International Property Maintenance Code, First Edition, 1998" as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the Rental Property Maintenance Code of the city of Fairfield, in the state of Iowa; for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions and such terms of the Rental Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, prescribed in Section 17.10.040 of this chapter. (Ord. 938 § 1(part), 2000).

17.10.040 Revisions. The following sections are hereby revised:

- | | |
|---------|---|
| Section | 101.1. Insert: City of Fairfield, Iowa. |
| Section | 101.1. Insert: The word "Rental" before Property Maintenance Code. |
| Section | 101.2. Revise: Strike: "To all residential and nonresidential structures and all existing premises" and insert "The provisions of this code shall apply only to residential rental property." |
| Section | 102.3. Revise: Strike first sentence. |
| Section | 103. Rename: "Department of Property Maintenance Inspection" to "Division of Inspection." |
| Section | 103.1. Strike: "Department of Property Maintenance Inspection" and insert "Planning Department, Division of Inspection." |
| Section | 103.2. Revise: Strike "appointed by the chief appointing authority of |

the jurisdiction" and insert "recommended by the Mayor and approved by the City Council."

Section 103.6. Insert: Inspections will be required once every four years for each rental unit.

Section 103.6. Insert: Housing Inspection Fees Schedule (see attached schedule).

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- Section 103.6. Revise: Strike: "Rental housing inspection fee is forty dollars for one unit; a fee of ten dollars each shall be charged for each respective additional unit over one which is inspected. There is a reinspection fee of ten dollars for any reinspection, per unit." and insert "Fees are set forth at Section 17.10.055 of this chapter."
- Section 104.8. Revise: Strike last sentence and insert "Therefore, rental units that have been inspected by another agency within the last two years shall not be inspected under this code, provided the reports resulting from said inspections are filed with the code official."
- Section 105.2. Revise: Strike "installation" and insert "use."
- Section 108.1. Revise: Strike "shall" and insert "may."
- Section 108.1.4. Revise: Strike "or was erected, altered or occupied contrary to law."
- Section 108.2. Revise: Strike "shall cause" and insert "may cause."
- Section 109.2. Revise: Strike "shall cause" and insert "may cause."
- Section 109.3. Revise: Strike "shall" and insert "may."
- Section 109.5. Revise: Strike the last sentence, and insert "A bill for said costs will be presented to the owner of the property, and, if the same is not paid within thirty days, the amount thereof shall be certified to the county auditor as a special tax against the property, and shall be collected the same as other taxes."
- Section 110.1. Revise: Strike "shall" and insert "may."
- Section 110.3. Revise: Strike "shall cause" and insert "may cause."
- Section 110.3. Revise: Insert the sentence, "A bill for said costs will be presented to the owner of the property, and, if the same is not paid within thirty days, the amount thereof shall be certified to the county auditor as a special tax against the property, and shall be collected the same as other taxes."
- Section 111.1. Revise: Strike "20" and insert "30."
- Section 111.2. Revise: Strike the first sentence, and insert "the Board of

Appeals consists of the City's Board of Adjustment."

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- Section 111.2.1. Revise: Strike all occurrences of "shall" and insert "may" and strike the last sentence.
- Section 301.2. Revise: Strike "occupy as owner occupant or."
- Section 302.3. Strike.
- Section 302.7.1. Strike.
- Section 302.8. Revise: Under Exception, Strike "designed and approved for such purposes."
- Section 302.9. Strike.
- Section 303.2. Revise: Insert the word "excessive" before the word "peeling" in the third sentence.
- Section 303.8. Revise: Strike "in good repair."
- Section 303.14.1. Revise: Insert the word "hazardous" before the word "cracks."
- Section 303.14.2. Revise: Insert the word "openable" before the word "window."
- Section 303.15. Replace: During the period from May 1 to October 1 every door, window, and other outside opening required for ventilation of habitable rooms, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm).
- Section 304.3. Revise: Insert the word "significant" before the word "peeling" in the second sentence.
- Section 304.7. Revise: Strike the words "and closed."
- Section 305.2. Revise: Insert the words "and Garbage" after every occurrence of the word "rubbish."
- Section 305.2.1. Revise: Insert the words "(or tenant, where a lease assigns such responsibility to the tenant)."
- Section 401.2. Revise: Strike the words "occupy as an owner occupant or."
- Section 402.1. Strike.
- Section 403.1. Revise: Strike second sentence.
- Section 403.2. Revise: Strike the last sentence.

Section 403.4. Strike.

Section 404.4.2. Strike.

Section 404.4.3. Revise: Strike the first sentence.

Section 501.2. Revise: Strike the words "occupy as an owner occupant or."

Section 502.4. Strike.

Section 503.3. Strike.

Section 601.2. Revise: Strike the words "occupy as an owner occupant or."

Section 602.2. Insert: "(-3° F)" after the words "winter outdoor design temperature."

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- Section 602.3. Insert: "(-3° F)" after the words "winter outdoor design temperature."
- Section 602.3. Insert: October 1 to May 1.
- Section 602.4. Strike.
- Section 602.5. Revise: Strike all after the words "center of the room."
- Section 603.7. Revise: Strike the words "and the installation is specifically approved."
- Section 604.2. Revise: Strike the first sentence.
- Section 605.2. Insert: Specifically ground fault interrupter (GFI) protection type receptacles are required within three feet of any water source on the premises, including not only bathrooms and laundry areas, but also kitchens, utility areas, and other areas serviced by water pipes," after the words "circuit interrupter protection" at the end of Section 605.2.
- Section 701.2. Revise: Strike the words "occupy as an owner occupant or."
- Section 702.3. Revise: Strike the first sentence.
- Section 702.6. Revise: Strike exception number 3.
- Section 702.8. Strike.
- Section 702.11.1. Revise: Strike Conditions 1 and 2.
- Chapter 8 Codes. Insert: Uniform Building Code and Uniform Fire Code. (Ord. 1006 § 1, 2005; Ord. 994 §§ 1, 2, 2004; Ord. 938 § 1(part), 2000).

17.10.041 Adoption of landlord rules and regulations. To extent that such provisions are not inconsistent with the provisions of this municipal code chapter and the Fairfield Rental Housing Code, generally, those provisions of the Iowa Code, Chapter 562A.1 to 562A.37, and Chapter 562B.1 to 562B.32, concerning interpretation, definition, exclusions, rights of tenant and of landlord, obligations of tenant and landlord, rules, remedies, notice, prohibitive conduct, and due process procedures and notice are adopted and incorporated as supplemental to this section, by reference thereto. (Ord. 1042 § 1, 2008).

17.10.050 Registration required. The owner or owners of each residential unit held out for rental to the public shall register that rental unit and their ownership thereof with the city by filling out a form provided by the planning administrator. If such registration is received within ninety days following passage and publication of the ordinance enacting

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this chapter* there shall be no fee for registration of the rental unit. If the rental unit is not registered within the first ninety days after passage of the ordinance codified in this chapter, the duty to register such unit shall continue but from and after the expiration of the ninety-day registration period, a fee of one hundred dollars shall be payable to the city for the registration of such unit.

For units that are constructed or converted for rental purposes after the adoption of the ordinance codified in this chapter, the owner shall similarly have ninety days to register such units as rental units without the payment of any registration fee. Similarly, if the owner or owners shall fail to register the unit within ninety days from and after the construction or conversion of such unit to a rental unit, the owner shall pay a one hundred-dollar registration fee when registering such rental unit. (Ord. 938 § 1(part), 2000).

* Editor's Note: Ordinance 938, which enacted Chapter 17.10, was passed March 13, 2000.

17.10.055 Fees. All rental properties shall be registered with the city of Fairfield and shall pay an appropriate fee. Section 8 properties, although separately inspected and not inspected by the Fairfield rental inspection, shall pay an administrative fee of fifteen dollars to the city of Fairfield when the Section 8 inspection report is filed with the city. The Section 8 administrative fee shall be assessed once every four years. Except for Section 8 properties, fees assessed concerning Fairfield Rental Inspection shall be:

(1) Rental housing inspection fee		\$ 40.00
(2) Additional unit(s)		10.00
(3) Reinspection(s) (each)	15.00	
(4) Failure to show (no-show) (one time)	25.00	

(Ord. 1006 § 2, 2005).

17.10.057 Landlord/owner responsibilities. Every landlord/owner of rental housing subject to this section shall be, in addition to those matters required by the Rental Housing

Code specifications concerning habitability and required by Iowa code Chapter 562A or 562B, as applicable, responsible for and obligated to:

- (a) Notify City Hall within three days of change of ownership.
- (b) Provide the tenant information on how to report emergency problems with primary systems such as heating, plumbing, and electrical. The tenant must receive a replay that addresses such emergency problems in a timely manner.

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(c) Maintain a written signed rental agreement, signed by both parties, consistent with Iowa Code 562A.15 and the city code.

(d) All agreements wherein the tenant is to provide services, labor, or materials in lieu of rent must be written, and all terms spelled out and signed by both parties.

(e) Maintain files with the above agreements and have them available at the time of rental housing inspection, and as requested at other times by a city official.

(Ord. 1041 § 1, 2008).

17.10.058 Contract/lease/option to buy exception. For purpose of enforcement of this chapter, a rental property remains a rental property, regardless of assertion that offer to buy real estate contract, lease with option to buy, option sale, or rent to own agreement exists transferring ownership or control to any person or entity other than shown as legal owner in fee, unless and until a properly executed and notarized form of such document of transfer is recorded of record with the County Recorder, providing open obvious public notice of transfer. Absent such showing, no legal excuse or exception may be claimed by the owner shown of record, and code enforcement shall be pursued consistent with public records of ownership. (Ord. 1041 § 2, 2008).

17.10.060 Responsibility of tenants. (a) Every occupant of a dwelling shall maintain such part or parts of the dwelling and premises thereof which such occupant occupies and controls in a clean and sanitary condition.

(b) Every occupant of a dwelling shall keep all supplied fixtures, appliances and facilities therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof, unless there is an agreement to the contrary.

(c) Accessory structures provided by the tenant occupying a dwelling shall be either structurally sound and maintained in good repair with reasonable control of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(d) Fire Safety Items.

(1) Smoke detectors must be provided with batteries so that the detectors operate properly when tested.

(2) Fire extinguishers shall be maintained in good working condition at all times and shall be properly mounted.

(e) Electrical Maintenance.

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- (1) Light fixtures must be provided with properly sized operational light bulbs.
- (2) Electrical panels must be accessible.
- (3) Only one UL rated extension cord is allowed per outlet.
- (4) Only grounded outlet adapters (fifteen amp) permanently secured are allowed.
- (f) No combustible material shall be stored within three feet of a fuel-burning furnace and/or fuel-burning water heater.
- (g) The dwelling unit shall not be occupied by a number of persons greater than allowed by this chapter. Further, no room shall be used as a habitable room unless certified as a habitable room at the time the certificate of structure compliance is issued.
- (h) Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every occupant of a dwelling containing more than one dwelling unit or rooming unit shall be responsible for such extermination within the unit occupied by them whenever such unit is the only one infested. In addition, whenever the infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent-proof or insect-proof condition, extermination shall be the responsibility of the owner.
- (i) Every occupant of a dwelling unit shall keep all supplied fixtures in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

17.10.065 Inspection and correction of deficiencies--Timing and notice. (a)

Scheduling Responsibility. The city of Fairfield planning office shall be responsible for scheduling and monitoring paperwork relating to rental housing inspection to be submitted to Fairfield City Hall.

Scheduling of inspection appointments shall be on days designated by the city's designated inspector between the hours of eight-thirty a.m. and one p.m., and one p.m. and four-thirty p.m.

Rescheduling of appointments shall be permitted on one occasion. If arranged in

advance (ordinarily seventy-two hours), to avoid cost of inspector time and travel, there will be no charge. If rescheduling occurs as a result of no advance notice or non-show, then a no-show charge of twenty-five dollars shall apply for the reschedule. If rescheduling is required a second time, a citation may issue.

(b) Heat Source Inspection. Regular inspections of premises shall occur at least every four years and inspection of

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rental unit heating systems shall also be inspected at least once every four years. Minimal compliance shall require a heat source inspection certificate by a recognized heating contractor.

(c) Inspection Notice. To the extent possible, an inspection notice concerning the appointment arranged through the city of Fairfield planning office shall be provided in writing at least three days in advance of any inspection contact by the city of Fairfield or its representatives and shall be in the form of notice of inspection appointment provided herewith, as Appendix A.

APPENDIX A

"NOTICE OF INSPECTION APPOINTMENT

"An inspection appointment has been scheduled for (Date), at (Time).

"IF THE LANDLORD OR EXISTING TENANT CANNOT BE HOME ON THE DATE AND TIME GIVEN ABOVE, A REPRESENTATIVE OVER THE AGE OF 18 MUST BE PRESENT.

"We recommend steps be taken to ensure the unit is clean and in good repair at the time of the appointment. The purpose of the inspection is to verify the unit is in compliance with the rental housing ordinance.

"If the unit fails the inspection, you will be burdened with re-inspections to verify items not in compliance have been corrected. The most common failures found in the inspection process are:

No water heater extensions

Hand rail violations

Inoperable smoke detectors

Windows not held in position by window hardware

Cracked or broken windows

Missing house numbers or less than 3 inches

Missing locks on windows and storm doors

"The landlord is also required to provide a HEAT SOURCE INSPECTION, i.e.; gas fired furnace, boiler, wood burning heat furnaces, etc., by a recognized heating contractor. A sample of the inspection is attached for your convenience."

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POST-INSPECTION NOTICE CONCERNING DEFICIENCIES

"Upon completion of an inspection, a written notice shall be provided to the owner and to the tenant of any failed items. The notice shall specify a time period within which repairs and correction of deficiencies must be completed.

"If a deficiency represents an immediate danger to the occupants' health and safety, the deficiency must be corrected within 24 hours. All other deficiencies must be corrected within thirty days of notice. A record of such written notice shall be on file for each inspection and such inspection notice timeline shall be scheduled for re-inspection. The City or its representative shall upon expiration of the 24-hour notice or 30-day notice of deficiency, reinspect the property to assure that the identified deficiencies have been corrected.

"The City or its representative may grant an extension for valid reasons concerning noticed 30-day corrections (i.e.; excessive peeling of paint found during calendar months that, because of weather conditions, do not permit the landlord to correct the peeling paint defect). Extensions would not be ordinarily permitted on noticed 24-hour corrections. Failure of the owner and/or tenant to remedy the noticed deficiency within the time allowed for correction may result in a determination by the City that the premises are unsafe for habitation, dilapidated, unsafe structure or nuisance, and require immediate restriction or prohibition on occupancy. Such determination shall be subject to the provisions of Section 111 of the Rental Property Maintenance Code as may be applicable for appeals and stays of enforcement."

(d) Penalty. Violation of these provision(s) shall constitute misdemeanor violations subject to the provisions of Section 17.10.070 of the Fairfield Municipal Rental Housing Code, and a citation may issue for:

- (1) Failure to register;
- (2) Failure to show (or failure to have representative attend); for second

rescheduled inspection;

- (3) Failure to reschedule (seventy-two-hour notice ordinarily required);
- (4) Failure to undertake reinspection;
- (5) Failure to correcting cited deficiency.

(Ord. 1006 §§ 3, 4, 2005: Ord. 994 § 2, 2004).

17.10.070 Penalty. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed

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guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Upon conviction, each such person shall be fined in an amount not to exceed one hundred dollars or imprisoned for a term not to exceed thirty days. (Ord. 938 § 1(part), 2000).

Title 18

(RESERVED)

Title 19

SUBDIVISIONS*

Chapters:

19.04 Title and Purpose

19.08 Definitions

19.12 Jurisdiction and Procedure

19.16 Design Standards

19.20 Preliminary Plan

19.24 Final Plat

19.28 Improvements

19.32 Variations, Amendments and Recording

19.36 Violations

* Prior history: Ord. 419, 475, 429.

Chapter 19.04

TITLE AND PURPOSE

Sections:

19.04.010 Title.

19.04.020 Purpose.

19.04.010 Title.

This title shall be known, referred to and cited as "The Land Subdivision Ordinance

of the City of Fairfield, Iowa". (Ord. 519 § 1(1), 1968).

19.04.020 Purpose.

The purpose of this title is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further subdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the city with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the city as it relates to the limit of service, existing municipal capital improvement commitments, either planned or existing for Fairfield and the unincorporated area of Jefferson County, within the extraterritorial plat jurisdiction area. (Ord. 519 § 1(2), 1968).

Chapter 19.08

DEFINITIONS

Sections:

- 19.08.010 Definitions generally.
- 19.08.020 Subdivision.
- 19.08.030 Administrative officer.
- 19.08.040 Building lines.
- 19.08.050 Cul-de-sac.

- 19.08.060 Extraterritorial plat approval jurisdiction.
- 19.08.070 Plat.
- 19.08.080 Lot.
- 19.08.090 Right-of-way.
- 19.08.100 Roadway.
- 19.08.110 Street.
- 19.08.120 Arterial streets and highways.
- 19.08.130 Collector streets.
- 19.08.140 Minor street.
- 19.08.150 Alleys.
- 19.08.160 Easement.
- 19.08.170 Improvements.
- 19.08.180 Subdivider.
- 19.08.190 Performance bond.
- 19.08.200 Commission.
- 19.08.210 Plan.

19.08.010 Definitions generally.

For this purpose, certain words and terms are herewith defined; the singular includes the plural and the plural includes the singular; the word "shall" is mandatory and not directory. (Ord. 519 § 2(1 part), 1968).

19.08.020 Subdivision.

Subdivision means the division of a parcel of land of any size, that is divided into three or more parts, any of which are described by a metes and bounds description, and are ten acres or less, shall have a plat made of the subdivision. The plat shall be made by a registered land surveyor holding a certificate under Chapter 114, Code of Iowa, 1989.

Provided, however, that the division or partition of land into parcels of more than ten acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites shall be exempted. (Ord. 793 § 1, 1990: Ord.

519 § 2(1a), 1968).

19.08.030 Administrative officer.

"Administrative officer" means the person officially designated by the city council as the officer responsible for the administration and enforcement of this title. (Ord. 519 § 2(1b), 1968).

19.08.040 Building lines.

"Building lines" means a line on a plat between which line and a property line no structure, including any projection above the juncture of the ground and building may be erected. (Ord. 519 § 2(1c), 1968).

19.08.050 Cul-de-sac.

"Cul-de-sac" means a minor street with only one outlet and culminated by a circular or looped connection. (Ord. 519 § 2(1d), 1968).

19.08.060 Extraterritorial plat approval jurisdiction.

"Extraterritorial plat approval jurisdiction" means the unincorporated area within two miles of the corporate limits of Fairfield, Iowa. (Ord. 793 § 2, 1990: Ord. 519 § 2(1e), 1968).

19.08.070 Plat.

"Plat" means a map or drawing upon which the subdivider's plan of the subdivision is presented and which he submits for final approval and intends to record. (Ord. 519 § 2(1f), 1968).

19.08.080 Lot.

"Lot" means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development. (Ord. 519 § 2(1g), 1968).

19.08.090 Right-of-way.

"Right-of-way" means the width, between property lines, of a road, street, parkway, alley, pedestrian walkway or other public system. (Ord. 519 § 2(1h), 1968).

19.08.100 Roadway.

"Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs. (Ord. 519 § 2(1i), 1968).

19.08.110 Street.

"Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated for the movement of vehicles. (Ord. 519 § 2(1j), 1968).

19.08.120 Arterial streets and highways.

"Arterial streets and highways" are those which are used primarily for fast or heavy traffic. (Ord. 519 § 2(1k), 1968).

19.08.130 Collector streets.

"Collector streets" are those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development (Ord. 519 § 2(1l), 1968).

19.08.140 Minor street.

"Minor street" means a street not designated as arterial or collector street in the major thoroughfare plan for Fairfield, Iowa. (Ord. 519 § 2(1m), 1968).

19.08.150 Alleys.

"Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. (Ord. 519 § 2(1n), 1968).

19.08.160 Easement.

"Easement" means a grant by a property owner of the use, for a specific purpose or purposes, of a strip or parcel of land to the general public, a corporation or persons. (Ord. 519 § 2(1o), 1968).

19.08.170 Improvements.

"Improvements" means the furnishing of all materials, equipment, work and services, including plans and engineering services, staking and supervision, necessary to construct all the improvements required in Chapter 19.12 or any other construction that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to construct or complete such improvements. (Ord. 519 § 2(1p), 1968).

19.08.180 Subdivider.

"Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein. (Ord. 519 § 2(1q), 1968).

19.08.190 Performance bond.

"Performance bond" means a surety bond or cash deposit made out to the city of Fairfield in an amount equal to the full cost of the improvements which are required by this regulation in the final plat, the cost being estimated by the consulting city engineer or city planning and zoning commission, and the surety bond or cash deposit legally sufficient to secure to the city of Fairfield that the improvements will be constructed in accordance with

this regulation. (Ord. 519 § 2(1r), 1968).

19.08.200 Commission.

"Commission" means the city plan and zoning commission of the city of Fairfield, Iowa. (Ord. 519 § 2(1s), 1968).

19.08.210 Plan.

"Plan" means a map or drawing which shows the general arrangement of the scheme or design for the subdivision of land, dedication of streets, other rights-of-way or easements which shall contain general dimensioning and not including detailed accurate lot dimensions, curvatures and other engineering data. (Ord. 519 § 2(1t), 1968).

Chapter 19.12

JURISDICTION AND PROCEDURE

Sections:

- 19.12.010 Commission and city council approval required.
- 19.12.020 Conformance required.
- 19.12.030 General outline of procedure.
- 19.12.040 General requirements.
- 19.12.050 Consultation with officials and agencies.
- 19.12.060 Preapplication procedure.
- 19.12.070 Preliminary plan.
- 19.12.080 Final plat.
- 19.12.090 Recording.
- 19.12.100 Final approval in effect.

19.12.010 Commission and city council approval required.

It is unlawful for any person being the owner, agent, or person having control of any land within the city of Fairfield, Iowa and the extraterritorial plat jurisdiction area to create a subdivision unless by a plat, in accordance with the regulations contained herein.

Such plat shall first be submitted to the commission for approval or disapproval. After reports and recommendations by the commission are made and filed, such plats shall be submitted to the city council for its approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided and all public lands and rights dedicated. (Ord. 519 § 3(part), 1968).

19.12.020 Conformance required.

The design and layout of all subdivisions shall conform with the requirements of Chapter 19.16. The subdivider shall submit a preliminary and final plan in accordance with the specification of this title. (Ord. 519 § 3(part), 1968).

19.12.030 General outline of procedure.

Step 1. Subdivider: gathers information and data on existing conditions; studies site suitability and development opportunities; discusses financing, planning and marketing with those interested; with his land planner, develops a preliminary plan in sketch form which is submitted to the commission for advice and assistance;

Step 2. Commission: reviews preliminary plan and program as they relate to the community master plan, design standards, improvement requirements, informs and discusses with subdivider the results of review;

Step 3. Subdivider: arrives at preliminary conclusions; if he decides to continue, reaches tentative agreements or understandings with those associated with him, and others concerned such as the lender and the F.H.A.; prepares a preliminary plan for submission with his application for approval;

Step 4. Commission: reviews application and preliminary plan for conditional approval to determine conformity to subdivision standards; grants conditional approval, subject to conditions agreed upon, or disapproves;

Step 5. Subdivider: prepares working drawings for required minimum improvements and gets approval of administrative officer;

Step 6. Subdivider: prepares final plat and submits it, with other required material and documents, with application for approval by the plan and zoning commission;

Step 7. Commission: reviews application and grants approval of final plat, or informs subdivider what is lacking to obtain approval for recording;

Step 8. City council: approval pending performance bond;

Step 9. Subdivider: records the approved final plat and documents;

Step 10. Subdivider: posts evidence of recording certified check or performance bond and receives certified approval from city clerk;

Step 11. Subdivider: proceeds with his development plans and improvements and thereafter his sale of lots and houses. (Ord. 519 § 3(part), 1968).

19.12.040 General requirements.

The design and layout of all subdivisions shall conform with the requirements of this title. The subdivider shall make improvements and shall submit preliminary plans and final plats, all in accordance herewith. (Ord. 519 § 3(A), 1968).

19.12.050 Consultation with officials and agencies.

Before the subdivision plan is prepared, the subdivider shall consult with the city plan and zoning commission to become thoroughly familiar with all the subdivision requirements and with all applicable zoning regulations and proposals of the comprehensive plan of the city. The subdivider shall also consult with the:

(1) City plan and zoning commission and utilities managers regarding roads and drainage or other construction, and the availability of sanitary sewers and water lines;

(2) State Department of Health regarding all sanitation including wells and septic tanks when water and sanitary sewer are not available. (Ord. 519 § 3(B), 1968).

19.12.060 Preapplication procedure.

Previous to the filing of an application for conditional approval of the preliminary

plat, the subdivider shall submit to the city planning commission plans and data as specified in Chapter 19.20. This step does not require formal application, fee, or filing of plat with the planning commission.

Within thirty days the planning commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the planning commission finds the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor. (Ord. 519 § 3(C), 1968).

19.12.070 Preliminary plan.

(a) The subdivider shall first prepare and file with the commission four copies of a preliminary plan conforming to the requirements set forth in this regulation. Six copies of the preliminary plan shall be submitted for subdivisions outside the corporate limits of the city. The plans shall be accompanied by a fee of five dollars for each lot in the subdivision, providing said subdivision does not consist of less than ten lots in which case, a minimum filing fee of fifty dollars shall be required.

(b) The commission shall forthwith refer three copies to the utilities managers and administrative officer. In the case of subdivisions outside the corporate limits of the city, the commission shall refer two copies of the preliminary plan to the county board of supervisors and keep the county engineer advised of the status of the plan and actions taken thereon.

(c) A hearing on the proposal will be held before the commission at its first regular meeting following the filing. No hearing shall be held by the commission until notice thereof, which shall include the time and place, shall be given to interested parties by the administrative officer in behalf of the commission by publication of notice of the hearing in a newspaper having a general circulation in the city of Fairfield for at least one insertion, a week prior to the date of the hearing and by mailing a notice to the person or persons who filed the preliminary plans to the address set forth in the filing papers.

(d) The administrative officer and utilities managers shall carefully examine the plan as to its compliance with the laws and regulations of the city, the existing street

system, and good engineering practices, and shall, within fifteen days, submit findings in duplicate to the commission together with two copies of the plan received as marked upon checking.

(e) The commission shall, upon receiving the reports, as soon as possible, but not more than thirty days thereafter, consider the report and pass upon the plan. It shall then set forth its recommendations in writing whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The commission shall forthwith return one copy of the approved preliminary plan to the subdivider.

(f) The approval of the preliminary plan by the commission is revocable and does not constitute final approval or acceptance of the subdivision by the city council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans. (Ord. 854 § 3, 1994; Ord. 519 § 3(D), 1968).

19.12.080 Final plat.

(a) Upon approval of the preliminary plan by the commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this regulation.

(b) Before submitting the final plat to the commission for approval, the subdivider shall furnish all plans and information as listed in "final plat requirements," and the minimum improvements requirements," and obtain the approval of the administrative officer and utilities managers which shall be endorsed, thereon.

(c) For final plat approval, the subdivider shall submit to the commission:

(1) Nine copies of the final plat;

(2) A performance bond in the amount approved by the administrative officer upon recommendation of the department of public works;

(3) One copy of the certified approved plans, profiles, cross-sections, and specifications;

(4) A certificate from the administrative officer that the final plat is substantially

in accord with the preliminary plan as approved by the commission.

(d) Where any municipal improvement system is planned for larger installations than what the subdivider needs for a particular subdivision, the administrative officer and utilities managers, acting for the utility companies and boards, shall submit estimates of costs and/or also suggested negotiable financing arrangement, to the commission who shall in turn consider such negotiations and submit their recommendations to the city council and utility boards and companies.

(e) When the final plat has been passed upon by the commission, nine copies of the final plat and performance bond shall forthwith be transmitted to the city council, together with a certificate showing the action of the commission.

(f) When the final plat has been approved by the city council, the performance bond accepted, and all nine copies duly certified, six copies shall be delivered to the commission; two to the administrative officer and one to the city clerk for their respective files, and two to the subdivider, one for filing with the county recorder. If the plat is disapproved by the city council, such disapproval shall point out in writing, wherein said proposed plat is objectionable. (Ord. 519 § 3(E), 1968).

19.12.090 Recording.

(a) The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the county recorder of Jefferson County, Iowa, and shall file satisfactory evidence of such recording in the office of the city clerk before the city shall recognize the plat as being in full force and effect.

(b) Upon receipt of the duly certified copies of the final plat by the commission, the recording secretary of the commission will transmit copies of the plat, as determined by the administrative officer, to the subdivider, city clerk, the respective utility managers and the telephone company. (Ord. 519 § 3(F), 1968).

19.12.100 Final approval in effect.

(a) Receipt of the duly certified final plat and submission of a performance bond

or certified check by the subdivider shall constitute the final act to enforce final approval and is authorization that he may proceed with the installation and construction of the required improvements.

(b) The city council will return the performance bond to the subdivider upon certification by the administrative officer, of satisfactory completion of the installation and construction of the required improvements followed by acceptance of the required improvements by the city council. Prior to certification, the subdivider shall file with the administrative officer plans, profiles, and cross-sections of the required improvements as they have been built, which drawing shall be clearly noted with the words "AS-BUILT." (Ord. 519 § 3(G), 1968).

Chapter 19.16

DESIGN STANDARDS

Sections:

- 19.16.010 Street alignment.
- 19.16.020 Street grades.
- 19.16.030 Street right-of-way.
- 19.16.040 Alleys.
- 19.16.050 Blocks.
- 19.16.060 Lots.
- 19.16.070 Public sites and open spaces.
- 19.16.080 Character of development.
- 19.16.090 Streams and watercourses.
- 19.16.100 Maintenance of improvements outside corporate limits.
- 19.16.110 Easements for public utilities.

19.16.010 Street alignment.

(a) The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan, and the major streets plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Where such is not shown in the comprehensive plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation of appropriate projection of existing principal streets in surrounding area; or

(2) Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or of inappropriate city design;

(3) The width of such streets in new subdivisions shall be not less than the minimum widths established herein or as otherwise determined by the commission based on traffic engineering and land use analyses. The street and/or alley arrangement shall not cause a hardship to adjacent property owners' access to adjacent public streets.

(c) Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares, may at the discretion of the city council be made a requirement of the plat.

(d) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(e) Where a subdivision abuts or contains an existing or proposed major or arterial street, the commission may require a parallel access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(f) Where a subdivision borders on or contains a railroad right-of-way or limited

access highway right-of-way, the commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

(g) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the city under conditions approved by the commission.

(h) Streets with centerline offsets of less than one hundred fifty feet shall be avoided.

(i) A tangent of at least one hundred feet long shall be introduced between reverse curves on arterial and collector streets.

(j) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred feet for minor and collector streets, and of such greater radii as the commission shall determine for special cases.

(k) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than fifty degrees.

(l) Property lines at street intersections shall be platted with a radius or any acceptable chord length, as the commission may deem necessary.

(m) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the commission finds it will be practicable to require the dedication of the other half where the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(n) Dead end streets, designed to be so permanently, shall not be longer than five hundred feet and shall be provided at the closed end with a cul-de-sac having a minimum, outside roadway diameter of at least fifty feet, and a street property line diameter of at least eighty feet.

(o) No street names shall be used which will duplicate or be confused with the

names of existing streets. Street names shall be subject to the approval of the commission. (Ord. 519 § 4(A), 1968).

19.16.020 Street grades.

Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Percent Grade
Arterial or major	5
Collector	7
Minor	10
Marginal access	15

(Ord. 519 § 4(B), 1968).

19.16.030 Street right-of-way.

(a) Street right-of-way widths for major streets will be shown on the major streets plan of the comprehensive plan as eighty feet or unless otherwise noted, shall be a continuation of the adjoining existing arterial street.

(b) Street right-of-way widths for minor streets shall be fifty feet for streets designed for on-street parking and a minimal twenty-five feet shall be dedicated whenever subdivided property adjoins a half street as designated by the commission. The remainder of the street shall be dedicated. No homes shall be constructed on half streets. (Ord. 519 § 4(C), 1968).

19.16.040 Alleys.

Alleys may not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries, and shall be at least twenty feet wide. (Ord. 519 § 4(D), 1968).

19.16.050 Blocks.

No block shall be longer than one thousand two hundred feet. Where blocks are over six hundred feet in length, a pedestrian way with a right-of-way of at least sixteen feet in width may be required near the center of the block. (Ord. 519 § 4(E), 1968).

19.16.060 Lots.

(a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

(b) However, no residential lot shall be less than sixty feet in width at the building line, or less than sixty-six hundred square feet in area, unless an attached housing development is laid out in an area according to the comprehensive plan and acceptable to the commission, with twenty-five foot lot widths and three thousand seven hundred fifty square feet areas, with all other requirements of the zoning ordinance being met.

(c) In any subdivision where neither a public sewer nor a public water supply is available, no lot shall have an area of less than ninety thousand square feet or a width of less than two hundred feet measured at the building line. Where a public water supply is available but individual sewage disposal devices are used, no lot shall have an area of less than forty-five thousand square feet or a width of less than one hundred feet.

(d) Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.

(e) In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

(f) Double frontage and reverse frontage lots shall be avoided, except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use. (Ord. 519 § 4(F), 1968).

19.16.070 Public sites and open spaces.

(a) Where an area being subdivided includes lands, proposed to be used for

parks or schools under the duly adopted comprehensive plan of the city, the subdivider shall indicate the location of such areas on the subdivision plat:

(1) Park sites within the city limits are to be purchased within two years of the recording date of the subdivision by the city at the appraised raw land value prior to subdivision plus one-half of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site;

(2) Park sites outside the city limits are to be reserved for three years, giving any authorized public agency option to purchase the land at the appraised raw land value prior to subdivision, plus one-half of the cost of grading and paving including curbs, of the portion of any streets that are contiguous to the site;

(3) An entire sum of money equal to the appraised value of land equal to ten percent of the value of the platted land shall be dedicated by the subdivider to the city of Fairfield in the event there are no public open spaces required by the commission and city council;

(4) Money so received by the city of Fairfield shall be placed in a special fund to be known as the public land purchase and improvement trust account as allocated by the city council solely for purchase and improvement of land for public parks or playgrounds and held in account with the recreation fund.

(b) School sites are to be reserved for four years, giving the Fairfield Community School District the right to purchase the land at the appraised raw land value prior to subdivision, plus one-half the cost of grading and paving, including curbs, of any streets contiguous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plan. (Ord. 519 § 4(G), 1968).

19.16.080 Character of development.

The commission and city council may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision as well as that of the surrounding development. Sections 19.16.070

and 19.16.090 shall not aggregate more than ten percent dedication. (Ord. 519 § 4(H), 1968).

19.16.090 Streams and watercourses.

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall at his own expense make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the city of Fairfield land along the streams and watercourses meeting the approval of the commission:

(1) Open space to be preserved for utility and public facility usage along natural drainage courses and shown on the part of the comprehensive plan, the officially adopted storm water drainage plan and parks, schools, and playgrounds plan, shall be dedicated to the city in an amount equal to ten percent of the value of the platted land with any additional required land reserved in the plat for purchase by the city by benefit assessment including the platted lots or by a direct purchase method;

(2) Money so received by the city of Fairfield shall be placed in a special fund to be known as the public land purchase and improvement trust account and as allocated by the city council solely for purchase and improvement of land for public parks or playgrounds and held in account with the recreation fund. (Ord. 519 § 4(I), 1968).

19.16.100 Maintenance of improvements outside corporate limits.

Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees, or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the city does not desire to, or cannot maintain, provision shall be made by trust agreements, made a part of the deed restrictions, acceptable to the city for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. (Ord. 519 § 4(J), 1968).

19.16.110 Easements for public utilities.

Public rights-of-way dedicated for alleys, parks, and service roads may be used for

public utilities. All easements to be granted for utilities shall be constructed as either pedestrian walkways, parkways, plazas, open spaces or playgrounds as may be deemed appropriate by the commission. All easements and rights-of-way for parks or service roads or alleys shall not be less than sixteen feet totally or eight feet granted by each adjoining owner. Larger dimensions may be required where it is necessary for extension of main sewers or other utilities or where both water and sewer are located in the same easement. No buildings or structures will be permitted on any part of an easement without approval of the commission and authorization of the city council and such authorization shall not be issued without specific approval therefor by the board of trustees of the Fairfield municipal utilities. (Ord. 519 § 4(K), 1968).

Chapter 19.20

PRELIMINARY PLAN

Sections:

19.20.010 Preapplication plans and data.

19.20.020 Specifications.

19.20.010 Preapplication plans and data.

(a) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

(b) Location map shall show the relationship of the proposed subdivision to

existing community facilities which serve or influence it. Includes development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title; scale; north arrow; and date.

(c) Sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in Section 19.20.020(a) or such of these data as the commission determines is necessary for its consideration of the proposed sketch plan. (Ord. 519 § 5(A), 1968).

19.20.020 Specifications.

(a) The preliminary plan shall be drawn at a scale of not more than one hundred feet to the inch and shall show the graphic and descriptive items contained in this section.

(b) Title.

(1) Proposed name of the subdivision. The names shall not duplicate or too closely approximate, phonetically or otherwise, the name of any other subdivision or street in Fairfield and Jefferson County;

(2) Existing adjoining subdivision names;

(3) Names and addresses of developer and planner who made the preliminary plan;

(4) North point, scale and date.

(c) Existing Data.

(1) Location map;

(2) Boundaries of the proposed subdivision indicated by a heavy solid line, and the approximate acreage comprised therein. Streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto;

(3) Location, widths, and names of all existing or platted streets indicated as to

dedicated, undedicated, constructed, or unimproved, official easements, parks, and other public open spaces, permanent buildings, section and corporation lines, within or adjacent to the tract;

(4) Existing sewers, water mains, culverts, or other underground items within the tract or immediately adjacent thereto, with pipe sizes, grades, and vertical and horizontal locations indicated;

(5) Location and elevations of catch basins, manholes, and fire hydrants within the tract or immediately adjacent thereto;

(6) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land;

(7) Contours or ground elevations on a one hundred foot grid referred to the U.S.G.S. benchmark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five feet.

(d) Proposed Items Pertaining to the Plan.

(1) Preliminary layout of streets, including names and widths of alleys, parkways, common recreational areas, pedestrian ways and easements;

(2) Layout, numbers and approximate dimensions of lots;

(3) Parcels of land intended to be dedicated or temporarily reserved for public use, and the conditions of such dedication or reservation;

(4) A brief written description of the improvements to be installed in the subdivision;

(5) Indication as to proposed use of lots and zoning;

(6) An outline of any protective covenants and restrictions that are to be placed upon the lots;

(7) Preliminary layout and written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks, and drainage structures;

(8) Preliminary layout and written and signed statements of the appropriate officials of the availability of gas, electricity, and water to the proposed subdivision. (Ord. 519 § 5(B), 1968).

Chapter 19.24

FINAL PLAT

Sections:

19.24.010 Requirements.

19.24.020 Contents.

19.24.030 Attachments to subdivision plats.

19.24.010 Requirements.

All final plats shall meet the requirements of Chapter 409A of the Code of Iowa, and the provisions of this chapter of the municipal code, and there shall be no final approval given by the city unless the subdivision final plat conforms to these provisions and particularly Sections 114A.8, 409A.6 and 409A.11 of the Code of Iowa. (Ord. 808 § 2(part), 1990).

19.24.020 Contents.

The plat shall show:

- (1) The title under which the subdivision is to be recorded;
- (2) The name or names of the owners, subdividers and name and seal of registered surveyor;
- (3) The date, scale, and north point, and a key map showing the general location of the proposed subdivision;
- (4) The legal description of the area being platted;
- (5) Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional Township lines;
- (6) Centerlines of all proposed and adjoining streets with their right-of-way width

and names;

(7) Lines of all lots with a simple method of numbering to identify all lots and blocks;

(8) All building lines and all easements provided for public service, together with their dimensions and any limitations of the easements;

(9) Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot;

(10) All radii, arcs, points of tangency, central angles, and lengths of curves;

(11) Certification by a registered land surveyor that the final plat, as shown, is a correct representation of the survey as made;

(12) All survey monuments and benchmarks, together with their description;

(13) Private restrictive covenants and their period of existence;

(14) The accurate outline, dimensions, and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision. (Ord. 808 § 2(part), 1990).

19.24.030 Attachments to subdivision plats.

The following shall be attached to subdivision plats:

(1) An opinion by an attorney at law who has examined the abstract of title of the land being platted. The opinion shall state the names of proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances along with any bonds securing the encumbrances. Utility easements shall not be construed as encumbrances for the purpose of this section.

(2) A certificate of the treasurer that the land is free from certified taxes and special assessments, or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 409A.12 of the Code of Iowa. (Ord. 808 § 2(part), 1990).

Chapter 19.28

IMPROVEMENTS

Sections:

- 19.28.010 Plans, profiles, and cross-sections.
- 19.28.020 Required.
- 19.28.030 Street improvements.
- 19.28.040 Pedestrian walkways.
- 19.28.050 Major arterial streets.
- 19.28.060 Water supply.
- 19.28.070 Sanitary sewers.
- 19.28.080 Storm drainage.
- 19.28.090 Monuments.

- 19.28.010 Plans, profiles, and cross-sections.

The subdivider shall submit to the administrative officer the following plans, profiles and cross-sections, drawn to a horizontal scale of one inch to one hundred feet or less and a vertical scale of one inch to twenty feet or less, and specifications for the construction of the improvements for the subdivision as required in this regulation. All elevations shall be referred to mean sea level:

(1) The plan and profiles of each street with tentative grades and street intersection elevations;

(2) The cross-sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross-sections shall be taken and platted at intervals of not more than one hundred feet along the centerline unless otherwise required by the administrative officer, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross-sections be extended less than the full width of the

right-of-way.

(3) The plan and profile of proposed sanitary sewers and stormwater sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(4) Specifications for the required improvements. Standard specification approved by the administrative officer may be used. (Ord. 519 § 7(A), 1968).

19.28.020 Required.

The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the administrative officer and all utilities managers and to the satisfaction of the city council. (Ord. 519 § 7(B1), 1968).

19.28.030 Street improvements.

(a) All streets and public ways shall be graded to their full width, including side slopes, and to the appropriate grade as shown on the improvement plans or approved by the consulting city engineer or administrative officer. Where the streets serve lots having an area of less than twenty thousand square feet, it shall be surfaced to a width of not less than twenty-six feet with a paved surface whose specifications meet the approval of the director of public works. All of such construction shall be in accordance with standards and specifications of the consulting city engineer. Thirty-inch concrete curbs shall be installed along each side of the pavement.

(b) Where lots are twenty thousand square feet or more in area, minimum travelled ways of twenty feet in width conforming to the above standards, but without curbs and gutters, may be used but usable shoulders with a slope of one-half inch per foot shall be provided. (Ord. 519 § 7(B2), 1968).

19.28.040 Pedestrian walkways.

Sidewalks with a minimum width of four feet and a minimum thickness of four inches of portland concrete cement shall be installed; provided, however, that where the

property is platted in lots having an area of at least twenty thousand square feet and a width of at least one hundred feet, the city council may waive these requirements. The sidewalks shall be constructed to the grade approved by the city council after receiving the report and recommendation of the administrative officer. (Ord. 519 § 7(B3), 1968).

19.28.050 Major arterial streets.

All major arterial streets shall be six-inch or eight-inch concrete as determined by the design load and approved by the consulting city engineer and/or the administrative officer. The width shall be as shown on the official comprehensive plan. (Ord. 519 § 7(B4), 1968).

19.28.060 Water supply.

Where a public water main is reasonably accessible, the subdivider shall continue with such water main and provide a water connection for each lot in accordance with standards, procedure, and supervision of the municipal water department. Main sizes shall be determined by the water board. Water main connection shall be done to the instruction of the superintendent to fit into any looping or extension plan. A share of the total cost of water main extensions may be borne by the water board. The exact amount borne shall be determined by negotiation with the subdivider with decision of the water board as final.

Fire hydrants shall be installed as specified by the superintendent and approval of the fire chief. The ownership of all mains, valves and hydrants will be with the water board and their use will be regulated by all ordinances pertaining thereto. In subdivisions more than three hundred feet from an existing main, pending availability of a public water supply, wells or a private water supply system shall be constructed to insure that an adequate supply of potable water will be available to each lot. (Ord. 519 § 7(B5), 1968).

19.28.070 Sanitary sewers.

(a) Where existing sanitary sewers are within three hundred feet, the subdivider shall install sanitary sewerage in accordance with plans approved by the consulting city engineer.

(b) In other cases, where lots are less than forty-five thousand square feet and where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared by the city or other agency, the subdivider may be required to install sewers in conformity with such plans. In such cases, until a connection can be made with the public sewer system, the use of a primary sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the requirement of the Iowa Department of Health.

(c) In subdivisions where the lots are ninety thousand square feet or more, a minimum width of two hundred feet, and are not served by a public supply of potable water, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. If a lot is served by a public supply of potable water, has an area of not less than forty-five thousand square feet and a width of one hundred feet or more, the subdivider also may install individual disposal services. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the Iowa Department of Health. (Ord. 519 § 7(B6), 1968).

19.28.080 Storm drainage.

All necessary improvements, including storm sewers or open drainage ditches, shall be made to provide for the adequate disposal of storm water and to maintain any natural drainage course. All construction shall be in accordance with plans approved by the consulting city engineer or by other officials having jurisdiction. (Ord. 519 § 7(B7), 1968).

19.28.090 Monuments.

Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with city specifications; monuments at block corners shall be concrete posts with steel center rods. Lots shall be marked by three-quarter inch diameter iron pins thirty inches long. (Ord. 519 § 7(B8), 1968).

VARIATIONS, AMENDMENTS AND RECORDING

Sections:

19.32.010 Variations and exceptions.

19.32.020 Changes and amendments.

19.32.030 Recording procedure.

19.32.010 Variations and exceptions.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the city planning and zoning commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved. (Ord. 519 § 8, 1968).

19.32.020 Changes and amendments.

Any regulations or provisions of this title may be changed and amended from time to time by the city council, provided, however, that such changes or amendments shall not become effective until after a study and report by the city planning and zoning commission and until after a public hearing has been held; public notice of which shall have been given in a newspaper of general circulation at least ten days prior to such hearing. (Ord. 519 § 10, 1968).

19.32.030 Recording procedure.

No plat of any subdivision shall be entitled to record in the office of the recorder of Jefferson County or shall be of any validity until it has been approved in the manner

prescribed herein, and it is unlawful for the county recorder to record any plat of a subdivision within the jurisdiction of the city planning and zoning commission until the plat has been approved as required herein and such approval has been endorsed in writing on the plat. (Ord. 519 § 9(part), 1968).

Chapter 19.36

VIOLATIONS

Sections:

19.36.010 Penalty for violation.

19.36.010 Penalty for violation.

It is unlawful for any person to transfer title by any means to any land by reference to or by description as a portion of a plat or subdivision or addition to the city unless such plat has been approved as required herein. Whoever violates any of the rules and regulations prescribed herein or who fails to comply with any order issued pursuant thereto shall, upon conviction, be fined at least fifty dollars, but not to exceed five hundred dollars.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 626-19-1 § 1, 1980; Ord. 519 § 9(part), 1968).

Title 20

ZONING*

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* Prior ordinance history: Ords. 420, 428, 436, 437, 447, 454, 456, 479, and 494.

Chapter 20.04

TITLE AND PURPOSE

Sections:

- 20.04.010 Title.
- 20.04.020 Purpose and intent.
- 20.04.030 Interpretation.

20.04.010 Title. The ordinance codified in this title shall be known, cited and referred to as the Fairfield Zoning Ordinance. (Ord. 645 § 1, 1982).

20.04.020 Purpose and intent. In accordance with the comprehensive plan for the city of Fairfield, Iowa, the following rules and regulations are adopted after having given reasonable consideration to, among other things, the character of the area, the peculiar suitability for such area for particular uses, and with a view to conserving the value of buildings and land and to encourage the most appropriate use thereof. It is the intent and purpose of this title to:

- (1) Promote the health, safety, and general welfare of those affected by this title;
- (2) Lessen the congestion in the streets;
- (3) Secure safety from fire, panic, and other dangers;
- (4) Provide adequate light and air;
- (5) Prevent overcrowding of the land;
- (6) Avoid undue concentration of population;
- (7) Facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public uses;
- (8) Provide for the regulation of nonconforming buildings, structures, and uses;
- (9) Define and limit the powers and duties of the administrative officer and governmental bodies as provided herein;

(10) Prescribe penalties for violation of the provisions of this title and amendments thereto. (Ord. 645 § 2, 1982).

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20.04.030 Interpretation.

(a) In their interpretation and application, the provisions of this title shall be held to be the minimum requirements.

(b) Where conditions imposed by any provision of this title are either more or less restrictive than comparable conditions imposed by other provisions of this title, or of any law, ordinance, resolution, or regulation of any kind, the regulations which are most restrictive or which impose higher standards or requirements shall govern.

(c) This title is not intended to abrogate any easement, covenant, or private agreement; provided that where the regulations of this title are more restrictive or impose higher standards or requirements in such easements, covenants, or other private agreements, the requirements of this title shall govern.

(d) No building, structure, or use, or parts thereof, not lawfully existing at the time of adoption of the ordinance codified in this title shall become or be made lawful solely by reason of the adoption of the ordinance codified in this title.

(e) No building, structure, or use, or parts thereof, lawfully existing at the time of the adoption of the ordinance codified in this title shall become or be made unlawful solely by reason of the adoption of the ordinance codified in this title except as provided in Chapter 20.68. (Ord. 645 § 3, 1982).

Chapter 20.08

DEFINITIONS

Sections:

20.08.010 Interpretation and rules of construction.

20.08.020 Accessory use or structure.

20.08.030 Agricultural.

20.08.040 Alley.

20.08.050 Animal hospital.

20.08.055 Apartment.

20.08.060 Automobile laundry (car wash).

20.08.070 Automobile repairs.

20.08.080 Automobile service station (gas station).

20.08.090 Automobile wrecking yard.

20.08.100 Awning.

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20.08.860 Variance.

20.08.010 Interpretation and rules of construction.

The language set forth in the text of this title shall be interpreted with the following rules of construction:

- (1) The singular number includes the plural and the plural includes the singular.
- (2) The present tense includes the past and the future and the future and past tenses include the present.
- (3) The word "shall" is mandatory, while the word "may" is permissive.
- (4) The masculine gender includes the feminine and the neuter.
- (5) Whenever a word or term defined in this chapter appears in the text of this title, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word defined in this chapter shall be construed in the same sense as that word.

(6) All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half or more, the next integral foot above shall be taken.

(7) The words and terms set forth in Sections 20.08.020 through 20.08.860 wherever they occur in this title, shall be construed as defined in this chapter. (Ord. 645 § 8(A--G)(part), 1982).

20.08.020 Accessory use or structure.

"Accessory use or structure" means a use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto. (Ord. 645 § 8(G)(1), 1982).

20.08.030 Agricultural.

"Agricultural" means the tillage, cultivation, planning and caring for crops and the raising, pasturing, harboring of livestock and the keeping of fowl. (Ord. 645 § 8(G)(2), 1982).

20.08.040 Alley.

"Alley" means a public or private way less than twenty feet in width affording secondary means of access to abutting property. (Ord. 645 § 8(G)(3), 1982).

20.08.050 Animal hospital.

"Animal hospital" means a building or portion thereof designed or used for the care, observation, or treatment of domestic animals. (Ord. 645 § 8(G)(4), 1982).

20.08.055 Apartment.

"Apartment" means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family. (Ord. 842 § 1(3), 1993).

20.08.060 Automobile laundry (car wash).

"Automobile laundry (car wash)" means a building or portion thereof where vehicles are washed by using a conveyor, blower, steam-cleaning equipment, or other mechanical devices. (Ord. 645 § 8(G)(5), 1982).

20.08.070 Automobile repairs.

"Automobile repairs" means general repair, rebuilding and/or reconditioning of engines, motor vehicles, or trailers; collision service, including, but not limited to, body, frame or fender repair; painting; steam cleaning; upholstering; replacement of parts and motor service to passenger automobiles and trucks. (Ord. 645 § 8(G)(6), 1982).

20.08.080 Automobile service station (gas station).

"Automobile service station (gas station)" means a building or premises used for the dispensing, or offering for sale at retail, any automotive fuel or having pump or storage tank; and/or a building or premises where battery, or any other similar services are rendered, including minor tune up work, and where vehicles are not parked for the purpose of inspection and sale. (Ord. 645 § 8(G)(7), 1982).

20.08.090 Automobile wrecking yard.

"Automobile wrecking yard" means any area of land where one or more motor vehicles not in operable condition, or parts thereof are stored and are not being restored to operation; also, any building, structure or part thereof used for the wrecking or storing of such motor vehicles or parts thereof. (Ord. 645 § 8(G)(8), 1982).

20.08.100 Awning.

"Awning" means a roof-like cover which projects from a wall of a building. (Ord. 645 § 8(G)(9), 1982).

20.08.110 Basement.

"Basement" means a story partly underground but having at least one-fourth of the heights of the walls above the average grade level of the adjacent ground. A basement as defined herein shall not be construed as a story for the purpose of determining height measurement. (Ord. 645 § 8(G)(10), 1982).

20.08.115 Bed and breakfast inn.

"Bed and breakfast inn" means a private single-family residence where lodging and meals are provided for transient guests on a short-term basis, in which the host or hostess

resides and in which no more than four guest rooms are available for rent and which, while it may advertise and accept reservations, does not hold itself to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests. (Ord. 842 § 1(2), 1993).

20.08.120 Block.

"Block" means a tract of land bounded by streets, or a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, shorelines, and corporate boundaries. (Ord. 645 § 8(G)(11), 1982).

20.08.130 Block frontage.

"Block frontage" means the frontage of lots facing a street. (Ord. 645 § 8(G)(12), 1982).

20.08.140 Board.

"Board" means the board of adjustment of the city of Fairfield, Iowa. (Ord. 645 § 8(G)(13), 1982).

20.08.150 Boardinghouse.

"Boardinghouse" means a private single-family dwelling other than a hotel or restaurant where lodging and meals are provided for compensation for guests who are not family members of the owners or occupant. (Ord. 842 § 1(1)(a), 1993).

20.08.160 Buildable areas.

"Buildable areas" means the area between the required front, side, and rear yards. (Ord. 645 § 8(G)(15), 1982).

20.08.170 Building.

"Building" means any structure which is constructed for the support, shelter, or enclosure of persons, animals and/or chattels. (Ord. 645 § 8(G)(16), 1982).

20.08.180 Building (principal).

"Principal building" means a nonaccessory building in which the principal use of the lot is conducted. (Ord. 645 § 8(G)(17), 1982).

20.08.190 Building wall.

"Building wall" means a wall of a building forming a part of the main structure. The foundation walls of unenclosed porches or covered patio steps, walks and retaining walls or similar structures shall be considered as building walls under the provisions of this title. (Ord. 645 § 8(G)(18), 1982).

20.08.200 Businesses.

"Businesses" means an occupation, employment or enterprise which occupies the time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered for compensation. (Ord. 645 § 8(G)(19), 1982).

20.08.210 Carport.

"Carport" means a space for the housing or storage of motor vehicles enclosed by a roof and on not more than three sides, by walls and is attached to and considered a part of the principal building. (Ord. 645 § 8(G)(20), 1982).

20.08.220 Cellar.

"Cellar" means a room or group of rooms completely below the ground level. (Ord. 645 § 8(G)(21), 1982).

20.08.230 Club or lodge.

"Club" or "lodge" means a nonprofit association of persons who are bonafide members paying annual dues, which own, hire or lease a building or portion thereof, the use of such premises being restricted to members and guests. The affairs and management of such club or lodge are conducted by a board of trustees, executive committee, or similar body chosen by the members at their annual meetings, and such club or lodge facility may include the serving of food. (Ord. 645 § 8(G)(22), 1982).

20.08.235 Conditional use.

"Conditional use" means a use which is permitted in a district only upon a finding by the Board of Zoning Adjustment at a public hearing that specific conditions as established by this section are present and can be met. (Ord. 977 § 1(part), 2002).

20.08.240 Condominium.

"Condominium" means a dwelling unit individually owned, which is a part of a multiple dwelling, and where there is a common ownership in grounds, or walls, or basements, or footings. (Ord. 645 § 8(G)(23), 1982).

20.08.250 Convalescent home.

"Convalescent home" means a building or structure in which care is provided for two or more invalids, infirmed, aged, convalescent or physically disabled or injured persons, not including the insane or mental cases. Nursing homes and rest homes are convalescent homes. (Ord. 645 § 8(G)(24), 1982).

20.08.260 Curb level.

"Curb level" means the mean level or established curb grade in front of a lot. (Ord. 645 § 8(G)(25), 1982).

20.08.270 Dog kennel.

For a definition of dog kennel, see the definition of kennel, Section 20.08.470. (Ord. 645 § 8(G)(26), 1982).

20.08.280 Dwelling unit.

"Dwelling unit" means a group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for one family and which includes a kitchen. (Ord. 645 § 8(G)(27), 1982).

20.08.290 Dwelling, attached.

"Attached dwelling" means a residential building joined to another residential building in any one or more of the following methods:

- (1) Joined at one or more sides by a party wall or walls;
- (2) Joined by a continuous roof;
- (3) Joined by a continuous footing and or footings on one or more sides. (Ord.

645 § 8(G)(28), 1982).

20.08.300 Dwelling, detached.

"Detached dwelling" means a residential building entirely surrounded by open space on the same lot. (Ord. 645 § 8(G)(29), 1982).

20.08.310 Dwelling, single-family.

"Single-family dwelling" means a residential building containing one dwelling unit. (Ord. 645 § 8(G)(30), 1982).

20.08.320 Dwelling, two-family.

"Two-family dwelling" means a residential building containing two dwelling units, said dwelling units to be attached as defined in Section 20.08.290. (Ord. 645 § 8(G)(31), 1982).

20.08.330 Dwelling, multifamily.

"Multifamily dwelling" means a residential building containing three or more dwelling units, said dwelling units to be attached as defined in Section 20.08.240. (Ord. 645 § 8(G)(32), 1982).

20.08.340 District.

"District" means a section or sections of the city of Fairfield, Iowa, for which regulations governing the use of buildings and premises or the heights and areas of buildings are uniform. (Ord. 645 § 8(G)(33), 1982).

20.08.350 Essential services.

"Essential services" means the erection, construction, alteration or maintenance by public utilities franchised by the city of Fairfield, Iowa, or municipal or other governmental agencies, of, but not limited to, underground or overhead gas, electrical, steam or water, transmission or distribution systems, communications, including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment accessories in connection therewith; reasonably necessary for furnishing of adequate service for the city of Fairfield, Iowa, and to provide for public health, safety, and general welfare. (Ord. 645 § 8(G)(34), 1982).

20.08.360 Family.

"Family" means two or more persons related by blood, marriage or adoption, together with his or their domestic servants maintaining a common household in a dwelling. (Ord. 645 § 8(G)(35), 1982).

20.08.370 Fence.

"Fence" means a structure including entrance and exit gates, which effectively prohibit free ingress and egress from or to adjoining property and streets. (Ord. 645 § 8(G)(36), 1982).

20.08.380 Floodplain.

"Floodplain" means that continuous area adjacent to a stream or stream bed or other natural drainage channel or areas, which is low-lying, difficult to drain or subject to flood, and as regulated by the state of Iowa and ordinances of the city of Fairfield, Iowa. (Ord. 645 § 8(G)(37), 1982).

20.08.390 Floor area.

"Floor area" means the sum of the square feet of the gross horizontal area of the floors, including the basement floor but not including the cellar floor of a building; measured from the exterior face of the exterior walls or from the centerline of the walls separating the building. (Ord. 645 § 8(G)(38), 1982).

20.08.400 Garage, private.

"Private garage" means a detached accessory building, or a portion of the principal building used for the storage of vehicles. (Ord. 645 § 8(G)(39), 1982).

20.08.410 Height.

"Height" means, in the case of a wall, or part of the building, the vertical distance from the average established curb grade in front of the lot or from the average finish grade at the building line, if higher to the average height of the top of the cornice of the flat roof or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormer, to the middle height of the pitched or hipped roof. (Ord. 645 § 8(G)(40), 1982).

20.08.420 Highway or major street.

"Highway" or "major street" means an officially designated federal or state numbered highway or other road designated as the highway or major street on a thoroughfare plan as officially adopted and amended by the planning commission and city council of the city of Fairfield, Iowa. (Ord. 645 § 8(G)(41), 1982).

20.08.430 Home occupation.

"Home occupation" means an occupational profession customarily carried on by an occupant of the dwelling unit as a secondary use and of which is clearly incidental to the use of the dwelling in which it is located. (Ord. 645 § 8(G)(42), 1982).

20.08.435 Home schooling cooperative.

"Home schooling cooperative" means a residence that houses a family and makes available a portion of such residence for regularly providing educational services during school hours, consistent with definitions noted in the Iowa Administrative Code Title 661-Chapter 5, exclusively to not more than five children, whether preschoolers or children of school age, grades one through twelve, who are registered with the Fairfield Community School District, for competent private instruction; provided that a family participating in the cooperative, resides in the residence/house. For the purposes of this paragraph, such a family consists of at least one minor child who participates in the cooperative, together with his or her custodial guardian. (Ord. 947 § 1, 2000).

20.08.440 Hotel.

"Hotel" means a building occupied as a temporary abiding place of individuals who are lodged with or without meals and in which more than five sleeping rooms are usually occupied independently. (Ord. 645 § 8(G)(43), 1982).

20.08.450 Junk.

"Junk" means old or scrapped copper, brass, rope, tin cans, rags, batteries, paper, trash, rubbish, debris, waste, or junk dismantled, unlicensed, stored, abandoned or wrecked automobiles, or parts of automobiles or iron, steel, or other old or scrapped ferrous or nonferrous material. (Ord. 645 § 8(G)(44), 1982).

20.08.460 Junkyard.

"Junkyard" means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk; and the term includes garbage dumps, sanitary fills, and automobile graveyards. (Ord. 645 § 8(G)(45), 1982).

20.08.470 Kennel.

"Kennel" means a place where two or more domesticated animals are boarded, bred, or kept. (Ord. 645 § 8(G)(46), 1982).

20.08.480 Land use plan.

"Land use plan" means the comprehensive long range plan for the desirable use of land in the community, as officially adopted and amended by the planning commission and the city council of the city of Fairfield, Iowa; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet the changing community needs, in subdividing and use of undeveloped land, and in the acquisition of land for such public uses and purposes as streets, parks, schools, and other public buildings and public uses. (Ord. 645 § 8(G)(47), 1982).

20.08.485 Lodging house.

"Lodging house" means bed and breakfast inns, boardinghouses and roominghouses. (Ord. 842 § 1(4), 1993).

20.08.490 Lot.

"Lot" means a parcel of land abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by this title. (Ord. 645 § 8(G)(48), 1982).

20.08.500 Lot area.

"Lot area" means the horizontal area within the lot lines. (Ord. 645 § 8(G)(49), 1982).

20.08.510 Lot, corner.

"Corner lot" means a lot fronting on two intersecting streets. (Ord. 645 § 8(G)(50), 1982).

20.08.520 Lot depth.

"Lot depth" means the mean horizontal distance between the front and rear lot lines. (Ord. 645 § 8(G)(51), 1982).

20.08.530 Lot width.

"Lot width" means the mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth. (Ord. 645 § 8(G)(52), 1982).

20.08.540 Lot of record.

"Lot of record" means a lot which is a part of the legal subdivision of the city of Fairfield, Iowa, the plat of which has been recorded in the office of the county recorder, Jefferson County, Iowa; or a parcel of land, the deed of which, or a valid contract of which, was recorded in the county recorder's office prior to the effective date of the ordinance codified in this chapter. (Ord. 645 § 8(G)(53), 1982).

20.08.550 Lot, through.

"Through lot" means a lot running through the block from street to street. (Ord. 645 § 8(G)(54), 1982).

20.08.560 Mobile homes.

(a) "Mobile homes" means a detached residential dwelling unit designed for transportation after fabrication on streets and highways on its own wheels, by towing, and arriving at the site where it is to be occupied as a dwelling complete and ready of occupancy except for minor and incidental unpacking or assembly operation, located on jacks or other temporary foundation, connection to utilities, or similar conditions. A mobile home is designed for long term occupancy.

(b) A mobile home installed on a lot, on a permanent foundation, with the

wheels and the draw bar removed and the mobile license presented to the Jefferson County assessor for the purpose of taxing as real property shall not be considered as a mobile home.

(c) A recreational unit, self-powered or designed to be pulled by another vehicle, such as travel trailer, is not considered a mobile home. (Ord. 645 § 8(G)(55), 1982).

20.08.570 Mobile home park.

"Mobile home park" means any site, lot or tract of land upon which two or more mobile homes are harbored either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park. (Ord. 645 § 8(G)(56), 1982).

20.08.580 Motel.

"Motel" means an establishment consisting of a group of living or sleeping accommodations with individual bathrooms, designed for use by transients, and having not more than fifty percent of the living and sleeping accommodations occupied by or designed for occupancy by persons other than transient vehicle tourist. A motel furnishes customary hotel services. (Ord. 645 § 8(G)(57), 1982).

20.08.590 Nonconforming use.

"Nonconforming use" means a building, structure or premises lawfully occupied at the time of adoption of the ordinance codified in this title by a use that does not conform with the provisions of this title for the district in which it is located; also, such use resulting from changes in zoning districts or in the textual provisions made after the effective date of the ordinance codified in this title. (Ord. 645 § 8(G)(58), 1982).

20.08.600 Official zoning district map.

"Official zoning district map" means that map on file in the office of the planning administrator, city of Fairfield, Iowa; the map, by reference thereto being made a part of this title. (Ord. 645 § 8(G)(59), 1982).

20.08.610 Overhang.

"Overhang" means that portion of a building extending outside the outside bearing walls. (Ord. 645 § 8(G)(60), 1982).

20.08.615 Overlay zone.

"Overlay zone" means a set of zoning requirements imposed in addition to those of the underlying zone. Developments in overlay zones must conform to the requirements of both zones. If there is a disparity in the requirements, the more restrictive apply. (Ord. 946 § 1(part), 2000).

20.08.620 Parking area.

"Parking area" means an area of one or more parking spaces located on the same property as the building structure or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way. (Ord. 645 § 8(G)(61), 1982).

20.08.630 Patio.

"Patio" means a surfaced area used for recreational purposes. (Ord. 645 § 8(G)(62), 1982).

20.08.640 Porch.

"Porch" means a roofed structure with floor and opened space on two or more sides, projecting from the front, side or rear wall of a building. (Ord. 645 § 8(G)(63), 1982).

20.08.650 Roominghouse.

"Roominghouse" means a private single-family dwelling where any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes and where lodging is provided for compensation for guests who are not family members of the owners or occupant. (Ord. 842 § 1(1)(b), 1993).

20.08.655 Senior housing.

"Senior housing" means a building(s) or structure(s) containing dwellings and related facilities which may include but are not limited to services to residents such as dining, recreational services, or therapeutic services, where the occupancy is designed to meet the needs of elderly or handicapped persons as defined herein. Such use may

include facilities for fully independent living, semi-independent living, day care, or services to the elderly of the community when it is an ancillary part of one of the above operations concerning such occupancy. Senior housing may be multifamily residences. Senior citizens or elderly persons referenced herein are persons fifty-five years of age or older. Handicapped persons are: Any person having physical impairments which (1) are expected to be of long, indefinite duration; (2) substantially impede the ability to live independently; and (3) are of such a nature that the ability to live independently could be improved by more suitable housing conditions. (Ord. 893 § 2, 1996).

20.08.660 Setback.

"Setback" means the required distance between the lot lines and the building wall of a structure on the lot when measured at right angles to the street or lot line. (Ord. 645 § 8(G)(65), 1982).

20.08.670 Sign.

"Sign" means any structure or device for visual communication which is located outside of a building and which is used for the purpose of bringing the subject thereof to the attention of the public, other than those which have been erected by a federal or state agency, but not including any flag or emblem of the federal government, the state or any agency thereof, or any name or message painted on the wall or window of a building or incorporated as a part of the exterior of the wall of the building which bears it, the exposed portion of which lies in a plane parallel to the plane of the wall. (Ord. 645 § 8(G)(66), 1982).

20.08.680 Sign, advertising.

"Advertising sign" means a sign advertising the existence or nature of the profession of the person or firm occupying the premises which is erected on one or more poles or posts. (Ord. 645 § 8(G)(67), 1982).

20.08.690 Sign, billboard.

"Billboard sign" means any sign advertising a product or service available to the general public or seeking favorable consideration of a political party or candidate, which is erected on two or more poles or posts and which is intended to be a permanent structure.

(Ord. 645 § 8(G)(68), 1982).

20.08.700 Sign display surface.

"Sign display surface" means the area made available by a sign structure for the purpose of displaying the advertising message. (Ord. 645 § 8(G)(69), 1982).

20.08.710 Sign, electric.

"Electric sign" means any sign containing electrical wiring which provides illumination from within a more or less transparent covering or which illuminates a gas located within a portion of a sign itself. (Ord. 645 § 8(G)(70), 1982).

20.08.720 Sign, marquee.

"Marquee sign" means a sign located on, or as a structural part of, a permanent roof structure attached to and supported by a building and projecting over public property. (Ord. 645 § 8(G)(71), 1982).

20.08.730 Sign, nameplate.

"Nameplate sign" means a sign which is installed at more or less eye level, flat against the exterior surface of a building denoting the name or name and occupation or profession of the occupant. (Ord. 645 § 8(G)(72), 1982).

20.08.740 Sign, projecting.

"Projecting sign" means a sign, the display surface of which projects at any angle with, and is supported by, the wall of a building. (Ord. 645 § 8(G)(73), 1982).

20.08.750 Sign, temporary.

"Temporary sign" means any sign, banner, pennant, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, intended to be displayed for a period of time not to exceed ninety days. (Ord. 645 § 8(G)(74), 1982).

20.08.760 Sign, wall.

"Wall sign" means any sign attached to or erected against the wall of a building, other than a nameplate, with the exposed face of the sign in a plane parallel to the plane

of the wall. (Ord. 645 § 8(G)(75), 1982).

20.08.770 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, that space between the floor and the ceiling next above. (Ord. 645 § 8(G)(76), 1982).

20.08.780 Story, half.

"Half story" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of any such story; provided however, that any partial story used for residential purposes shall be deemed a full story. (Ord. 645 § 8(G)(77), 1982).

20.08.790 Street.

"Street" means any public way set aside as a permanent right-of-way for vehicles or pedestrian access which is twenty feet or more in width at the time of the adoption of the ordinance codified in this title. Any such public way, created after the adoption of the ordinance codified in this title shall be fifty feet or more in width. (Ord. 645 § 8(G)(78), 1982).

20.08.800 Structure.

"Structure" means anything constructed, the use of which requires location on the ground or attached to something having location on the ground, but not including fences or poles or appurtenances thereto used for the provisions of public utilities. (Ord. 645 § 8(G)(79), 1982).

20.08.810 Structure alteration.

"Structure alteration" means any change in the supporting members of a building including but not limited to bearing walls, load bearing partitions, columns, beams or girders, or any substantial change in the roof or exterior wall. (Ord. 645 § 8(G)(80), 1982).

20.08.820 Use.

"Use" means the purpose of any activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained. (Ord. 645 § 8(G)(81), 1982).

20.08.830 Yard, front.

"Front yard" means an open space extending the full width of the lot between the building line and the street line, unoccupied and unobstructed from the ground upward. A corner lot may have two front yards. Normally, the narrow portion of a lot fronting on a public street is the front yard. (Ord. 645 § 8(G)(82), 1982).

20.08.840 Yard, rear.

"Rear yard" means an open space extending the full width of the lot between the rear line of the principal building and the rear lot line, unoccupied and unobstructed from the ground upward. (Ord. 645 § 8(G)(83), 1982).

20.08.850 Yard, side.

"Side yard" means an open space extending from the front yard and the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward. (Ord. 645 § 8(G)(84), 1982).

20.08.860 Variance.

"Variance" means a modification or variation from the provisions of this title as applied to a specific piece of property, as distinct from rezoning. (Ord. 645 § 8(G)(85), 1982).

Chapter 20.12

GENERAL PROVISIONS

Sections:

20.12.010 Building on a lot--Area requirements.

- 20.12.020 Conformance with regulations.
- 20.12.030 Accessory buildings and uses.
- 20.12.040 Lots not served by sewer and/or water.
- 20.12.050 Required street frontage.
- 20.12.060 Construction of dwelling on existing lots of record.
- 20.12.070 Permitted obstructions (yards).
- 20.12.080 Yards--Generally.
- 20.12.085 Fences.
- 20.12.090 Height limits.
- 20.12.100 Business districts.
- 20.12.110 Chapter not applicable to R-5 districts.
- 20.12.120 Conditional use provisions.

20.12.010 Building on a lot--Area requirements.

In all residential districts, every dwelling erected or altered shall be located on a lot, and there shall be no more than one principal building on any one lot.

(1) Ground Floor Area per Dwelling.

(A) A one-story single-family dwelling shall contain not less than eight hundred square feet of ground floor area, exclusive of open porches, garages or steps.

(B) A one-and-one-half-story, two-story or more single-family dwelling shall contain not less than five hundred square feet of ground floor area, exclusive of open porches, garages or steps.

(2) Minimum Gross Square Footage per Dwelling.

(A) A one-story multifamily dwelling shall equal six hundred square feet for each one bedroom unit and seven hundred square feet for each two or more bedroom units.

(B) A one-and-one-half-story, two-story or more multifamily dwelling shall equal six hundred fifty square feet for each one bedroom unit and seven hundred fifty square feet for each two or more bedroom units.

(3) Any residential dwelling constructed on a lot shall be a minimum of twenty-four feet in width. Said dwelling shall have a pitched roof, with shingles of wood, asphalt, fiberglass, slate or tile, rubberized roofing, rolled roofing, or metal roofing. All residential dwellings shall be constructed or installed on a permanent foundation which comply with all codes of the state; said foundation shall be of continuous construction

around the entire perimeter of the structure to a depth below the frost line, and shall be a minimum of six inches in width. In the case of a manufactured (mobile) home, the wheels, wheel hubs and axles, and drawbar shall be removed and the mobile license presented to the Jefferson County assessor's office for the purpose of taxing as real property. (Ord. 690 § 1, 1985; Ord. 675 § 1, 1984; Ord. 645 § 5(A), 1982).

20.12.020 Conformance with regulations.

Except as hereinafter provided, no building, structure, or land shall be used and no building, structure, or part thereof, shall be erected, constructed, reconstructed, occupied, moved, altered, or undergo major repair, except in conformity with the regulations specified in this title. (Ord. 645 § 5(B), 1982).

20.12.030 Accessory buildings and uses.

Accessory uses and buildings shall be compatible with the principal use and shall not be established prior to the establishment of the principal use or building without approval of the board of adjustment.

(1) No accessory building shall be erected or altered at, or moved to a location within six feet of, the nearest wall of the principal building, nor within the front or side yard areas as defined in this title.

(2) Accessory buildings shall not be located closer than six feet from the rear lot line and three feet from the side lot lines.

(3) Accessory buildings shall be limited to fifteen feet in height (ground to plate).

(4) Accessory buildings may not occupy more than thirty percent of the rear yard. (Ord. 645 § 5(C), 1982).

20.12.040 Lots not served by sewer and/or water.

In any district where public sanitary sewer and/or water supply are not accessible, the otherwise specified lot area requirements may be increased where necessary to satisfy all applicable requirements of state, county, and municipal regulations concerning disposal of sanitary waste and water supply. (Ord. 645 § 5(D), 1982).

20.12.050 Required street frontage.

No lot created after the adoption of the ordinance codified in this title shall contain

any building used as a dwelling unless the lot abuts at least forty feet on a public street or has a permanent exclusive nonobstructive easement of access of not less than forty feet wide to be dedicated as a public street. (Ord. 645 § 5(E), 1982).

20.12.060 Construction of dwelling on existing lots of record.

In any district where dwellings are permitted, a one-family attached dwelling may be constructed on any lot of official record at the time of the enactment of the ordinance codified in this title, the owner of which does not own adjoining property, provided that the proposed yard spaces satisfy the requirements stipulated for the district in which the lot is located, or the requirements as may be modified by the board of adjustment. (Ord. 645 § 5(F), 1982).

20.12.070 Permitted obstructions (yards).

For the purpose of this title, the following shall not be considered as obstructions when located in yards as indicated:

(1) On Corner Lots. Any obstruction which is no higher than eighteen inches above the curb level which is located in any portion of the front or side yard area within twenty feet of the lot corner formed by the intersection of any two street lines;

(2) In Rear Yards. Patios, terraces; driveways, heat pump units and/or central air conditioning units; chimneys; roof overhangs; ornamental light standards; flag poles; garages meeting setback requirements of this title;

(3) In Side Yards. Open patios and terraces; driveways; ornamental light standards; flag poles; chimneys and roof overhangs providing they do not exceed one-third the distance required for the smallest yard area requirement;

(4) In Front Yards. Ornamental light standards; flag poles; chimneys and roof overhangs providing they do not extend more than three feet outside the bearing wall. (Ord. 645 § 5(G), 1982).

20.12.080 Yards--Generally.

(a) The minimum yard space required for one structure shall not be considered as a yard space for another adjoining structure.

(b) No lot shall be reduced in area so that the yards or other open spaces become less than required by this title.

(c) On streets where a front yard setback has heretofore been maintained, for buildings existing on lots or tracts having a frontage of fifty percent or more of the total frontage on one side of the street lying between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings.

(d) On a vacant through lot, the front yard setback requirements shall apply to both of the street lots or tract lines and either street lot or tract line may be considered the front lot line. (Ord. 645 § 5(H), 1982).

20.12.085 Fences.

A building permit for the construction or placement of a fence shall be required. Building permits shall be obtained from the planning and zoning administrator.

(1) Residential Uses. In any district where residential use of property is conducted a building permit shall be obtained before constructing a fence.

(A) Heights. No fence shall be higher than six feet off the ground level in any residential zone.

(B) On Corner Lots. No fence or hedges or other obstructions shall be erected, including any trees, bushes, or plantings which are higher than eighteen inches above the curb level, which is located in any portion of the front or side yard area within twenty feet of the lot corner formed by the intersection of any two street lines. This shall not prohibit trees, bushes or planting only within that area more than twenty feet from the lot corner of the intersection of any two lot lines. A corner lot may have two front yards. For the purpose of this section the front yard shall be established in relation to the main entrance of the structure.

(C) On Front Yards. No fence shall be constructed between the building line and the street line that is higher than three feet and more than fifty percent solid when viewed from a right angle to the plane of the fence. No hedge shall be planted in the front yard that is higher than three feet.

(D) On Side Yards. No fence or hedge shall be constructed on or over the property line or exceeding six feet in height.

(E) On Rear Yards. No fence or hedge shall be constructed:

(i) Within three feet of the property line when abutting an alley;

(ii) On or over the property line when properties abut;

(iii) Within one foot of any easement (utility, etc.);

(iv) No fence or hedge shall be any height exceeding six feet.

(F) Enclosures. Except as otherwise provided, fenced enclosures shall be provided for swimming pools, and/or any other permanent body of water with a depth of eighteen inches or more shall be subject to the following requirements:

(i) An outdoor swimming pool and/or any other permanent body of water with a depth of eighteen inches or more and the edge of which is less than four feet above grade, shall be completely enclosed by a fence not less than four feet in height. The fence shall be so constructed as not to allow a five-inch diameter sphere to pass through the fence. A principal or an accessory building may be used as part of such enclosure.

(ii) All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure need not be so equipped.

(iii) Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times, and such enclosure shall be located only in the rear yard.

(G) Barbed Wire and Electric Fences. No barbed wire or electric fences shall be permitted in residential districts except for the enclosure of livestock operations.

(i) No electric fence shall carry a charge greater than twenty-five milliamperes nor a pulsating current longer than one-tenth of a second in a one-second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.

(ii) Barbed wire and electric fences shall be prohibited within five feet of a public sidewalk or within four feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two months after the installation of a public sidewalk. Said agreement shall be processed with the application for a permit.

(H) Residential Special Exceptions. Fencing provided around parks, school facilities, tennis courts, or other recreation sites or dog runs, requiring taller enclosures may be erected to a height in excess of the above limits upon approval of the zoning administrator.

(2) Fences for Commercial Uses. In any district where commercial use of property is conducted a building permit shall be obtained before constructing a fence.

(A) Heights and setbacks shall meet the regulations set forth in the residential section.

(B) On corner lots fences shall comply with the visual clearance requirements set forth in the residential fence regulations.

(C) Barbed Wire and Electric Fences. Fences of this nature shall meet all the requirements set forth in the residential regulations.

(D) Commercial Special Exceptions. Fencing provided around parks, recreations sites, junkyards, industrial sites, and school facilities may be erected to a height in excess of the above limits upon approval of the zoning administrator. (Ord. 906 § 2, 1997).

20.12.090 Height limits.

(a) Height limitations stipulated elsewhere in this title, within residential requirements, shall not apply to barns, silos, or other farm buildings or structures on farms provided these buildings are not less than fifty feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building. However, if in the opinion of the board of adjustment, such structure would adversely affect the adjoining property, such greater height shall not be authorized.

(b) Height limitations stipulated elsewhere in this title within residential district requirements shall not apply to: places of public assembly such as churches, schools, and other permitted public and semipublic buildings not exceeding six stories or seventy-five feet, whichever is less, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yard required for the highest building, otherwise permitted in the district. (Ord. 645 § 5(l), 1982).

20.12.100 Business districts.

(a) All businesses, service, storage, merchandise display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for the following:

- (1) Off-street parking;
- (2) Off-street loading and unloading;

- (3) The placing of litter receptacles on and within one block of the central business district and in parking areas of outlying business areas;
 - (4) Open sales lots in districts where permitted;
 - (5) The display of wares for sale on the sidewalks in front of retail stores within a distance of three feet of the building occupied by the seller;
 - (6) Special occasions with the permission of the city council.
- (b) Processing and equipment therefor shall be limited to that which is not objectionable by reason of odor, smoke, dust, gas, noise, vibration, refuse matter of water-carried waste.
 - (c) A business district adjoining a residential district shall have yard areas as provided in the adjoining residential district; this requirement may be phased into yard requirements of the business districts within three hundred feet from the district lines. Dwelling units and lodgings are not permitted below the second floor except in transient hotels and motels. (Ord. 645 § 5(J), 1982).

20.12.110 Chapter not applicable to R-5 districts.

Chapter 20.12, General Provisions, shall not be applicable to R-5 residence districts; as the R-5 district has its own general provisions as set forth in Chapter 20.34. (Ord. 781 § 1, 1989).

20.12.120 Conditional use provisions.

The board of adjustment may allow as conditional uses only those uses classified as conditional uses in the ordinance codified in this section. No conditional use shall be allowed in a particular district unless such use is specifically permitted as a conditional use in the regulations for that district of the ordinance codified in this section, and the board shall not act upon any conditional use permit application unless and until the requirements for each conditional use within the specific district in which it is located have been met.

(1) Application. Any person may file an application to use property for one of the conditional uses permitted in the district in which the property is located. All applications for a conditional use permit shall be made upon the official form for such applications, which shall be available without cost from the office of planning administrator. The applicant shall be required to supply all pertinent items of information contained to the review of such application. Review of the application for a conditional use permit may be

obtained by delivering two copies of the completed application form to the planning administrator together with payment of the required fee as specified in Chapter 20.92 of this title. Upon receipt of the completed forms and the required fee, the planning administrator shall forthwith transmit one copy of the form to the board of adjustment, retaining the original form as part of the planning administrator's permanent records. Prior to its review, the board may require the applicant for a conditional use permit to supply any further information beyond that contained in the application form where it reasonably considers such information necessary to make the determinations required by Section 20.12.120(C) of this section.

(2) Notice and Hearing Required. Following receipt of the completed application form and any additional information required by the board, the matter shall be set for public hearing for the next scheduled meeting, if adequate notification time is available. The board shall with due diligence hold a public hearing to consider the application for a conditional use permit. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least fifteen days prior to such hearing.

The planning department will send notice of the time and place of the hearing by first class mail to all owners of property within two hundred feet of the property at which the conditional use permit is sought. The actual cost of which will be billed to the applicant.

(3) Standards for Granting a Conditional Use Permit. No conditional use permit shall be granted unless the board determines on the basis of specific information presented at the public hearing or contained in the application for such use that each of the following conditions has been satisfied:

(A) The proposed conditional use will comply with all applicable regulations of the ordinance codified in this section, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.

(B) Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.

(C) Adequate access roads or entrances and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.

(D) All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable

for the proposed conditional use on the subject property.

(E) All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.

(F) The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.

(G) The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.

(H) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

(I) Additional Standards for Granting a Conditional Use Permit for a Change in Nonconforming Uses. Where an applicant seeks a conditional use permit for the purpose of changing from one nonconforming use to another nonconforming use, as provided in Chapter 20.68 of this title, no conditional use permit for such change shall be granted unless and until the board further determines, in addition to the findings required by this section, that the proposed nonconforming use is more appropriate to the purpose and character of the zone in which it is located than the existing nonconforming use. The granting of any conditional use permit under this subsection shall not be deemed to otherwise authorize in the district involved any use not specifically listed as a permitted or conditional use for the district and the new nonconforming use allowed by the permit shall be subject to all provisions of Chapter 20.68 of this title to the same degree and extent as the prior nonconforming use.

The board may solicit the opinion or advice of the planning and zoning commission, its staff, or any other public agency or employees whose advice the board considers necessary to properly make the determinations required by this section. However, such advice may not be relied upon in whole or in part as a basis for the ultimate decision to grant, partially grant, or deny the conditional use permit unless such advice is presented to the board in writing, is read or otherwise publicly presented at the public hearing, and is

specifically identified as a determining consideration in the board's final written decision.

(4) Conditions and Restrictions on the Conditional Use Permit.

(A) Imposition of conditions and restrictions. In granting a conditional use permit, the board may impose any conditions or restrictions it reasonably considers necessary to insure full compliance with the standards of Section 20.12.120(C), to reduce or eliminate any detrimental effect of the proposed conditional use permit upon the neighborhood or the district, or to carry out the general purposes and intent of the ordinance codified in this section.

(B) Modification of conditions and restrictions. Any subsequent change or modification of a condition or restriction imposed by the board of adjustment in granting a conditional use permit must be approved in the same manner and with the same requirements as the original application for conditional use permit.

(C) Violation of conditions and restrictions. A violation of such conditions and restrictions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this section.

(5) Decision and Records. The board shall render a written decision on an application for a conditional use permit within sixty days after the close of the public hearing. The decision of the board shall contain specific findings of fact supporting the granting or denial of the conditional use permit and shall clearly set forth any conditions or restrictions imposed pursuant to Section 20.12.120(D). The board shall maintain complete records of all actions with respect to applications for conditional use permits and shall notify the city council of the board's decision on each application.

(6) Period of validity. No conditional use permit granted by the board shall be valid for a period longer than six months from the date on which the board grants the permit, unless within such six-month period:

(A) A building permit is obtained and the erection or alteration of a structure is started; or

(B) An occupancy permit is obtained, if required, and the use is commenced.

The board may grant a maximum of two extensions not exceeding six months each, upon written application, without notice of hearing. (Ord. 977 § 1(part), 2002).

ZONING DISTRICTS--MAP AND ANNEXED TERRITORY

Sections:

- 20.16.010 Zoning districts.
- 20.16.020 Boundaries of districts.
- 20.16.030 Official zoning district map.
- 20.16.040 Annexed territory.

20.16.010 Zoning districts.

In order to carry out the purpose and intent of this title, the city of Fairfield, Iowa, is divided into the following districts:

- (1) Residence Districts.
 - (A) R-1 single-family residence district;
 - (B) R-2 general residence district;
 - (C) R-3 multifamily residence district;
 - (D) R-4 mobile home residence park district.
- (2) Business Districts.
 - (A) B-1 general business district;
 - (B) B-2 service business district.
- (3) Manufacturing Districts.
 - (A) M-1 limited manufacturing district;
 - (B) M-2 general manufacturing district.
- (4) Conservation District.
 - (A) C-1 conservation district.
- (5) Agricultural District.
 - (A) A-1 agricultural district.

(Ord. 645 § 9(A), 1982).

20.16.020 Boundaries of districts.

(a) When uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning district map, the following rules shall apply:

(1) The district boundary lines on the official zoning district map are intended to follow the centerline of streets or alleys, the centerline of streets or alleys projected, railroad rights-of-way, or corporate limit lines, all as they existed at the time of the adoption of the ordinance codified in this title; where a district boundary line does not clearly coincide with the above, lot lines may be used or boundaries may be determined by scaling.

(2) Where a district boundary line divides a lot which was in single ownership and of record at the time of adoption of the ordinance codified in this title, the use authorized for and other district requirements which apply to the less restrictive portion of such lot shall be considered as extending to the entire lot provided that in those instances in which the more restricted portion of such lot is more than fifty feet beyond the dividing district boundary line, the less restrictive use shall be limited to the portion of the lot lying within fifty feet of the district boundary line.

(3) Questions concerning the exact location of the district boundary lines shall be determined by the board of adjustment according to rules and regulations which it may adopt. (Ord. 645 § 9(B), 1982).

20.16.030 Official zoning district map.

The location and boundaries of the districts are set forth on the official zoning district map of the city of Fairfield, Iowa, which map is made a part of this title by reference thereto. The official zoning district map together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein. The official zoning district map shall be on file in the office of the planning and zoning commission, city of Fairfield, Iowa, and it shall be identified by the signature of the mayor, attested by the city finance officer and the chairman of the planning and zoning commission, under certification that the map is the official zoning district map referred to in this title. Copies of the official zoning district map may be available for public use; however, the official zoning district map filed in the office of the planning and zoning commission, city of Fairfield, Iowa, shall be the final authority concerning all matters pertaining to this title. If in accordance with the provisions of this title, changes are made in the district boundaries or other matters portrayed on the official zoning district map, such changes shall be made on the map within ten days after the change is approved by the city council and becomes law. All such revisions shall be

signed or initialed by the administrative officer of the planning and zoning commission. No district change through this title shall become effective until after its publication as required by the Code of Iowa and entry is made on the official zoning district map. (Ord. 645 § 9(C), 1982).

20.16.040 Annexed territory.

All territory which may hereafter be annexed to the city of Fairfield, Iowa, shall be classed as being "R-1 single-family residence district" until such classification shall be changed by an amendment to this title as provided in Chapter 20.80. (Ord. 645 § 9(D), 1982).

Chapter 20.20

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

- 20.20.010 Permitted uses.
- 20.20.030 Conditional use.
- 20.20.040 Lot area.
- 20.20.050 Lot width.
- 20.20.060 Ground floor area per dwelling.
- 20.20.070 Front yard.
- 20.20.080 Side yard.
- 20.20.090 Rear yard.
- 20.20.100 Off-street parking.
- 20.20.110 Height regulations.

20.20.010 Permitted uses.

Permitted uses in the R-1 district shall be:

- (1) Single-family residences;
- (2) Public schools;

- (3) Essential services;
- (4) Home occupations as regulated by this title;
- (5) Libraries;
- (6) Home schooling cooperative.

(Ord. 947 § 2, 2000; Ord. 815 § 2, 1991; Ord. 645 § 10(A), 1982).

20.20.030 Conditional use.

Conditional uses:

- (1) Privately operated country clubs;
- (2) Golf courses;
- (3) Riding stables;
- (4) Other recreational uses provided that any principal building in connection therewith shall not be located less than two hundred feet from any lot line in any R district;
- (5) Churches, chapels, convents, monasteries, seminaries, or parish houses providing they are located not less than thirty feet from any side lot line in any R district;
- (6) Parks and playgrounds (publicly owned and operated);
- (7) Cemeteries;
- (8) Tennis clubs;
- (9) Hospitals, sanitariums, nursing homes, and convalescent homes provided that any such building shall be at least fifty feet from any lot line in any R district;
- (10) Planned developments as defined in this title.

(Ord. 977 § 1(part), 2002; Ord. 645 § 10(C), 1982).

20.20.040 Lot area.

Each lot shall have a minimum area of ten thousand square feet per dwelling unit.

(Ord. 645 § 10(D), 1982).

20.20.050 Lot width.

Lot width shall be not less than eighty feet at the buildable line. (Ord. 645 § 10(E), 1982).

20.20.060 Ground floor area per dwelling.

- (a) A one-story dwelling unit shall contain not less than one thousand square

feet of usable ground floor area, exclusive of open porches, garages or steps.

(b) A one-and-one-half or two-story dwelling unit shall contain not less than eight hundred square feet of ground floor area exclusive of open porches, garages or steps. (Ord. 645 § 10(F), 1982).

20.20.070 Front yard.

The front yard shall be not less than thirty feet in depth. (Ord. 645 § 10(G), 1982).

20.20.080 Side yard.

(a) A one-story residence shall have a total side yard width of twenty feet, neither side less than ten feet.

(b) A one-and-one-half-story residence shall have a total side yard width of twenty feet, neither side less than ten feet.

(c) A two-story residence shall have a total side yard width of twenty-two feet, neither side less than ten feet.

(d) A two and one-half-story residence shall have a total side yard width of twenty-two feet, neither side less than ten feet.

(e) On a corner lot, the least width of a side yard along the side street lot line shall be thirty feet.

(f) If a corner lot, subdivided and duly recorded prior to the effective date of the ordinance codified in this title has insufficient width to provide such side yard of thirty feet width and still maintain a buildable width of twenty-four feet, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of twenty-four feet. (Ord. 645 § 10(H), 1982).

20.20.090 Rear yard.

The rear yard shall be not less than thirty-five feet. (Ord. 645 § 10(I), 1982).

20.20.100 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 645 § 10(J), 1982).

20.20.110 Height regulations.

No principal building or structure shall exceed two and one-half stories or thirty feet in height, and no accessory building or structure shall exceed one story or fifteen feet in height. (Ord. 645 § 10(K), 1982).

Chapter 20.24

R-2 GENERAL RESIDENCE DISTRICT

Sections:

20.24.010 Permitted uses.

20.24.020 Permitted accessory uses.

20.24.030 Conditional uses.

20.24.040 Lot area.

20.24.050 Lot width.

20.24.070 Front yard.

20.24.080 Side yard.

20.24.090 Rear yard.

20.24.100 Off-street parking.

20.24.110 Height regulations.

20.24.010 Permitted uses.

Permitted uses in the R-2 district shall be:

- (1) Uses permitted in R-1 district;
- (2) Two-family attached residences;
- (3) Home schooling cooperative.

(Ord. 947 § 3, 2000; Ord. 645 § 11(A), 1982).

20.24.020 Permitted accessory uses.

Permitted accessory uses in the R-2 district shall be:

- (1) Uses permitted in R-1 district.

(Ord. 645 § 11(B), 1982).

20.24.030 Conditional uses.

Conditional uses:

- (1) Multi family residences and apartments (three families of more);
- (2) College/university buildings and accessory uses when located on campus;
- (3) Attorney (law) offices, banks, medical, dental, chiropractic, and similar offices.
- (4) General office uses, with neighborhood impacts less than, or equal to, those uses listed above. (Ord. 977 § 1(part), 2002; Ord. 966 § 1, 2002; Ord. 844 § 1, 1993; Ord. 794 § 1, 1990; Ord. 645 § 11(C), 1982).

20.24.040 Lot area.

Lot area requirements in the R-2 district shall be:

- (1) Single-family dwelling unit: seven thousand five hundred square feet;
- (2) Two-family attached dwelling: eight thousand five hundred eighty square feet;
- (3) For each family in excess of two in addition to the requirement in subsection (2) of this section, add three thousand seven hundred fifty square feet per family for a single-story structure;
- (4) For each family in excess of two in addition to the requirement in subsection (2) of this section, add one thousand two hundred square feet per family for a multi-story structure. (Ord. 645 § 11(D), 1982).

20.24.050 Lot width.

Lot width shall be not less than sixty-five feet at the buildable line. (Ord. 645 § 11(E), 1982).

20.24.070 Front yard.

The front yard shall be not less than thirty feet in depth. (Ord. 645 § 11(G), 1982).

20.24.080 Side yard.

(a) A one and a one-and-one-half story residence shall have a total side yard width of at least sixteen feet neither side less than six feet.

(b) A two-story residence and a two-and-one-half-story residence shall have a total side yard width of at least twenty feet, neither side less than ten feet.

(c) On a corner lot, the least width a side yard along the side street lot line shall be equal to the required front yard along the intersecting street.

(d) If a corner lot, subdivided and duly recorded prior to the effective date of the ordinance codified in this title has insufficient width to provide such side yard of thirty feet, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of twenty-four feet. (Ord. 645 § 11(H), 1982).

20.24.090 Rear yard.

The rear yard shall be not less than thirty-five feet. (Ord. 645 § 11(I), 1982).

20.24.100 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 645 § 11(J), 1982).

20.24.110 Height regulations.

No principal building or structure shall exceed two and one-half stories or thirty feet in height, and no accessory building or structure shall exceed one story or fifteen feet in height. (Ord. 645 § 11(K), 1982).

Chapter 20.28

R-3 MULTIFAMILY RESIDENCE DISTRICT

Sections:

20.28.010 Permitted uses.

20.28.020 Permitted accessory uses.

20.28.030 Conditional uses.

- 20.28.040 Lot area.
- 20.28.050 Lot width.
- 20.28.070 Front yard.
- 20.28.080 Side yard.
- 20.28.090 Rear yard.
- 20.28.100 Off-street parking.
- 20.28.110 Height regulations.

20.28.010 Permitted uses.

Permitted uses in the R-3 district shall be:

- (1) Uses permitted in R-1 and R-2 districts;
- (2) Multifamily residences and apartments (three families or more). (Ord. 645 § 12(A), 1982).

20.28.020 Permitted accessory uses.

Permitted accessory uses in the R-3 district shall be:

- (1) Uses permitted in R-1 and R-2 districts.
- (Ord. 645 § 12(B), 1982).

20.28.030 Conditional uses.

Conditional uses: Uses permitted in the R-1 and R-2 districts. (Ord. 977 § 1(part), 2003; Ord. 844 § 2, 1993; Ord. 645 § 12(C), 1982).

20.28.040 Lot area.

Lot area requirements in the R-3 district shall be:

- (1) Single-family dwelling unit: seven thousand five hundred square feet;
- (2) Two-family attached dwelling: eight thousand five hundred eighty square feet;
- (3) For each family in excess of two in addition to the requirement in subsection (2) of this section, add three thousand seven hundred fifty square feet per family for a single-story structure;
- (4) For each family in excess of two in addition to the requirement in subsection (2) of this section, add one thousand two hundred square feet per family for a multistory

structure;

(5) For attorney (law) offices; banks; chiropractic, dental, medical, osteopath clinics: eight thousand seven hundred twelve square feet. (Ord. 645 § 12(D), 1982).

20.28.050 Lot width.

Lot width shall be not less than sixty-five feet at the buildable line. (Ord. 645 § 12(E), 1982).

20.28.070 Front yard.

The front yard shall be not less than thirty feet in depth. (Ord. 645 § 12(G), 1982).

20.28.080 Side yard.

(a) A one-story and one-and-one-half story residence shall have a total side yard width of at least sixteen feet, neither side less than six feet.

(b) A two-story and two-and-one-half-story residence shall have a total side yard width of at least twenty feet, neither side less than ten feet.

(c) On a corner lot the least width a side yard along the side street lot line shall be equal to the required front yard along the intersecting street.

(d) If a corner lot, subdivided and duly recorded prior to the effective date of the ordinance codified in this title has insufficient width to provide such side yard of thirty feet, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of twenty-four feet. (Ord. 645 § 12(H), 1982).

20.28.090 Rear yard.

The rear yard shall be not less than thirty-five feet. (Ord. 645 § 12(I), 1982).

20.28.100 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 645 § 12(J), 1982).

20.28.110 Height regulations.

No principal building or structure shall exceed two and one-half stories or thirty feet

in height, and no accessory building or structure shall exceed one story or fifteen feet in height. (Ord. 645 § 12(K), 1982).

Chapter 20.32

R-4 MOBILE HOME RESIDENCE PARK DISTRICT

Sections:

- 20.32.010 Permitted uses.
- 20.32.030 Prohibited uses.
- 20.32.040 Location.
- 20.32.050 Area.
- 20.32.060 Mobile home space.
- 20.32.070 Setbacks.
- 20.32.080 Patios.
- 20.32.090 Walkways.
- 20.32.100 Driveways.
- 20.32.110 Lighting.
- 20.32.120 Parking bays/areas.
- 20.32.130 Service/accessory buildings.
- 20.32.140 Swimming and wading pools.
- 20.32.150 Recreational areas.
- 20.32.160 Water supply.
- 20.32.170 Sewage disposal.
- 20.32.180 Refuse disposal.
- 20.32.190 Fire protection.
- 20.32.200 Permits.
- 20.32.210 Licenses.
- 20.32.220 Registration.

- 20.32.010 Permitted uses.

Permitted uses in the R-4 district shall be:

- (1) Mobile homes as defined in Section 20.08.560;
- (2) Essential services;
- (3) Recreational vehicles.

(Ord. 645 § 13(A), 1982).

20.32.030 Prohibited uses.

Prohibited uses in the R-4 district shall be:

- (1) Sales lot;
- (2) Storage or parking of mobile homes, except those located on a space preparatory to occupancy or between period of occupancy;
- (3) Raising or boarding of animals except for domestic pets;
- (4) Dwellings, except those in a mobile home and except dwellings or lodging rooms in an accessory building for occupancy for only the operator or employees that are employed to operate the park;

(5) No person shall park or occupy any trailer-mobile home, travel trailer or recreational vehicle outside an approved trailer-mobile home park; except, the parking of only one unoccupied trailer-mobile home, travel trailer, or recreational vehicle in an accessory private garage building, or in a rear yard in any residential district is permitted; provided, no living quarters shall be maintained or any business practiced in any trailer-mobile home, travel trailer or recreational vehicle when same is so parked or stored.

(Ord. 645 § 13(C), 1982).

20.32.040 Location.

(a) A mobile home residence park shall be located only in a mobile home residence park district. Each boundary of the park shall be at least one hundred feet from the nearest lot line of any R-1, R-2, or R-3 residence district unless separated by a natural or artificial barrier, the barrier to be approved by the planning commission and the city council of the city of Fairfield, Iowa.

(b) If seventy-five percent of the property owners within two hundred feet of the perimeter of the proposed park consent in writing, a mobile home resident park may be established closer to the above described property line and without the required natural or artificial barriers. (Ord. 645 § 13(D), 1982).

20.32.050 Area.

A mobile home residence park shall contain not less than two acres. (Ord. 645 § 13(E), 1982).

20.32.060 Mobile home space.

(a) A site or space shall not be closer than twenty feet to the park's exterior limits.

(b) The size of a site or space shall not be less than fifty feet wide and one hundred feet in length.

(c) All sites or spaces shall abut upon a driveway of not less than twenty-four feet in width. The driveway shall have unobstructed access to a public street or highway. (Ord. 645 § 13(F), 1982).

20.32.070 Setbacks.

(a) There shall be a minimum of twenty feet maintained as a front yard for each site or space.

(b) There shall be a total side yard distance of seventeen feet, neither side less than six feet. (Ord. 645 § 13(G), 1982).

20.32.080 Patios.

All patios shall be of poured cement concrete or an equal with a minimum thickness of six inches. Patios shall be a minimum of ten feet in width and fifteen feet in length. (Ord. 645 § 13(H), 1982).

20.32.090 Walkways.

Walkways shall be provided from each site or space to all surface facilities and to driveways. Walkways shall be a minimum of three feet in width and four inches thick; the walkways shall be constructed of portland cement concrete or equal. (Ord. 645 § 13(I), 1982).

20.32.100 Driveways.

All main access drives shall be continuous, driveways to be twenty-four feet wide if

parking is prohibited and forty feet wide if parking is permitted. A driveway shall be constructed of portland cement concrete or equal. (Ord. 645 § 13(J), 1982).

20.32.110 Lighting.

All driveways and walkways shall be illuminated with one hundred seventy-five watt mercury vapor lighting spaced at one-hundred-seventy-five-foot intervals. An equivalent lighting plan may be submitted to the planning commission, city of Fairfield, Iowa, for approval in lieu of the above requirements. (Ord. 645 § 13(K), 1982).

20.32.120 Parking bays/areas.

In any mobile home residence park or part thereof where driveway parking is prohibited, there shall be provided two parking bays or stalls for each site or space which are no less than ten feet wide and twenty-five feet in length. (Ord. 645 § 13(L), 1982).

20.32.130 Service/accessory building.

(a) All service/accessory buildings shall be constructed and equipped according to the current ordinances of the city of Fairfield, Iowa, Code of Iowa, and all rules and regulations of the Iowa Department of Health. The location of the buildings shall be approved by the planning commission and city council of the city of Fairfield, Iowa.

(b) All service buildings and grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health and safety of any occupant or the public or constitute a nuisance.

(c) Each community or service building shall be conveniently located, well-constructed with washable interior walls, well lighted, have adequate ventilation, all openings to toilet rooms effectively screened, and the floors of concrete or other impervious materials. All openings to these buildings shall be effectively screened, solid doors opening outward and equipped with mechanical closing devices shall meet the requirements for screened doors. The floors shall be sloped with floor drains and shall have concrete curbing or other impervious material extending at least six inches above the floor and forming a cove at the junction of the floor and the sidewall.

(d) Toilet facilities for men and women shall be in separate buildings or at least twenty feet apart or if in the same building, shall be separated by a soundproof wall and plainly marked by appropriate signs.

(e) The toilet facilities for women shall consist of not less than one flush toilet and one lavatory and one shower or bathtub for every eight mobile home spaces; each toilet, shower or bathtub shall be in a private compartment.

(f) Toilet facilities for men shall consist of not less than one lavatory, one flush toilet, one urinal, one shower or bathtub for every eight mobile home spaces; each toilet, shower or bathtub shall be in a private compartment.

(g) An individual dressing compartment not less than six feet by six feet in plan, so arranged to insure privacy, shall be provided in combination with and affixed to each shower or bath compartment installed for men and women.

(h) Each service building shall contain at least one slop sink for each sex and located in a separate compartment.

(i) Service buildings housing the toilet and laundry facilities shall be permanent structures, and shall be located not closer than ten feet and not farther than two hundred feet from any mobile home site or space.

(j) The laundry facility may be provided in the ratio of one double laundry tub and ironing board for each fifteen mobile home sites or spaces. And electrical outlets supplying current sufficient to operate an iron shall be conveniently located near the ironing board. Drying space shall be provided sufficient to accommodate the laundry of the mobile home residence park occupants.

(k) An adequate supply of hot and cold running water shall be available at all times in the community service buildings, also adequate heat shall be provided when needed and the buildings shall be well lighted at all times. (Ord. 645 § 13(M), 1982).

20.32.140 Swimming and wading pools.

All swimming and wading pools shall be constructed and equipped according to the current ordinances of the city of Fairfield, Iowa, Code of Iowa and all rules and regulations of the Iowa Department of Health. The location of the swimming and wading pools shall be approved by the planning commission and city council of the city of Fairfield, Iowa. (Ord. 645 § 13(N), 1982).

20.32.150 Recreational areas.

Site, location and construction of all recreational areas shall be approved by the planning commission and the city council, of the city of Fairfield, Iowa. (Ord. 645 §

13(O), 1982).

20.32.160 Water supply.

An adequate supply of pure water for drinking and domestic purposes shall be supplied to each site or space. It shall be from a public water system when available. If a well is to be the source of water, its construction must conform to the standards set by the Iowa State Department of Health and authorized by the Code of Iowa. (Ord. 645 § 13(P), 1982).

20.32.170 Sewage disposal.

Waste from showers, bathtubs, toilets, slop sinks, and laundry shall be discharged into a public sewer system in compliance with applicable ordinances. All kitchen sinks, waste basins, bathtubs, or showers in any mobile home shall be connected to a sewer outlet so provided at each site or space. (Ord. 645 § 13(Q), 1982).

20.32.180 Refuse disposal.

All occupants of a mobile home residence park district shall be required to comply with the rules and regulations for refuse disposal of the city of Fairfield, Iowa. (Ord. 645 § 13(R), 1982).

20.32.190 Fire protection.

Every mobile home park shall be equipped at all times with one fire extinguisher in good working condition for every ten or less sites or spaces. No extinguisher shall be located more than two hundred feet from any space it is designed to protect. Every service building shall be equipped with adequate fire extinguishers in good working order. No open fires shall be permitted at any place which will endanger life or property. No open fire shall be left unattended at any time. (Ord. 645 § 13(S), 1982).

20.32.200 Permits.

(a) A mobile home park, hereafter established in the city of Fairfield, Iowa, shall be in compliance with the applicable ordinances of this and other city of Fairfield, Iowa, ordinances and codes, and the laws of the state of Iowa. The most restrictive regulations (those imposing the highest standards) of such ordinances, codes and laws shall apply

insofar as they relate to mobile home parks and mobile homes.

(b) The application for the development of a mobile home park shall be made to the city planning administrator, who will then begin the necessary procedures for approval.

(c) Any change to be made in a mobile home park plan, after authorization to construct the park has been obtained, shall be filed with the city's planning administrator, who shall transmit the proposal to the city's planning commission for recommendation to the city council, city of Fairfield, Iowa.

(d) Prior to the issuance of a permit by the planning administrator, the planning commission shall approve all site and construction plans and specifications for the development of the park, and refer them to the city council, city of Fairfield, Iowa, for approval. After city council approval, the planning administrator shall grant a permit provided a fee of thirty dollars for each site or space has been paid.

(e) At the time construction of the park is completed and final inspection has been made by the planning administrator, and the administrator has approved the park ready for occupancy, he shall issue occupancy permits for the park, stating the number of mobile home spaces available. This occupancy permit shall be issued without charge. (Ord. 855 § 3(A), 1994; Ord. 645 § 13(T), 1982).

20.32.210 Licenses.

(a) The operator of a mobile home park shall obtain an annual license from the city of Fairfield, Iowa. This license shall be issued by the city finance officer or a duly authorized representative of the city. The fee for this annual license for each mobile home site or space shall be as established by the city council, city of Fairfield, Iowa. The operator shall also obtain a license from the state of Iowa in compliance with the Code of Iowa.

(b) The license shall be for a period of one year, the renewal date, December 31st of each year. The license shall be displayed in the mobile home park office at all times.

(c) Any mobile home park license issued under this chapter may be suspended or revoked, after a hearing by the city council, city of Fairfield, Iowa, when the licensee violates or is in violation of any of the provisions of the ordinances of the city of Fairfield, Iowa, or fails to maintain the mobile home park in accordance with the requirements necessary to obtain a license. (Ord. 645 § 13(U), 1982).

20.32.220 Registration.

The owner, lessee, or attendant in charge of the mobile home park shall keep a record of all tenants. Such records shall be available for inspection at all reasonable times by the chief of police, city of Fairfield, Iowa, or his duly authorized representative and shall contain the name and address of each occupant, the license number and make of each mobile home and automobile, the state in which the license was issued, and date of arrival and departure of each occupant. Such records shall be retained for a period of five years following the date the registration was completed. (Ord. 645 § 13(V), 1982).

Chapter 20.34

R-5 GENERAL AND MANUFACTURED HOME RESIDENCE DISTRICT

Sections:

- 20.34.010 Permitted uses.
- 20.34.020 Permitted accessory uses.
- 20.34.030 Conditional uses.
- 20.34.040 Lot area.
- 20.34.050 Lot width.
- 20.34.060 Front yard.
- 20.34.070 Side yard.
- 20.34.080 Rear yard.
- 20.34.090 Off-street parking.
- 20.34.100 Height requirements.
- 20.34.110 Building on a lot--Area requirements.
- 20.34.120 Conformance with regulations.
- 20.34.130 Accessory buildings and uses.
- 20.34.140 Lots not served by sewer and/or water.
- 20.34.150 Required street frontage.

- 20.34.160 Construction of dwelling on existing lots of record.
- 20.34.170 Permitted obstructions (yards).
- 20.34.180 Yards--Generally.
- 20.34.190 Heights limits.
- 20.34.200 Prohibited uses.

20.34.010 Permitted uses.

Permitted uses in the R-5 district shall be:

- (1) Uses permitted in R-2 and R-3 districts;
- (2) Multifamily residences and apartments (three families or more). (Ord. 780 § 2, 1989).

20.34.020 Permitted accessory uses.

Permitted uses in the R-5 district shall be:

- (1) Uses permitted in R-2 and R-3 districts.
- (Ord. 780 § 3, 1989).

20.34.030 Conditional uses.

- (1) Uses permitted in the R-2 and R-3 district. (Ord. 977 § 1(part), 2002: Ord. 780 § 4, 1989).

20.34.040 Lot area.

Lot area requirements in the R-5 district shall be:

- (1) Single-family dwelling unit: six thousand two hundred fifty square feet;
- (2) Two-family attached dwelling: eight thousand five hundred eighty square feet;
- (3) For each family in excess of two in addition to the requirement in subsection (2) of this section, add three thousand seven hundred fifty square feet per family for a single-story structure;
- (4) For each family in excess of two in addition to the requirement in subsection (2) of this section, add one thousand two hundred square feet per family for a multistory structure;
- (5) For attorney (law) offices; banks, chiropractic, dental, medical, osteopath

clinics: eight thousand seven hundred twelve square feet. (Ord. 780 § 5, 1989).

20.34.050 Lot width.

Lot width shall be not less than fifty feet at the buildable line. (Ord. 780 § 6, 1989).

20.34.060 Front yard.

The front yard shall be not less than eighteen feet in depth. (Ord. 780 § 7, 1989).

20.34.070 Side yard.

(a) A one-story and one-and-one-half story residence shall have a total side yard width of at least sixteen feet, neither side less than six feet.

(b) A two-story and two-and-one-half-story residence shall have a total side yard width of at least twenty feet, neither side less than ten feet.

(c) On a corner lot the least width a side yard along the side street lot line shall be equal to the required front yard along the intersecting street.

(d) If a corner lot, subdivided and duly recorded prior to the effective date of the ordinance codified in this title has insufficient width to provide such side yard of eighteen feet, then the side yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of twenty-four feet. (Ord. 780 § 8, 1989).

20.34.080 Rear yard.

The rear yard shall be not less than twenty-seven feet. (Ord. 780 § 9, 1989).

20.34.090 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 780 § 10, 1989).

20.34.100 Height requirements.

No principal building or structure shall exceed two and one-half stories or thirty feet in height, and no accessory building or structure shall exceed one story of fifteen feet in height. (Ord. 780 § 11, 1989).

20.34.110 Building on a lot--Area requirements.

In all residential districts, every dwelling erected or altered shall be located on a lot,

and there shall be no more than one principal building on any one lot.

(1) Ground Floor Area per Dwelling.

(A) A one-story single-family dwelling shall contain not less than seven hundred fifty square feet of ground floor area, exclusive of open porches, garages or steps, except a single wide manufactured (mobile) home shall contain not less than seven hundred twenty (12 x 60) square feet of ground floor area, exclusive of open porches, garages or steps.

(B) A one-and-one-half story, two-story or more single-family dwelling shall contain not less than five hundred square feet of ground floor area, exclusive of open porches, garages or steps.

(2) Minimum Gross Square Footage per Dwelling.

(A) A one-story multifamily dwelling shall equal six hundred square feet for each one bedroom unit and seven hundred square feet for each two or more bedroom units.

(B) A one-and-one-half story, two-story or more multi-family dwelling shall equal six hundred fifty square feet for each one bedroom unit and seven hundred fifty square feet for each two or more bedroom units.

(3) Any frame type and/or double wide manufactured home constructed on a lot shall be a minimum of twenty-four feet in width. Said dwelling shall have a pitched roof, with shingles of wood, asphalt, fiber-glass, slate or tile, rubberized roofing, rolled roofing or metal roofing, unless the dwelling is a single wide manufactured home. All frame type and/or double wide manufactured residential dwellings shall be constructed or installed on a permanent foundation which shall comply with all codes of the state; said foundation shall be on continuous construction around the entire perimeter of the structure to a depth below the frost line; and shall be a minimum of six inches in width.

(4) Any single wide manufactured (mobile) home shall be placed on a lot with yard width required in Sections 20.34.060, 20.34.070 and 20.34.080. A single wide manufactured (mobile) home may retain its wheels, wheel hubs, axles and drawbar, however, a tight skirting shall be installed around the entire circumference of the unit, unless it is placed on a permanent foundation, then the wheels, wheel hubs, axles and drawbar shall be removed and the mobile home license presented to the Jefferson County assessor's office for the purpose of taxing as real property. (Ord. 780 § 12, 1989).

20.34.120 Conformance with regulations.

Except as hereinafter provided, no building, structure, or land shall be used and no building, structure, or part thereof, shall be erected, constructed, reconstructed, occupied, moved, altered, or undergo major repair, except in conformity with the regulations specified in this title. (Ord. 780 § 13, 1989).

20.34.130 Accessory buildings and uses.

Accessory uses and buildings shall be compatible with the principal use and shall not be established prior to the establishment of the principal use or building without approval of the board of adjustment.

(1) No accessory building shall be erected or altered at, or moved to a location within six feet of, the nearest wall of the principal building, nor within the front or side yard areas as defined in this title.

(2) Accessory buildings shall not be located closer than six feet from the rear lot line and three feet from the side lot lines.

(3) Accessory buildings shall be limited to fifteen feet in height (ground to plate).

(4) Accessory buildings may not occupy more than forty percent of the rear yard. (Ord. 780 § 14, 1989).

20.34.140 Lots not served by sewer and/or water.

In any district where public sanitary sewer and/or water supply are not accessible, the otherwise specified lot area requirements may be increased where necessary to satisfy all applicable requirements of state, county, and municipal regulations concerning disposal of sanitary waste and water supply. (Ord. 780 § 15, 1989).

20.34.150 Required street frontage.

No lot created after the adoption of the ordinance codified in this title shall contain any building used as a dwelling unless the lot abuts at least forty feet on a public street or has a permanent, exclusive nonobstructive easement of access or not less than forty feet wide to be dedicated as a public street. (Ord. 780 § 16, 1989).

20.34.160 Construction of dwelling on existing lots of record.

In any district where dwellings are permitted, a one-family attached dwelling may be constructed on any lot of official record at the time of the enactment of the ordinance codified in this title, the owner of which does not own adjoining property, provided that the

proposed yard spaces satisfy the requirements stipulated for the district in which the lot is located, or the requirements as may be modified by the board of adjustment. (Ord. 780 § 17, 1989).

20.34.170 Permitted obstructions (yards).

For the purpose of this title, the following shall not be considered as obstructions when located in yards as indicated:

(1) On Corner Lots. Any obstruction which is no higher than eighteen inches above the curb level which is located in any portion of the front or side yard area within twenty feet of the lot corner formed by the intersection of any two street lines;

(2) In Rear Yards. Patios, terraces, driveways, heat pump units and/or central air conditioning units, chimneys, roof overhangs, ornamental light standards, flag poles, garages meeting setback requirements of this title;

(3) In Side Yards. Open patios and terraces, driveways, ornamental light standards, flag poles, chimneys and roof overhangs providing they do not exceed one-third the distance required for the smallest yard area requirement;

(4) In Front Yards. Ornamental light standards, flag poles, chimneys and roof overhangs providing they do not extend more than three feet outside the bearing wall.

(Ord. 780 § 18, 1989).

20.34.180 Yards--Generally.

(a) The minimum yard space required for one structure shall not be considered as a yard space for another adjoining structure.

(b) No lot shall be reduced in area so that the yards or other spaces become less than required by this title.

(c) On streets where a front yard setback has heretofore been maintained, for buildings existing on lots or tracts having a frontage of fifty percent or more of the total frontage on one side of the street lying between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings.

(d) On a vacant through lot, the front yard setback requirements shall apply to both of the street lots or tract lines and either street lot or tract line may be considered the front lot line. (Ord. 780 § 19, 1989).

20.34.190 Heights limits.

(a) Height limitations stipulated elsewhere in this title, within residential requirements, shall not apply to barns, silos, or other farm buildings or structures on farms provided these buildings are not less than fifty feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building. However, if in the opinion of the board of adjustment, such structure would adversely affect the adjoining property, such greater height shall not be authorized.

(b) Height limitations stipulated elsewhere in this title within residential district requirements shall not apply to: places of public assembly such as churches, schools, and other permitted public and semipublic buildings not exceeding six stories or seventy-five feet, whichever is less, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yard required for the highest building, otherwise permitted in the district. (Ord. 780 § 20, 1989).

20.34.200 Prohibited uses.

No person shall park or occupy any trailer-mobile home, travel trailer or recreational vehicle outside an approved trailer-mobile home park; except, the parking of only one unoccupied trailer-mobile home, travel trailer, or recreational vehicle in an accessory private garage building, or in a rear yard in any residential district is permitted; provided, no living quarters shall be maintained or any business practiced in any trailer-mobile home, travel trailer or recreational vehicle when same is so parked or stored. (Ord. 780 § 21, 1989).

Chapter 20.36

B-1 GENERAL BUSINESS DISTRICT

Sections:

- 20.36.010 Purpose.
- 20.36.020 Permitted uses.
- 20.36.030 Conditional uses.
- 20.36.050 Front yard.
- 20.36.060 Side yard.
- 20.36.070 Rear yard.
- 20.36.080 Off-street loading.
- 20.36.090 Off-street parking.

20.36.010 Purpose.

The B-1 district is composed of land and structures used primarily to provide retail trade, personal and business services of all kinds that contribute to the construction of concentrated regional shopping in business centers. The regulations are designed to permit a highly concentrated development of the permitted uses within the district. Residences within the district are not permitted, but apartments above stores and places of business are permitted. (Ord. 645 § 14(part), 1982).

20.36.020 Permitted uses.

Permitted uses in the B-1 district shall be:

- (1) Conduct any retail business or commercial enterprise similar to those described below;
- (2) Antique shops;
- (3) Art galleries;
- (4) Appliance stores (including repairs);
- (5) Auto accessory stores;
- (6) Automobile sales room and garages (including repairs);
- (7) Bank and financial institutions;
- (8) Barbershops;
- (9) Beauty shops;
- (10) Billiard parlors;
- (11) Bicycle stores (sales, rentals and repairs);
- (12) Bakeries;
- (13) Business and commercial schools;

- (14) Bowling alleys;
- (15) Bus terminals;
- (16) Candy and ice cream stores;
- (17) Camera and photography stores (including development and studios);
- (18) Carpet and rug stores;
- (19) Catalog stores;
- (20) China and glassware stores;
- (21) Churches;
- (22) Cocktail lounges;
- (23) Clothing stores (includes tailor shops);
- (24) Clubs and lodges (fraternal and religious, private and/or public);
- (25) Commercial parking lots;
- (26) Coin philatelic stores (includes currency exchanges);
- (27) Conservatories;
- (28) Cafes (includes restaurants);
- (29) Department stores;
- (30) Drugstores;
- (31) Dwelling units and apartments located on the second floor or above;
- (32) Delicatessens;
- (33) Essential services;
- (34) Food stores (including locker services);
- (35) Flower shops;
- (36) Furrier shops (including storage and repair);
- (37) Furniture stores;
- (38) Fabric shops (including upholstery shops);
- (39) Garden supply and seed stores;
- (40) Gift shops (including hobby and variety shops);
- (41) Hardware stores;
- (42) Hotels and motels;
- (43) Jewelry stores;
- (44) Laundries (including dry cleaning establishment);
- (45) Lodging house;
- (46) Luggage store (including leather goods);

- (47) Locksmiths;
- (48) Meeting centers;
- (49) Musical instruments (including sales and repair);
- (50) Museums;
- (51) Newsstands (including tobacco shops);
- (52) Office and office buildings (including medical, dental and optometrist laboratories research and testing);
- (53) Office supply stores (including book stores);
- (54) Paint stores;
- (55) Plumbing shops;
- (56) Picture framing;
- (57) Printing shops;
- (58) Post offices;
- (59) Radio and television broadcasting stations and studios;
- (60) Sales showrooms;
- (61) Schools (including music and dance);
- (62) Sewing machine stores and shops (including sales and repair);
- (63) Shoe stores (including repair shops);
- (64) Signs as regulated by this title;
- (65) Sporting goods;
- (66) Temporary buildings for construction purposes for a period not to exceed the duration of construction;
- (67) Taverns;
- (68) Theaters;
- (69) Wholesale establishments with display of merchandise limited to samples only;
- (70) Accessory uses to the above permitted uses;
- (71) Senior housing.

(Ord. 893 § 3, 1996; Ord. 842 § 1(5), 1993; Ord. 815 § 1, 1991; Ord. 645 § 14(A), 1982).

20.36.030 Conditional uses.

Conditional uses:

- (1) Health centers;
- (2) Hospitals;
- (3) Sanitariums;
- (4) Radio and television towers;
- (5) Dance halls;
- (6) Retail and wholesale stores over fifteen thousand square feet. (Ord. 978 §

1, 2003; Ord. 977 § 1(part), 2003: Ord. 645 § 14(B), 1982).

20.36.050 Front yard.

No setback from front lot line is required for principal buildings in this district. (Ord. 645 § 14(D), 1982).

20.36.060 Side yard.

No side yards are required in this district except where joining an R district, then the same as the least width required in that R district. (Ord. 645 § 14(E), 1982).

20.36.070 Rear yard.

The rear yard shall be ten feet except where joining an R district, then shall be the same as the adjoining R district. (Ord. 645 § 14(F), 1982).

20.36.080 Off-street loading.

Off-street loading shall be in accordance with the provision put forth in Chapter 20.72. (Ord. 645 § 14(G), 1982).

20.36.090 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 645 § 14(H), 1982).

Chapter 20.40

B-2 SERVICE BUSINESS DISTRICT

Sections:

- 20.40.010 Purpose.
- 20.40.020 Permitted uses.
- 20.40.030 Conditional uses.
- 20.40.050 Front yard.
- 20.40.060 Side yard.
- 20.40.070 Rear yard.
- 20.40.080 Off-street loading.
- 20.40.090 Off-street parking.

20.40.010 Purpose.

The B-2 district is composed of land and structures primarily used as commercial and delimited (within limits) fabricating, wholesale and warehousing. The main purpose of this district is to contain commercial uses that require larger places of land than generally needed in a built-up downtown area. They also require more space for maneuvering of vehicles either within the business or in carrying out the transactions within the business. These regulations are designed to permit lightly concentrated development of the permitted uses within the district. Residences within the district are not permitted, but apartments above stores and places of business will be permitted. (Ord. 645 § 15(part), 1982).

20.40.020 Permitted uses.

Permitted uses in the B-2 district shall be:

- (1) Conduct of any retail businesses or commercial enterprises similar to those described below;
- (2) Uses permitted in the B-1 district;
- (3) Auction rooms;
- (4) Building material sales;
- (5) Cartage and express facilities and truck terminals, providing that all storage of goods are in an enclosed structure;
- (6) Catering establishments;
- (7) Contractors and construction office but not storage yards;
- (8) Drive-in restaurants;
- (9) Essential services;

- (10) Farm implement sales and service and outdoor storage;
- (11) Funeral homes;
- (12) Greenhouses;
- (13) Machinery sales;
- (14) Monument sales and cutting;
- (15) Open sales lots;
- (16) Pet shops (including animal hospitals);
- (17) Vehicle service stations;
- (18) Restaurants or cafes with live entertainment and dancing;
- (19) Signs as regulated by this title;
- (20) Secondhand and rummage stores;
- (21) Accessory uses to the above.

(Ord. 799 § 1, 1990; Ord. 645 § 15(A), 1982).

20.40.030 Conditional uses.

Conditional uses:

- (1) Uses permitted in B-1 district.

(Ord. 977 § 1(part), 2002; Ord. 645 § 15(B), 1982).

20.40.050 Front yard.

No setback from the front lot line is required for principal buildings in this district.

(Ord. 645 § 15(D), 1982).

20.40.060 Side yard.

No side yards are required in this district except where adjoining an R district, then the same as the least width required in that district. (Ord. 645 § 15(E), 1982).

20.40.070 Rear yard.

The rear yard shall be ten feet except where adjoining an R district, then the same as the adjoining R district. (Ord. 645 § 15(F), 1982).

20.40.080 Off-street loading.

Off-street loading shall be in accordance with the provisions set forth in Chapter

20.72. (Ord. 645 § 15(G), 1982).

20.40.090 Off-street parking.

Off-street parking shall be as required in Chapter 20.72. (Ord. 645 § 15(H), 1982).

Chapter 20.44

M-1 LIMITED MANUFACTURING DISTRICT

Sections:

20.44.010 Purpose.

20.44.020 Permitted uses.

20.44.040 Front yard.

20.44.050 Side yard.

20.44.060 Rear yard.

20.44.070 Off-street loading.

20.44.080 Off-street parking.

20.44.010 Purpose.

The M-1 district is composed of land now occupied by light industries or other lands not well suited for residential developments for the reason that the modes of operation of industry would likely adversely affect nearby residential and business use. The purpose of this district is to permit the normal operation of industries other than those whose operation may affect the health, safety or welfare of nearby residential and commercial property.

This district is meant as an environmental buffer between residential and heavy industrial zone. Residential or apartment use in this district is not permitted. (Ord. 645 § 16(part), 1982).

20.44.020 Permitted uses.

Permitted uses in the M-1 district shall be:

(2) Automobile sales and repairs;

- (3) Beverage processing and sales;
- (4) Blacksmith shops;
- (5) Boat sales, building and repair;
- (6) Building materials, sales and storage;
- (7) Carpenter shops and sales;
- (8) Contractors offices;
- (9) Dwelling units for watchmen and families located on premises where

employed in such capacity;

- (10) Electrical sales and repair;
- (11) Essential services;
- (12) Farm implement sales and repair;
- (13) Fairgrounds;
- (14) Golf driving ranges;
- (15) Compounding, processing, packaging or treatment and assembly of

manufactured goods, such as:

Bakery goods,
Candy goods,
Clothing and fabrics,
Cosmetics,
Drafting and optical equipment,
Drugs,
Electrical and electronic equipment,
Furniture,
Medical and dental products,
Metal or ornamental products,
Milk and food products,
Millinery and hosiery products,
Musical instruments,
Pharmaceutical products,
Plumbing, heating and ventilating material,
Potteries,
Sheetmetal products,
Small tools,

Storage of raw materials or finished products, but shall not include oil, gasoline or explosives held for distribution or sale,

Toys and games,

Watches and clocks;

(16) Veterinary clinic;

(17) Accessory uses to the above.

(18) Cartage and express facilities, and truck terminals, providing that all storage of goods are in an enclosed structure. (Ord. 799 § 2, 1990: Ord. 657 § 1, 1983; Ord. 645 § 16(A), 1982).

20.44.040 Front yard.

There shall be provided a front yard not less than thirty feet where a building adjoins a residential district subject to design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 16(C), 1982).

20.44.050 Side yard.

There shall be provided a side yard equal to the height of the building subject to design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 16(D), 1982).

20.44.060 Rear yard.

There shall be provided a rear yard equal to the height of the building subject to design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 16(E), 1982).

20.44.070 Off-street loading.

Off-street loading shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 16(F), 1982).

20.44.080 Off-street parking.

Off-street parking shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 16(G), 1982).

Chapter 20.48

M-2 GENERAL MANUFACTURING DISTRICT

Sections:

- 20.48.010 Purpose.
- 20.48.020 Permitted uses.
- 20.48.030 Conditional uses.
- 20.48.040 Front yard.
- 20.48.050 Side yard.
- 20.48.060 Rear yard.
- 20.48.070 Off-street loading.
- 20.48.080 Off-street parking.

20.48.010 Purpose.

The M-2 district is composed of land now occupied by industries or other land not well suited for residential development, for the reason that the modes of operation of industry would likely affect nearby residential and business use. The purpose of this district is to permit the normal operation of heavy industries, including those whose operation may affect the health, safety or welfare of nearby residential and commercial property. Residential or apartment use in this district is not permitted, except as herein provided. (Ord. 645 § 17(part), 1982).

20.48.020 Permitted uses.

Permitted uses in the M-2 district shall be:

- (1) Uses permitted in the M-1 district;
- (2) Auto wrecking yards;
- (3) Building material manufacture and fabrication;
- (4) Essential services;
- (5) Food processing;
- (6) Junkyards;

- (7) Machine and tool manufacturing;
 - (8) Metals manufacturing and fabrication;
 - (9) Petroleum storage;
 - (10) Residence: only on the site of an auto salvage yard or junkyard, and the occupant shall be the owner, operator or employee of the auto salvage yard or junkyard;
 - (11) Sanitary landfills;
 - (13) Vehicle assembly and fabrication;
 - (14) Wood processing and fabrication;
 - (15) Accessory uses to the above.
- (Ord. 657 § 2, 1983; Ord. 645 § 17(A), 1982).

20.48.030 Conditional uses.

Conditional uses:

- (1) Theaters;
- (2) Senior housing.

(Ord. 977 § 1(part), 2002; Ord. 931 § 1, 1999).

20.48.040 Front yard.

There shall be provided a front yard of not less than thirty feet where building adjoins a residential district subject to design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 17(C), 1982).

20.48.050 Side yard.

There shall be provided a side yard equal to the height of the building subject to the design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 17(D), 1982).

20.48.060 Rear yard.

There shall be provided a rear yard equal to the height of the building subject to design approval by the planning commission, city of Fairfield, Iowa. (Ord. 645 § 17(E), 1982).

20.48.070 Off-street loading.

Off-street loading shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 17(F), 1982).

20.48.080 Off-street parking.

Off-street parking shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 17(G), 1982).

Chapter 20.52

C-1 CONSERVATION DISTRICT

Sections:

- 20.52.010 Permitted uses.
- 20.52.020 Conditional uses.
- 20.52.030 Permitted accessory uses.
- 20.52.040 Height regulations.
- 20.52.050 Lot width.
- 20.52.060 Front yard.
- 20.52.070 Side yard.
- 20.52.080 Rear yard.
- 20.52.090 Off-street loading.
- 20.52.100 Off-street parking.

20.52.010 Permitted uses.

Permitted uses in the C-1 district shall be:

- (1) Agricultural and agricultural buildings including farm dwellings;
- (2) Public parks, playgrounds and recreational areas;
- (3) Essential services.

(Ord. 645 § 18(A), 1982).

20.52.020 Conditional uses.

Conditional uses:

(1) Sanitary landfills when located above flood hazard elevation and in accordance with county and state regulations, except no sanitary landfill shall be operated within five thousand two hundred eighty feet of any R district.

(2) Mining, removing and loading of sand and gravel including equipment, buildings or structures, screening, crushing, mixing, washing, or storage located not less than two thousand six hundred forty feet from any R district.

(3) Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, swimming clubs, riding stables, lakes, resorts, and similar recreational uses, provided that any principal or accessory building in connection therewith shall be located not less than two hundred feet from any lot in any R district. (Ord. 977 § 1(part), 2003; Ord. 645 § 18(B), 1982).

20.52.030 Permitted accessory uses.

Permitted accessory uses in the C-1 district shall be:

(1) Accessory uses and structures customarily incidental to a permitted principal use in this district. (Ord. 645 § 18(C), 1982).

20.52.040 Height regulations.

No structure shall exceed two and one-half stories or thirty feet in height. (Ord. 645 § 18(D), 1982).

20.52.050 Lot width.

The minimum lot width shall be three hundred feet subject to additional requirements, exceptions and modifications of the board of adjustment, city of Fairfield, Iowa. (Ord. 645 § 18(E), 1982).

20.52.060 Front yard.

The front yard shall not be less than eighty feet along state and federal highways and sixty feet along other public roads and streets, all subject to additional requirements, exceptions and modifications of the board of adjustment, city of Fairfield, Iowa. (Ord. 645 § 18(F), 1982).

20.52.070 Side yard.

The side yard shall not be less than thirty feet, each side subject to additional requirements, exceptions and modifications by the board of adjustment, city of Fairfield, Iowa. (Ord. 645 § 18(G), 1982).

20.52.080 Rear yard.

The rear yard shall not be less than one hundred feet subject to additional requirements, exceptions, and modifications by the board of adjustment, city of Fairfield, Iowa. (Ord. 645 § 18(H), 1982).

20.52.090 Off-street loading.

Off-street loading shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 18(I), 1982).

20.52.100 Off-street parking.

Off-street parking shall be in accordance with the provisions set forth in Chapter 20.72. (Ord. 645 § 18(J), 1982).

Chapter 20.56

A-1 AGRICULTURAL DISTRICT

Sections:

20.56.010 Permitted uses.

20.56.020 Conditional uses.

20.56.040 Lot width.

20.56.050 Front yard.

20.56.060 Side yard.

20.56.070 Rear yard.

20.56.010 Permitted uses.

Permitted uses in the A-1 district shall be:

- (1) Farm residences;
- (2) Agricultural use;
- (3) Agricultural buildings, providing that confinement feeding of livestock shall not be permitted within five thousand two hundred eighty feet of any lot in any R district;
- (4) Essential services;
- (5) Municipal or administrative service buildings except such uses as storage yards, warehouses, garages, or other uses customarily conducted as a gainful business, provided that any building shall be located not less than one hundred feet from any lot in any R district. (Ord. 645 § 19(A), 1982).

20.56.020 Conditional uses.

Conditional uses:

- (1) Public parks, playgrounds and other recreational areas;
- (2) Cemeteries of ten acres or more in size;
- (3) Churches, chapels or parish houses located not less than fifty feet from any side lot line in any R district;
- (4) Any building or structure occupied or used for nursery, elementary, junior high school or high school, public libraries and similar public cultural uses located not less than fifty feet from any side lot line in any R district;
- (5) Sale of nursery or greenhouse products;
- (6) Single-family detached dwelling on lots of ten acres or more;
- (7) Sanitary landfills, in accordance with city, county and state regulations, except that no sanitary landfill shall be operated within five thousand two hundred eighty feet of any R district;
- (8) Privately operated country clubs, golf clubs, swimming clubs and pools, riding stables and similar recreational uses provided that any accessory building in connection therewith shall be located not less than two hundred feet from any lot line in any R district;
- (9) Airports and landing fields;
- (10) Mining and removal and loading of sand and gravel including equipment, buildings or structures for screening, crushing, mixing, washing or storage located not less than two thousand six hundred forty feet from any R district. (Ord. 977 § 1(part), 2002; Ord. 645 § 19(B), 1982).

20.56.040 Lot width.

The minimum lot in this district shall be three hundred feet. (Ord. 645 § 19(D), 1982).

20.56.050 Front yard.

The front yard setback along state and federal highways shall not be less than eighty feet. The front yard setback along other public streets or roads shall not be less than fifty feet. (Ord. 645 § 19(E), 1982).

20.56.060 Side yard.

The side yard area shall not be less than thirty feet on either side of any principal structure. (Ord. 645 § 19(F), 1982).

20.56.070 Rear yard.

The rear yard depth shall not be less than one hundred feet. (Ord. 645 § 19(G), 1982).

Chapter 20.57

WATERSHED PROTECTION OVERLAY ZONE

Sections:

20.57.010 Definitions.

20.57.020 Purpose.

20.57.030 Objectives.

20.57.040 Exemptions.

20.57.050 Erosion control plan.

20.57.060 Penalty for violation.

20.57.010 Definitions.

As used in this chapter:

"Accelerated soil erosion" means the increased movement of soils that occurs as a result of human activities and development. The wearing away of land by the action of wind, water, gravity or a combination thereof.

"Best management practices" means any structural device, measure, facility, or activity which helps to achieve soil erosion and stormwater management control objectives at a designated site. See Homebuilders Guide for Controlling Erosion Around Reservoir #1, #2, and Walton Lake.*

"Earth change" means a human induced change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. The term "earth change," as used in this chapter, shall not apply to exemptions as listed below.

"Mass movement" or "slumping" means the wasting or erosion of large volumes of soil, typically associated with steep slopes or stream banks.

"Natural drainage system" means any channel or area which serves to convey, filter, store, and/or receive stormwater from a site. Includes both surface and below ground systems.

"Reservoir #1," built 1885, mostly located in NW 1/4, SE 1/4, S24T72R10W, Jefferson Co., Iowa.

"Reservoir #2," built 1898, mostly located in NE 1/4, NE 1/4, S24T72R10W or SW 1/4, NW 1/4, S19T72R9W, Jefferson Co., Iowa.

"Stripping" means any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

"Temporary or permanent soil erosion control measures" means installations designed to control soil erosion during or after project is completed.

"Watershed" means any area of land that collects precipitation and directs runoff to a common outlet or receiving water body. Watersheds are typically described on a topographic basis, but could include phreatic divides.

"Walton Lake," built 1924, mostly located NE 1/4, S30T72R9W, Jefferson Co., Iowa. (Ord. 946 § 1(part), 2000).

* Editor's Note: The Homebuilders Guide for Controlling Erosion Around Reservoir #1, #2, and Walton Lake is on file in the planning administrator's office.

20.57.020 Purpose.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality, quantity, and causes the siltation of aquatic habitat for fish and other aquatic species. Excessive soil erosion also reduces property values and can negatively affect community use of public resources such as reservoirs. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat and for personal/environmental benefits. (Ord. 946 § 1(part), 2000).

20.57.030 Objectives.

(a) To prevent accelerated soil erosion and to control stormwater runoff resulting from earth changes proposed within the watersheds of Reservoir #1, Reservoir #2, and Walton Lake, both during and after construction.

(b) To assure that property owners control the volume and rate of stormwater runoff originating from their property so that surface water and groundwater quality is protected, soil erosion minimized, and flooding potential reduced.

(c) To preserve and use the natural drainage system for receiving and conveying stormwater runoff and to minimize the need to construct enclosed, below-grade storm drain systems.

(d) To restrict stormwater runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.

(e) To assure that soil erosion control and stormwater runoff control systems, otherwise known as best management practices, are incorporated into site planning at an early stage in the design process, and applied to the land as identified in the plan.

(f) To prevent unnecessary stripping of vegetation and loss of soils, especially adjacent to reservoirs, lakes, ponds, streams, watercourses, and wetlands.

(g) To prevent construction activity that may cause mass movement, slumping, or erosion of land surfaces.

(h) To eliminate the need for costly maintenance and repairs to roads, embankments, ditches, streams, lakes, reservoirs, wetlands, and stormwater control facilities which are the result of inadequate soil erosion and stormwater runoff control.

(i) To reduce long-term expenses and remedial projects which are caused by

uncontrolled stormwater runoff and soil erosion.

(j) To provide for enforcement of this chapter and penalties for violations. (Ord. 946 § 1(part), 2000).

20.57.040 Exemptions.

(a) Emergencies posing immediate danger to life or property, or substantial flood or fire hazards;

(b) Area of disturbance does not exceed five hundred square feet;

(c) Total volume of material moved, disturbed, stored or disposed of does not exceed five cubic yards;

(d) Minor land disturbances including, but not limited to, underground utility repairs, home gardens, installation of fence or other utility posts or poles. (Ord. 946 § 1(part), 2000).

20.57.050 Erosion control plan.

(a) An erosion control plan shall be required before a zoning permit will be issued for land disturbing activity when any portion of the parcel is within twenty-five feet of Reservoir #1, Reservoir #2, or Walton Lake, including the major waterways which feed these areas. An erosion control plan is also required for any activity that would require the uncovering of five thousand square feet of land, or any such activity on land with six percent or steeper slopes anywhere within the overlay zone.

(b) Each erosion control plan shall bear the names and addresses of the owner and developer of the site, and any of the consulting firms retained by the applicant, together with the name of the applicant's principal contact at such firm.

(c) Each erosion control plan shall include a statement that any land clearing, construction, or development involving the moving of earth shall be in accordance with the best management practices listed in the Homebuilders Guide to Controlling Erosion Around Reservoirs #1, #2, and Walton Lake.*

(d) Each erosion control plan shall include a statement that off-site deposition of sediments from the building site will be prevented, and if any such deposition occurs, these sediments will be moved back on-site.

(e) Each erosion control plan shall include a site plan, including the erosion control practices that will be used to prevent off-site deposition of sediments. (Ord. 946 §

1(part), 2000).

* Editor's Note: The Homebuilders Guide to Controlling Erosion Around Reservoirs #1, #2, and Walton Lake is on file in the planning administrator's office.

20.57.060 Penalty for violation.

Violations of this chapter may result in the revocation of any zoning permit issued, notice to cease all construction activity and any penalties provided for in Chapter 20.98. (Ord. 946 § 1(part), 2000).

Chapter 20.58

LODGING HOUSES

Sections:

- 20.58.010 Definitions.
- 20.58.020 Permitted in residential districts.
- 20.58.030 Allowable number of units for rent.
- 20.58.040 Length of stay.
- 20.58.050 Off-street parking requirements.
- 20.58.060 Permit--Required.
- 20.58.070 Permit--Application.
- 20.58.080 Permit--Application fee.
- 20.58.090 Permit--Issuance.
- 20.58.100 Permit--Expiration and renewal.
- 20.58.110 Existing lodging houses.
- 20.58.120 Permit nontransferable.

20.58.010 Definitions.

"Bed and breakfast inn" means a private single-family residence where lodging and meals are provided for compensation for transient guests on a short-term basis, in which

the host or hostess resides and in which no more than four guest rooms are available for rent and which, while it may advertise and accept reservations, does not hold itself to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

"Boardinghouse" means a private single-family dwelling other than a hotel or restaurant where lodging and meals are provided for compensation for guests who are not family members of the owners or occupant.

"Lodging house" means bed and breakfast inns, boardinghouses and roominghouses for purposes of this section.

"Roominghouse" means a private single-family dwelling where any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes and where lodging is provided for compensation for guests who are not family members of the owners or occupant. (Ord. 843 § 3, 1993).

20.58.020 Permitted in residential districts.

(a) The establishment of a bed and breakfast inn is permitted in R-2 and R-3 residential districts when authorized by the board of adjustment.

(b) The establishment of a boardinghouse is permitted in R-2 and R-3 districts when authorized by the board of adjustment.

(c) The establishment of a roominghouse is permitted in R-2 and R-3 residential districts when authorized by the board of adjustment. (Ord. 843 § 4, 1993).

20.58.030 Allowable number of units for rent.

(a) The authorized bed and breakfast inn shall have a maximum of four units available for rent. No guest room (unit) shall be occupied by more than four persons at one time.

(b) The authorized boardinghouse shall have a maximum of six units available for rent. No guest unit shall be occupied by more than two persons at one time.

(c) The authorized roominghouse shall have a maximum of six units available for rent. No guest unit shall be occupied by more than two persons at one time. (Ord. 843 § 5, 1993).

20.58.040 Length of stay.

(a) The maximum length of stay in a bed and breakfast inn shall be limited to no more than seven consecutive nights.

(b) There is no maximum length of stay imposed on either boardinghouses or roominghouses. (Ord. 843 § 6, 1993).

20.58.050 Off-street parking requirements.

The authorized bed and breakfast inn, boardinghouse and roominghouse must provide at least one off-street parking space for each unit available for lease. This requirement may be waived and/or modified by the board of adjustment if the bed and breakfast inn, boardinghouse or roominghouse is approved for a dwelling that has been designated as a Historic Preservation Site. (Ord. 843 § 7, 1993).

20.58.060 Permit--Required.

No bed and breakfast inn, boardinghouse or roominghouse is permitted to operate within the corporate limits of the city, until an application for same has been filed in the office of the planning and zoning administrator, and permit for same has been issued. (Ord. 843 § 8, 1993).

20.58.070 Permit--Application.

Each application for a bed and breakfast inn, boardinghouse or roominghouse shall be in writing and on a form provided by the city. (Ord. 843 § 9, 1993).

20.58.080 Permit--Application fee.

Each application and/or application for a renewal of a bed and breakfast inn, boardinghouse or roominghouse shall be accompanied with a fee of:

- (1) For a one-unit lodging house the fee shall be twenty dollars per year.
- (2) For a two-unit lodging house the fee shall be thirty dollars per year.
- (3) For a three-unit lodging house the fee shall be forty dollars per year.
- (4) For each lodging house with more than three units available for use the fee shall be forty dollars per year plus an additional five dollars per year for each room in excess of three. (Ord. 843 § 10, 1993).

20.58.090 Permit--Issuance.

No permit for a bed and breakfast inn, boardinghouse or roominghouse shall be issued by an officer, department, or employee of the city, unless the board of adjustment has approved the request for the establishment.

(1) No permit shall be issued to those establishments with three or more rental units without proof of a valid license issued by the Iowa Health Department.

(Establishments with two or fewer units are not required by the Iowa Health Department to have a hotel or food service license.)

(2) No permit shall be issued without a valid order from the office of the department of inspection and appeals stating that the facility is in compliance with Chapter 137C.35 of the Code of Iowa. This applies to all lodging houses regardless of the number of units available for rent. (Ord. 843 § 11, 1993).

20.58.100 Permit--Expiration and renewal.

Each permit for a bed and breakfast inn, boardinghouse or roominghouse shall expire on December 31st of each calendar year and may be renewed upon the filing of an application accompanied by the appropriate fee (depends on how many units are available). The renewal application shall be reviewed and approved or disapproved by the city council. (Ord. 843 § 12, 1993).

20.58.110 Existing lodging houses.

Each bed and breakfast inn, boardinghouse or roominghouse existing at the time of the adoption of the ordinance codified in this chapter shall be required to submit an application no later than December 31, 1993 to the board of adjustment for review and approval or disapproval. Upon approval a permit may be granted to the applicant without charge. The permit will expire the following December 31, 1994, at which time the permit may be renewed upon application and approval by the city council. The renewal application shall be accompanied by the appropriate fee. (Ord. 843 § 13, 1993).

20.58.120 Permit nontransferable.

Each bed and breakfast inn, boardinghouse and roominghouse permit approved by the city council shall be issued for the particular lodging house and shall not be transferred to another dwelling within the corporate limits of the city, without the approval of the city

council. There shall be a fee of twenty dollars for a request of transfer of a permit. (Ord. 843 § 14, 1993).

Chapter 20.60

PLANNED DEVELOPMENTS

Sections:

- 20.60.010 Dwelling groups.
- 20.60.020 Resident development projects.
- 20.60.030 Change in plans--Procedure.

20.60.010 Dwelling groups.

(a) In the case of a project consisting of a group of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual building unit in such project, the applying of such requirements in such projects shall be done by the board of adjustment in a manner that will insure substantially the same character of occupancy, maximum of intensity of use, and minimum standard of open spaces as permitted by this title in a district in which the proposed project is to be located.

(b) In no case shall the board of adjustment authorize a use of a building prohibited in the district in which the object is to be located, or a smaller lot area per family than the minimum required in this title in such district. Nor shall the board of adjustment authorize a building coverage exceeding that which would be obtained were the area to be developed by the customary subdivision thereof into streets and lots in conformance with the adopted subdivision regulations, and by the type of building customary in the district and in compliance with the requirements of this title. The board of adjustment shall not authorize the erection of a project on a parcel of ground occupied by another principal structure. (Ord. 645 § 20(A), 1982).

20.60.020 Resident development projects.

(a) A resident development project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of this title to the individual buildings, may be authorized by the board of adjustment in districts in which such projects are permitted under this title. In doing so the board of adjustment shall first refer the plans for such project to the planning and zoning commission for study. The planning and zoning commission shall report to the board of adjustment upon finding that the plans for such projects meet the following conditions:

- (1) That the tract of land upon which the project is to be erected meets the minimum size requirements specified herein for height, yards, and lot coverage;
- (2) Buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities;
- (3) That the average lot area per family or dwelling unit on the site exclusive of the area occupied by drives or streets, will not be less than ninety percent of the lot area per family required in the district in which the project is to be located;
- (4) That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private areas as specified within this title;
- (5) That there is to be provided, as a part of the project, adequate recreation area to serve the needs of the anticipated population to be housed therein;
- (6) That drives, accessways and parking areas are developed to standards found in the adopted subdivision regulation of the city of Fairfield, Iowa;
- (7) That such drives and accessways are protected by recorded deed conveyance assuring their availability to all residents of the project;
- (8) That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and insure the same type of occupancy as substantially obtained in such neighborhood; that it will result in intensity land utilization, no higher and standards of open spaces at least as high as permitted or specified in this title in the district in which the project is to be located;
- (9) That the project will be consistent with the intent and purpose of this title to promote public health, safety, and general welfare;
- (10) Height, yards, and lot coverage shall be regulated by the following schedule

and in no case shall the board of adjustment authorize standards less than:

Detached One-Family	Garden Apartment or Town House		High Rise Apartment
Minimum size of development	3 acres	5 acres	10 acres
Garage & parking area (per dwelling unit)		600 sq. ft.	600 sq. ft. 600 sq. ft.
Land coverage (maximum % of land coverage)	20%	20%	10%
Height of main building	30'	35'	80'
Setback from any dedicated public right-of-way	25'	25'	Height of building
Distance between building and any adjoining property line building		10'	15' Height of building
Distance between buildings face to face	80'	120'	150% of building height
Distance between buildings face to rear or face to side height	60'	80'	150% of building height
Distance between buildings side to side	20'	30'	Height of building
Distance between buildings rear to rear	80'	50'	Height of building

(Ord. 645 § 20(B), 1982).

20.60.030 Change in plans--Procedure.

(a) Any change in an approved plan shall be referred by the board of adjustment to the planning and zoning commission for study and report, prior to any action of the board of adjustment.

(b) The board of adjustment shall approve or disapprove any plan or revision of an approved plan within sixty days of the filing of all elements of the plan. (Ord. 645 § 20(C), 1982).

Chapter 20.62

ATTACHED SINGLE-FAMILY RESIDENCES--
ZERO LOT LINES

Sections:

- 20.62.010 Description.
- 20.62.020 Dwelling types--Unit limitation.
- 20.62.030 Permitted in residential districts.
- 20.62.040 Off-street parking facilities.
- 20.62.050 Accessory buildings and uses.
- 20.62.060 Height regulations.
- 20.62.070 Lot area and dwelling area requirements.
- 20.62.080 Lot side yards.
- 20.62.090 Minimum lot width of attached dwellings.
- 20.62.100 Front and rear yard setbacks.
- 20.62.110 Utility service and access.
- 20.62.120 Subdivision requirement.

20.62.010 Description.

Attached single-family dwellings are individual units that are joined by common vertical walls. In a fee simple project (individual ownership), each unit occupies its own lot and enjoys separate private entrance from the street. Projects sold as condominiums are also constructed with shared walls but place the ground in common ownership. As such, an attached single-family dwelling constitutes a single-family, as opposed to multi-family, residential land use. The attached single-family unit consumes less land than a detached unit in a conventional large lot subdivision. (Ord. 748 §§ 1(part), 2, 1988).

20.62.020 Dwelling types--Unit limitation.

Among the basic types of attached single-family housing are: the duplex; the tri-plex; and the quadplex. Up to six attached single-family units can be attached in one building under the provisions of this chapter. (Ord. 748 §§ 1(part), 3, 1988).

20.62.030 Permitted in residential districts.

Attached single-family dwellings shall be permitted in R-2 districts, and consist of no more than two attached single-family units in one building. In R-3 districts, no more than six attached single-family units shall be in one building. (Ord. 748 §§ 1(part), 4, 1988).

20.62.040 Off-street parking facilities.

All motor vehicle parking shall be in a garage, or driveway, or in a side or rear yard only. (Ord. 748 §§ 1(part), 5, 1988).

20.62.050 Accessory buildings and uses.

All accessory uses and buildings shall be compatible with the principal use and shall not be established prior to the establishment of the principal use or building without approval of the board of adjustment.

(1) No accessory building shall be erected or altered at, or moved to a location within six feet of the nearest wall of the principal building, nor within the front or side yard areas as defined in this title.

(2) Accessory buildings shall not be located closer than six feet from the rear lot line, and three feet from the side yard lot line.

(3) Accessory buildings shall be limited to fifteen feet in height, ground to plat.

(4) Accessory buildings shall not occupy more than twenty-five percent of the rear yard. (Ord. 748 §§ 1(part), 6, 1988).

20.62.060 Height regulations.

No principal building or structure shall exceed two and one-half stories or thirty feet in height. (Ord. 748 §§ 1(part), 7, 1988).

20.62.070 Lot area and dwelling area requirements.

Every building containing two or more dwelling units shall have a minimum lot width of eighty feet at the established buildable line, and shall have a minimum of the square footage for said dwelling unit not less than is required in Chapter 20.12 of this code. (Ord. 748 §§ 1(part), 8, 1988).

20.62.080 Lot side yards.

(a) Duplexes.

(1) A one story and a one and one-half story dwelling shall have a minimum of eight feet on each side yard.

(2) A two story and a two and one-half story dwelling shall have a minimum of ten feet on each side yard.

(3) All side yards abutting on a corner of a street shall be thirty feet. If the side yard abutting a corner of a street is on a pre-platted lot, then the side yard may be reduced in width by the distance necessary to maintain a buildable width of twenty-four feet. Duplexes shall have a zero lot line where common wall exists.

(b) Multiple-Family Structures (Three or More).

(1) All buildings containing more than two attached family dwelling units shall have a minimum of ten feet side yard on all ends of the building, except street corner lot dwelling units, which shall have the same side yard as R-2 or R-3 districts, whichever is the applicable zone.

(2) All dwelling units, except end units, shall have zero side yard requirements. (Ord. 748 §§ 1(part), 9, 1988).

20.62.090 Minimum lot width of attached dwellings.

All attached single-family dwelling units shall have a minimum of thirty-two feet lot width for each unit, subject to side yard setback. (Ord. 748 §§ 1(part), 10, 1988).

20.62.100 Front and rear yard setbacks.

(1) Front yards shall have a minimum of thirty feet setback.

(2) Rear yard shall have a minimum of thirty-five feet setback. (Ord. 748 §§ 1(part), 11, 1988).

20.62.110 Utility service and access.

Each dwelling unit shall be provided with separate building access and separate utility service from the street or rear lot line. (Ord. 748 §§ 2(part), 12, 1988).

20.62.120 Subdivision requirement.

All buildings containing two or more attached single-family dwelling units shall be subject to the requirements of Title 19 of the Fairfield Municipal Code, unless the same is on a pre-platted lot. (Ord. 748 §§ 1(part), 13, 1988).

HOME OCCUPATIONS

Sections:

- 20.64.010 Conformance with regulations.
- 20.64.020 Permitted home occupations.
- 20.64.030 Prohibited activities.
- 20.64.040 Permit--Required.
- 20.64.050 Permit--Application.
- 20.64.060 Permit--Application fee.
- 20.64.070 Permit--Issuance.
- 20.64.080 Permit--Refusal to issue--Appeal.
- 20.64.090 Permit--Expiration and renewal.
- 20.64.100 Existing home occupations.
- 20.64.110 Permit nontransferable.

20.64.010 Conformance with regulations.

No home occupation shall be permitted to operate within the corporate limits of the city of Fairfield, Iowa, except in conformity with the regulations contained in this title. (Ord. 645 § 6(part), 1982).

20.64.020 Permitted home occupations.

Permitted home occupations shall be:

- (1) Those occupations which provide a personal or professional service; however, only one of such type service shall be permitted per residence;
- (2) Only that individual occupant's personally applied service;
- (3) A home occupation shall occupy no more than one room in the occupant's residence, or in a detached garage. (Ord. 1034 § 1(part), 2008; Ord. 857 § 1, 1994; Ord. 645 § 6(A), 1982).

20.64.030 Prohibited activities.

Permitted home occupations shall not include:

- (1) The employment of any additional persons in the performance of such services;

- (2) The exterior display of any material associated with the operation of the home occupation;
- (3) Erection of exterior signs except as permitted by the sign regulations for residential districts and the Code of Iowa;
- (4) Any activity that creates or produces noxious matter;
- (5) Exterior storage of material or equipment associated or used with the home occupation. (Ord. 857 § 2, 1994; Ord. 645 § 6(B), 1982).

20.64.040 Permit--Required.

No home occupation shall be permitted to operate within the corporate limits of the city of Fairfield, Iowa, until an application for same has been filed in the office of the planning and zoning commission, and permit for same has been issued. (Ord. 645 § 6(C), 1982).

20.64.050 Permit--Application.

Each application for a home occupation shall be in writing and on a form provided by the city of Fairfield, Iowa. (Ord. 645 § 6(D), 1982).

20.64.060 Permit--Application fee.

Each application and/or application for renewal of a home occupation shall be accompanied with a fee of ten dollars. The fee shall be construed as the cost for a one-year period or any part of one year. (Ord. 855 § 3(B), 1994; Ord. 645 § 6(E), 1982).

20.64.070 Permit--Issuance.

No permit for a home occupation shall be issued by an officer, department, or employee of the city of Fairfield, Iowa, unless the application has been approved by the city council, city of Fairfield, Iowa. (Ord. 645 § 6(F), 1982).

20.64.080 Permit--Refusal to issue--Appeal.

If, after reviewing the application for a home occupation, the city council finds that it is not in compliance with the provisions of this title, the city council shall furnish the applicant with a statement signed by the mayor, refusing to issue such permit and setting

forth the reason or reasons for such refusal. The refusal by the city council to issue a permit may be appealed by the applicant to the board of adjustment in the manner provided within this title. (Ord. 645 § 6(G), 1982).

20.64.090 Permit--Expiration and renewal.

Each permit for a home occupation shall expire on December 31st of each calendar year and may be renewed upon the filing of an application accompanied by a ten-dollar fee. The renewal application shall be reviewed and approved or disapproved by the city council, city of Fairfield, Iowa. (Ord. 871A § 3(A), 1995; Ord. 645 § 6(H), 1982).

20.64.100 Existing home occupations.

Each home occupation existing at the time of the adoption of the ordinance codified in this title shall be required to submit an application to the planning and zoning commission for review by the city council. Upon approval of the application by the city council, a permit may be granted to the applicant without charge. The permit will expire the following December 31st at which time the permit may be renewed upon application and approval by the city council. The renewal application shall be accompanied by a ten-dollar fee. (Ord. 871A § 3(B), 1995; Ord. 645 § 6(I), 1982).

20.64.110 Permit nontransferable. Each home occupation permit approved by the city council shall be issued for the particular residence and shall not be transferred to another residence within the corporate limits of the city of Fairfield, Iowa, without the approval of the city council, city of Fairfield, Iowa. There shall not be an additional fee charged for a request of transfer of a home occupation permit. (Ord. 645 § 6(J), 1982).

Chapter 20.68

NONCONFORMING USES

Sections:

- 20.68.010 Continuation.
- 20.68.020 Extension of use.
- 20.68.030 Substitution.
- 20.68.040 Restoration of unsafe buildings.

20.68.010 Continuation. (a) The lawful use of a building or land on the effective date of the ordinance codified in this title, although such use does not conform to the provisions of this title, may be continued; however, if such nonconforming use is discontinued for a term of six months, any future use of the premises shall be in conformity with the provisions of this title.

(b) Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before, if it is done within twelve months of such calamity, provided that the same building or structure can:

- (1) Be rebuilt on the same footprint on the then existing lot; and,
- (2) Meet all other requirements of law for reconstruction.

There shall be a legal presumption that the non-conforming building or structure can

be reconstructed. Within fourteen days of the owner filing an application for a building permit to reconstruct, the issuing officer, if he/she has reasonable cause to believe such reconstruction cannot comply with requirements (1) and (2), above, may file a written request with the Board of Adjustment for further review. Upon hearing, if the Board finds by clear and convincing evidence that such reconstruction cannot comply with requirements (1) and (2), above, the presumption of reconstruction shall be rebutted and the building permit shall be

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denied. Failure to file a written request for further review by the issuing officer within fourteen days shall make the presumption conclusive and not subject to further review and the building permit shall be issued. (Ord. 1054 § 2, 2010: Ord. 645 § 7(A), 1982).

20.68.020 Extension of use. (a) A building which is nonconforming on the effective date of the ordinance codified in this title shall not be extended or enlarged.

(b) A nonconforming use or building shall not be extended into an adjoining district which does not permit such use, or into an adjoining lot or tract. (Ord. 645 § 7(B), 1982).

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20.68.030 Substitution.

The substitution of one nonconforming use for another will be permitted when such substituted use will not increase congestion in the streets, or endanger the health, safety, or general welfare of the district in which it is located. (Ord. 645 § 7(C), 1982).

20.68.040 Restoration of unsafe buildings.

Nothing in this title shall prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official. This is not to be construed as complete building replacement. (Ord. 645 § 7(D), 1982).

Chapter 20.72

OFF-STREET PARKING AND LOADING

Sections:

20.72.010 Requirement for off-street loading.

20.72.020 Requirement for off-street parking.

20.72.030 Off-street parking requirements.

20.72.040 Units of measurement.

20.72.050 Development standards.

20.72.060 Exceptions.

20.72.010 Requirement for off-street loading.

In all businesses and manufacturing districts, in connection with every building or part thereof hereafter erected, having a gross floor area of two thousand five hundred square feet or more, which is to be occupied by uses requiring the receipt or distribution, by vehicles, of materials or merchandise, there shall be provided and maintained on the same premises of such building at least one off-street loading space accessible from an alley, easement of access; or when there is no such alley or easement of access, from a street; plus one additional such loading space for each ten thousand square feet or major fraction thereof of gross floor area so used in excess of fifteen thousand square feet.

Such space may occupy all, or any part of the required rear yard. (Ord. 645 § 21(A), 1982).

20.72.020 Requirement for off-street parking.

In all districts off-street accessory parking area in the open or in a garage shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the loading and unloading spaces required by Section 20.72.010.

Such areas in the case of residential districts and for dwellings in other districts shall be on the premises intended to be served; and in other districts and in connections with uses other than dwellings, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred feet of any part of the premises and in the same or less restricted district. (Ord. 645 § 21(B), 1982).

20.72.030 Off-street parking requirements.

Off-street parking requirements shall be as follows:

Use Parking Spaces Required

Automobile or machinery sales and service garages 1 for each 1,000 square feet of floor area plus 1 for each full time employee

Banks, business and professional offices 2 for each employee

Bowling alleys 6 for each alley

Churches 1 for each 4 seats in principal auditorium

Convenience stores - drug, grocery, hardware, and similar stores 1 for each 300 square feet of floor area devoted to sales plus one for each full-time employee

Dance halls and assembly halls without fixed seats 1 for each 50 square feet of floor area used for assembly or dancing

Drive-in eating establishments Not less than 1/2 of the total ground area be devoted exclusively to parking and access-ways

Dwellings 2 for each dwelling

Food pickup establishments 1 for each 100 square feet of floor area plus 1 for each employee on maximum working shift

Funeral homes, mortuaries 6 per chapel room or parlor or 1 for each 50 square feet of rooms used for services, whichever is greater

Hospitals, nursing homes and similar care centers 1 for each 5 beds plus, 1 for each

2 doctors plus 1 for each full-time employee on maximum working shift

Libraries and museums 1 for each 100 square feet of floor area plus 1 for each employee on maximum work shift

Manufacturing plants, research or testing laboratories, bottling plant 2 for each 3 employees on maximum working shift

Medical or dental clinics 1 for each 100 square feet of floor area plus 1 for each full-time employee and 1 for each doctor

Motels or motor hotels 1 for each unit, plus 1 for each 2 employees on maximum shift

Public buildings (City Hall, telephone office, railroad and bus stations, police station, and similar public service buildings) 1 for each employee on maximum work shift plus 1 for each 1000 residents served

Recreation building and community center 1 for each 100 square feet of floor area or 1 for each 3 seats in auditorium, whichever is greater

Schools - nursery & elementary 1 for each teacher and other employee on maximum working shift plus 5 visitors

Junior high 1 for each teacher and other employee on maximum working shift plus 1 for each 8 seats in the auditorium plus 10 for visitors

High school 1 for each teacher and other employee on maximum working shift plus 1 for each 4 seats in the auditorium plus 10 for visitors

College and university 1 for each faculty member and other employee on maximum working shift plus 1 for each 6 students enrolled

Senior housing 1 parking space for each unit of senior housing

Service establishments

Barbershops 2 for each chair plus 1 for each employee on maximum shift

Beauty shops 1 for each dryer plus 1 for each employee on maximum shift

Coin-operated laundries and/or dry cleaning establishments 1 for each 3 washers and/or cleaning machines plus 1 for each 3 employees on maximum shift

Restaurants 1 for each 2 seats plus 1 for each 2 employees on maximum shift

Shoppers' goods - appliance, household equipment, furniture and similar stores 1 for each 500 square feet of floor area plus 1 for each full-time employee

Theaters 1 for each 4 seats

Wholesale establishments 1 for each 1000 square feet of floor area plus 1 for each employee on maximum work shift

(Ord. 894 § 2, 1996; Ord. 645 § 21(C), 1982).

20.72.040 Units of measurement.

(a) Parking Space. Each parking space, rectangular in shape, shall not be less than ten feet wide and twenty-two feet in length, or not less than two hundred twenty square feet in area exclusive of access drives or aisles.

(b) Loading Space. Each loading space shall not be less than ten feet wide and forty feet long and fourteen feet in height exclusive of access and turning areas.

(Ord. 645 § 21(D), 1982).

20.72.050 Development standards.

(a) Off-street loading and parking areas shall be in usable shape and shall be improved in accordance with requirements of the city council. Any lighting used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining properties in any R district. Required off-street parking areas for residential districts shall not be permitted in the front yard area.

(b) The following provisions shall regulate the planting of trees for parking areas:

Application of Provisions:

(1) New Parking Areas. Whenever the total number of parking spaces required or provided on a lot exceeds eighteen parking spaces, the requirements of this subsection shall be applicable.

(2) Existing Parking Areas. This subsection shall apply to an existing parking area under the following conditions:

(A) If the number of parking spaces in an existing parking area is increased to accommodate more than eighteen parking spaces, the parking spaces in excess of eighteen shall comply with the requirements of this subsection.

(B) If an existing parking area which provides more than eighteen parking spaces is increased in area, the additional parking spaces shall comply with the requirements of this subsection.

(C) If an existing parking area does not have a permanent dust free surface and is required to be surfaced or altered in any way, the provisions of this subsection shall apply as if the parking area had not previously existed.

(3) Parking ramps, covered parking areas and parking areas that are an integral part of a building shall be exempt from the requirements of this subsection.

Required Tree Planting for Parking Areas. Trees and planting areas shall be provided within and abutting the perimeter of parking area(s) and meet the following conditions:

(1) Planting areas shall be located so every parking space or portion thereof is not more than forty feet from a small* size tree within a planting area or sixty feet from a large* size tree within a planting area.

(2) Planting areas shall be separated from parking spaces, drives and alleys by an unmountable curb or barrier a minimum of five inches in height. The curb or barrier shall be constructed in such a manner that saltwater runoff will not damage the tree.

(3) Only small trees* shall be allowed in small planting areas, and they shall be planted at a ratio of no more than one tree for each one hundred twenty square feet of planting area. Large trees shall be allowed only in large planting areas and shall be planted at a ratio of no more than one tree for each two hundred fifty six square feet of planting area.

(4) Small trees* shall be located a minimum of four and one-half feet from the edge of a planting area, and large trees shall be located a minimum of four and one-half feet from the edge of a planting area.

(5) Trees shall not be located within four feet of a public sidewalk or the anticipated location of a future public sidewalk where one does not exist. (Ord. 965 § 1, 2002; Ord. 645 § 21(E), 1982).

* References to small and large trees are from "Shade and Street Trees for Fairfield".

20.72.060 Exceptions.

The board of adjustment may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that in a particular case the peculiar nature of the use or other exceptional situations or conditions would justify such modification, reduction, or waiver. (Ord. 645 § 21(F), 1982).

Chapter 20.76

SIGNS

Sections:

- 20.76.010 Purpose and scope.
 - 20.76.020 General regulations.
 - 20.76.030 Illumination.
 - 20.76.040 Landscaping requirements.
 - 20.76.050 Prohibited signs.
 - 20.76.060 Signs not requiring permit (exempt).
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 - 20.76.120 Under canopy signs.
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 - 20.76.140 Sandwich board signs.
 - 20.76.150 Home occupation signs.
 - 20.76.160 Signs for businesses (other than home occupation permit) within residential district.
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- 20.76.010 Purpose and scope.

The purpose of this chapter is to provide minimum standards to safeguard health, life, property and public welfare by regulating and controlling the design, quality of materials, construction, locations, electrification and maintenance of all signs and sign structures, including awnings, located within the corporate limits of the city of Fairfield, Iowa. Further, this chapter is adopted to preserve the value of private property by assuring the compatibility of signs with surrounding land uses, to enhance the physical appearance of the city, to enhance Fairfield's economy, business and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity or entity and the public it seeks with its message and to encourage sound practices and lessen the objectionable effects of inappropriateness or of excess competition with respect to size and placement of street signs. (Ord. 1034 § 2(part), 2008).

20.76.020 General regulations.

Regulations of this chapter are not intended to permit any violation of the provision of any other lawful ordinance, the regulations of the Iowa Department of Transportation, or the United States Department of Transportation, or of the U.S. Code or the Code of Iowa.

For purpose of this chapter, and unless otherwise specifically stated herein, the following definitions apply:

(1) Sign. "Sign" means and includes every sign, billboard, ground sign, wall signs, roof sign, illuminated sign, projecting sign, temporary sign, pylon or pole sign, window sign, marquee, awning or canopy sign, and shall include any announcement, decoration, demonstration, display, illustration, pamphlet, flyer, poster, signboard, or insignia used to advertise or promote the interests of any person when the same is placed in a manner outside of the building and visible to the general public, or inside building windows or displays devices attached thereto;

(2) Display Surface. "Display surface" means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through as between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Any sign constructed or displayed in such a manner as to display two surfaces will be considered as one sign when the backs of such signs are parallel and when the

distance between the signs is eighteen inches or less. Any sign constructed or displayed in such a manner as to deviate from the above standards shall be considered to be a multiple sign, and each sign face shall be measured separately.

Except as otherwise expressly provided herein, the following shall apply to all signs within Fairfield City limits:

(1) The content of signs shall be limited to the business, service, and activity available or conducted on the zoning lot;

(2) No sign shall be designed, constructed or maintained in a manner which presents a danger to the public health, safety or welfare as determined by the city of Fairfield;

(3) Unless otherwise specified in this article, signs shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which such lot is located;

(4) When a business or service does not have direct access to a public street, signs directing traffic to such business or service may be located off-premises at the point of access. Such signs shall be calculated as part of the total allowable sign area and shall be subject to sign requirements for the zoning district;

(5) No sign or sign structure shall be erected in such a manner as to:

(A) Confuse or obstruct the view or interpretation of any official traffic sign, signal or device,

(B) Obstruct the sight distance at any intersecting street or alleys for a distance of two hundred feet in all directions,

(C) In any way conflict with the free use of any fire escape, exit, stand pipe, window, light or ventilation;

(6) All signs together with their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation;

(7) The display surface of all signs shall be kept neatly painted or posted at all times;

(8) No sign shall be lighted in a manner which impairs the vision of the driver of any vehicle;

(9) Signs and sign structures shall be designed, constructed and erected to resist wind forces. All bracing systems shall be designed and erected so as to transfer all lateral forces to the foundations or to an anchor sunk in the ground. For signs on

buildings, the dead and lateral loads shall be transmitted to the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof (i.e., do not hang sign having weight of lighting equipment or frame apparatus from window frame or trim). Design issues shall be resolved by reference to recognized resource literature concerning engineering or architectural graphic standards.

(A) The supports for all signs and sign structures shall be placed in or upon private property and shall be securely constructed and erected.

(B) Anchors and supports for signs and sign structures shall penetrate to a depth below the ground greater than that of the accessible frost line.

(C) Signs and sign structures attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden block or plugs or anchors with wood used in connection with the screws or nails shall be considered proper anchorage except in the case of signs attached to wood framing.

(D) No anchor or support of any sign shall be connected to or supported by an unbraced parapet wall.

(E) No sign or sign support shall be constructed to less than six feet horizontally or twelve feet vertically from overhead electrical or telephone wires.

(F) No sign in excess of eighty square feet shall be located within fifty lineal feet of any lot line of any residential zoning district.

(G) No sign or similar advertising device shall be constructed or located in such a manner as to reasonably interfere with the use and enjoyment of adjoining property.

(H) No sign (top of sign) of a first floor occupant of a multi-story building may be placed higher than sixteen feet, six inches from the sidewalk or ground, unless excepted by Section 20.76.070(11) herein.

(I) Total allowable sign surface shall not exceed an area equal to one and one-half square feet per one linear foot of tenant frontage with a maximum of eighty square feet, except menu boards, window and temporary signs.

(J) Second story signs are allowed as explained in Section 2.76.100 (Projecting signs) and Section 20.76.130 (Window signs).

(K) All signs shall be installed on private property, unless expressly authorized elsewhere herein. (Ord. 1034 § 2(part), 2008).

20.76.030 Illumination.

Internally or externally illuminated signs shall be permitted, per the regulations of this chapter, provided they meet the following requirements:

(1) Signs shall be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians;

(2) Display surface of signs shall not contain exposed reflective-type bulbs, exterior-exposed neon, fluorescent, incandescent or strobe lights. (Ord. 1034 § 2(part), 2008).

20.76.040 Landscaping requirements.

All freestanding and monument signs shall be landscaped. Every permit application for a freestanding or monument sign shall be accompanied by a landscape plan meeting the standards hereinafter specified:

(1) Signs shall be surrounded by a landscaped area of no less than three feet as measured from the sign face;

(2) Landscaping shall be comprised of any combination of shrubs, evergreens, perennial and annual flowers, ornamental grasses, and vegetative ground cover. It shall be the duty of each person owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping.

Electrical Signs.

(1) Electrical signs shall be constructed of noncombustible material.

(2) The enclosing shall be watertight, except that service holes fitted with watertight covers or seals shall be provided into each compartment.

(3) Electrical equipment used in connection with electrical signs shall be installed in accordance with federal and state and local regulations. (Ord. 1034 § 2(part), 2008).

20.76.050 Prohibited signs.

The following signs shall not be displayed within the city of Fairfield:

(1) Any sign or structure which constitutes a hazard to public health or safety;

(2) Any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs;

(3) Signs, which by color, location, or design resemble or conflict with traffic

control signs or signals;

(4) Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign shall be located on the public right-of-way, or affixed to or upon public property. This prohibition includes, but is not limited to, any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or other communication system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign;

(5) Portable signs defined as those with wheels and pulled by a vehicle, in the cultural district only, except those used by churches, synagogues, temples or other religious or qualified nonprofit charitable organizations for temporary use for special events, not to exceed seven days;

(6) Vehicle signs when the vehicle is not licensed, insured or operational;

(7) Advertising off-premises signs;

(8) Moving signs;

(9) Exterior LED or flashing signs;

(10) Signs with bare bulb illumination, except marquees in cultural district;

(11) Attention getting devices, except balloons;

(12) Signs containing exposed gas tubing, exterior to the building, including, but not limited to, Argon and Neon;

(13) Roof signs;

(14) Box-type signs in the cultural district only-illuminated signs which protrude from the face of the building;

(15) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the last thirty days;

(16) Any sign painted directly on a wall, roof, or fence, unless otherwise excepted;

(17) Any sign placed or attached to a telecommunications tower, pole or antenna;

(18) Signs containing manual changeable copy can consist of no more than six lines; governmental agencies, schools and churches, and automobile service station reader boards are exempt;

(19) Signs containing electronic changeable copy/message board, excluding

automobile service station reader boards. (Ord. 1034 § 2(part), 2008).

20.76.060 Signs not requiring permit (exempt).

The following signs shall be exempt from the requirements for a permit, but these exemptions shall not be construed as relieving the owner of a sign from his responsibility for its proper erection and maintenance in compliance with this title, or any other law or ordinance regulating the same:

- (1) Governmental Signs. Public signs and other signs incidental thereto for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance;
- (2) Railroad crossing and signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities;
- (3) Street address signs not exceeding four square feet in area;
- (4) Decorations temporarily displayed in connection with a city-sponsored or approved event or a generally-recognized or national holiday;
- (5) Temporary signs at a residence commemorating a personal event including, but not limited to, the birth of a baby or birthday;
- (6) No trespassing signs or other such signs regulating the use of property, such as no hunting, no fishing, etc., of no more than two square feet in area;
- (7) Noncommercial flags of any country, state, or unit of local government;
- (8) Real Estate Signs. In residential zoning districts, real estate signs shall not exceed eight square feet in sign surface, including all tags attached thereto. In business and manufacturing zoning districts, real estate signs shall not exceed thirty-six square feet in sign surface area. Content of a real estate sign shall be restricted to advertising for the sale, rental or lease of the property where such sign is located. Real estate signs shall not exceed ten feet in height. There shall be no more than one such sign allowed per zoning lot where such lot contains a single use except on a corner lot which may have one such real estate sign per street front. Where a zoning lot contains multiple uses there shall be no more than one such sign per use. Real estate signs shall not be placed in the public right-of-way. Such sale signs shall be posted subject to the following restrictions:
 - (A) The open house sign shall not exceed four square feet of sign surface area,
 - (B) The open house sign shall be freestanding, not attached to any utility pole or structure nor any traffic control sign and placed at least three feet from the property line,

(C) Only one open house sign be permitted within one hundred fifty feet of another sign which relates to the same address. There shall be only one open house sign relating to the same address placed in front of a single lot,

(D) A fine in the amount of fifty dollars per Section 9.88.010 of this code, shall be charged to the agency whose name is on the sign, if the sign does not comply with the above restrictions. If no agency names are found on the sign, the owner(s) of the property identified on the sign shall be assessed the fine;

(9) Garage/Rummage/Yard/Estate Sale Signs. Garage/rummage/yard/estate sale signs may not be placed in the public right-of-way; signs may be placed no earlier than one day before the day of the sale and must be removed no later than the following day of the last day of the sale provided that:

(A) The sale sign shall not exceed four square feet of sign surface area,

(B) The sale sign shall be freestanding, not attached to any utility pole, street light, street sign or structure nor any traffic-control sign or traffic sign of any kind,

(C) Only three such sale signs are permitted for one address. There shall be only one sale sign relating to the same address placed in front of a single lot,

(D) No attention or attracting devices shall be attached to any sale sign,

(E) Each sale sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for the placement and removal of such sign,

(F) A fine in the amount of fifty dollars per Section 9.88.010 of this code, shall be charged to the person whose name is on the sign, if the sign does not comply with the above restrictions. If no names are found on the sign the owner(s) of the property identified on the sign shall be assessed the fine;

(10) Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material;

(11) Help wanted signs not to exceed two square feet;

(12) Public Hearing Notice Signs. Public hearing notice signs shall be permitted and erected by the city or county on property which is the subject of a public meeting or hearing. Such sign shall be three feet by three feet and shall not exceed six feet in height. The content of such sign shall include, but not be limited to, the time, place, date and nature of the hearing or meeting, and a telephone number to call for further

information. A setback of at least five feet shall be provided for each sign and at least one sign per street frontage shall be posted;

(13) Vehicle Signs. When the vehicle to which the sign is attached is licensed, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business;

(14) Political Signs. Except as provided herein: in any district, it is unlawful to place political signs on public property at any time; and it is unlawful to place signs on private property without the permission of the owner, or person in charge of the property. Said signs must be removed within seven days following the election. This section shall not be construed to authorize placement of any political sign at any location violative of Iowa Election Law or where it may, because of its size or location, content or coloring, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by detracting from the visibility of any traffic-control device or by being confused with an authorized traffic-control device. The candidate to whom the political advertising refers, the manager for said campaign or persons placing such signs shall be responsible for the proper placement and removal of such advertising. In the case of elections concerning public measures, the persons in charge of any campaigns in regard thereto, and the persons placing such signs shall be responsible for the proper placement and removal of such advertising. (Ord. 1034 § 2(part), 2008).

20.76.070 Temporary signs.

Certain temporary signs as defined in this chapter may be allowed for promoting special community activities, special events, grand openings and special promotions for businesses, or nonprofit organizations, may be subject to the issuance of a permit and shall adhere to the following provisions:

- (1) A temporary sign may be placed for no more than eight, one week (seven-day) periods during any calendar year;
- (2) A temporary sign placed for more than this period shall require a permit;
- (3) A temporary sign displayed for less than seven days constitutes a one-week period;
- (4) All temporary signs must be properly maintained while displayed and be able to withstand all-weather elements;

(5) Temporary signs shall not contain changeable copy, exterior LED or flashing lights;

(6) Temporary signs are restricted to thirty-two square feet;

(7) One temporary sign shall be permitted for each street frontage per zoning lot;

(8) All temporary signs shall be removed by the person or organization that erected or caused the erection of the sign not less than three days after the date of the event to which they relate, or at the end of the maximum period for which such sign is allowed, whichever comes first;

(9) Temporary window signs are exempt from permit. However, unless they are promoting an upcoming event of a nonprofit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs;

(10) Development Signs. The following regulations shall apply to all development signs.

(A) Permits. A sign permit shall be required prior to the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the city of Fairfield has issued a final approval of the development:

(i) Residential developments of three or more dwelling units,

(ii) Commercial, industrial or institutional developments consisting of at least fifteen thousand square feet of land area,

(B) Number of Signs. Only one sign per public street frontage shall be permitted on the development site,

(C) Gross Surface Area. Each individual sign shall not exceed thirty-two square feet in area,

(D) Duration. The development signs shall be removed at such time a final certificate of occupancy is issued. If more than one final certificate of occupancy will be issued for the development, the development signs shall be removed at such time that seventy-five percent of the final certificates of occupancy have been issued,

(E) Display. The development signs shall display only information pertinent to the entity or entities participating in the development project;

(11) Temporary signs made of light fabric may extend over public property providing they maintain a ground clearance of at least twenty feet, providing the permission of the city council; city of Fairfield is first obtained;

(12) Temporary signs constructed of light fabric shall be perforated over at least ten percent of their display surface area to reduce wind resistance. (Ord. 1034 § 2(part), 2008).

20.76.080 Wall signs.

(a) Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.

(b) No wall sign shall cover wholly or partially any wall opening, nor extend beyond the perimeter of the wall to which it is affixed nor extend more than twelve inches from the vertical plane of the facade to which it is affixed.

(c) Buildings shall be allowed one wall sign per side, not to exceed three sides and such signs shall not exceed eighty square feet per sign. (Ord. 1034 § 2(part), 2008).

20.76.090 Menu boards.

Menu boards for restaurants are permitted to be displayed on an exterior wall of the business. Such signs may not exceed four square feet in area. The menu board area shall not be calculated toward the total maximum allowable signage. The sign may include menus or notice of special events including community events. All such signs must be enclosed in a tempered glass or plexiglass frame. (Ord. 1034 § 2(part), 2008).

20.76.100 Projecting signs.

(a) First Floor. Each first floor establishment may have one projecting sign which may not extend more than thirty-six inches from the vertical plane of the facade to which it is affixed. Such sign shall not exceed six square feet in area and shall be erected so that the lowest portion of the sign shall be not less than eight feet above the ground. Such projecting signs shall not be internally illuminated.

(b) Second Floor. Second floor establishments are only allowed one projecting sign which shall be located immediately over or within three feet of the first floor pedestrian access to the business. Such sign may not extend more than thirty-six inches from the vertical plane of the facade to which it is affixed. Such sign shall not exceed six square feet in area and shall be erected so that the lowest portion of the sign shall be not less than eight feet above the ground. Such projecting signs shall not be internally illuminated.

(Ord. 1034 § 2(part), 2008).

20.76.110 Awning signs.

Awnings or canopies containing a sign shall be permitted provided the awning or canopy complies with the following requirements:

(1) All awnings or canopies shall not extend above the first floor of the structure to which it is attached and shall be constructed and erected so that the lowest portion shall be not less than eight feet above the ground;

(2) Except for the name, address, and logo of the business conducted within the premises no advertising shall be placed on any awning or canopy sign. Lettering shall be painted or permanently placed on the awning or canopy. (Ord. 1034 § 2(part), 2008).

20.76.120 Under canopy signs.

Under canopy signs shall be attached to the underside of the soffit or ceiling of any canopy. The face of any such sign shall not exceed twelve inches in height or four feet in length. Such signs shall be erected so that the lowest portion of the sign shall be not less than eight feet above the ground. (Ord. 1034 § 2(part), 2008).

20.76.130 Window signs.

First floor businesses are allowed permanent and temporary window signs with a square footage of up to twenty-five percent of each window. The window sign area is in addition to the total maximum allowable signage.

Businesses located above the first floor are allowed permanent window signs of individual letters or etching, up to twenty-five percent of one window per floor per tenant. Such signs shall not be illuminated by means of exposed gas tubing including, but not limited to, argon, neon or neon-like substances. (Ord. 1034 § 2(part), 2008).

20.76.140 Sandwich board signs.

Businesses may have one sandwich board sign which shall be no larger than six square feet which is not calculated against the total square feet allowed and which may be placed on the public way provided the following requirements are met:

(1) A license agreement is entered into a form and amount approved by the city indemnifying and holding the city harmless from liability and naming the city, its officers

and employees as an additional insured on a general liability insurance policy. Such license agreements shall be approved and signed by the city administrator;

(2) Sign may be displayed during business hours only and must be removed each day;

(3) Sandwich board signs shall be constructed of wood, metal or durable plastic;

(4) The minimum fine for a violation of this section shall be fifty dollars, as provided per Section 9.88.010. Each day that such violation shall continue shall constitute a separate offense. (Ord. 1034 § 2(part), 2008).

20.76.150 Home occupation signs.

Permitted home occupations shall be allowed one sign per zoning lot which shall meet the following criteria:

(1) The sign shall be flat mounted against the principal building;

(2) The sign face area shall be no more than two square feet;

(3) The sign content shall be limited to the name(s), address, phone number(s), occupation, or any combination thereof;

(4) The sign shall not be directly or indirectly illuminated, other than by those lights incidental to the residential use of the premises. (Ord. 1034 § 2(part), 2008).

20.76.160 Signs for businesses (other than home occupation permit) within residential district.

Permitted business shall be allowed one sign per zoning lot, which shall meet the following criteria:

(1) The sign surface shall not exceed sixteen square feet;

(2) The sign content shall be limited to the name, address, phone number(s), occupation or any combination thereof;

(3) Any illumination of the sign shall adhere to Section 20.76.030 (Illumination) of this chapter;

(4) The sign shall adhere to landscaping requirements as defined in Section 20.76.040 (Landscaping) of this chapter. (Ord. 1034 § 2(part), 2008).

20.76.170 Signs accessory to parking areas.

Signs directing and guiding vehicular ingress and egress to public or private

off-street parking areas shall not exceed twelve square feet in sign surface area. No more than two such signs shall be allowed at each point of ingress/egress from the parking area. One sign having no more than four square feet of surface area may be maintained on each street side of such parking areas for the purpose of designating the conditions of use or identity of the parking area. Signs accessory to parking areas are not included in computing the total sign surface area of a lot in business and manufacturing districts. Signs accessory to parking areas shall be set back at least three feet from the public right-of-way and shall be located so as not to obstruct the view of either drivers or pedestrians. (Ord. 1034 § 2(part), 2008).

20.76.180 Institutional signs.

Exterior identification signs not over twenty square feet in area with a maximum height of six feet shall be permitted for public, charitable or religious institutions where such signs are located on the premises of the institution. No more than one such sign shall be permitted for each zoning lot. Changeable copy consisting of six lines is allowed. The changeable copy surface area shall be included in the total surface area allowed. (Ord. 1034 § 2(part), 2008).

20.76.190 Protected signs.

Signs located in the city of Fairfield erected prior to 1965 may be deemed heritage signs and may be allowed to continue and be maintained and parts replaced in any manner to allow for continued use. In order to be deemed a protected sign, the owner of such sign shall provide conclusive evidence to the administrative officer, his designee, and/or the architectural review committee concerning the existence of such sign prior to 1965. Any sign in question shall be reviewed also by the Jefferson County historic preservation commission with regard to its age or heritage. (Ord. 1034 § 2(part), 2008).

20.76.200 Maintenance.

All signs shall be properly maintained which includes, but is not limited to; no broken or missing parts, no rust or oxidation, no faded or chipped paint, and no similar conditions of disrepair. If a sign is illuminated, the source of such illumination shall be kept in a state of safe working order at all times. Failure to properly maintain any sign in the city of Fairfield shall constitute a violation of this chapter. (Ord. 1034 § 2(part),

2008).

20.76.210 Enforcement.

The city of Fairfield is authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the city administrator or his or her designee may enter, at reasonable times, any building, structure or premises in the city to perform any duty imposed upon him or her by this chapter, concerning notice or enforcement.

(1) Notice of Violation. If the city of Fairfield finds that any sign has been erected in violation of the provisions of this chapter, or is unsafe or insecure, the city administrator or his or her designee shall cause a citation to be issued pursuant to authority granted under Municipal Code Chapters 20.10.060 and 20.10.070 as well as this code and/or cause the sign to be removed by the city upon ten days written notice. However, the city of Fairfield may cause any sign, which poses an immediate threat of harm to persons or property to be removed summarily and without notice. The cost of such removal shall be collected from the owner and/or occupant of the property by an action at law or assessed as a lien against the property where such sign is located after notice to the property owner.

(2) Temporary Signs. If the city administrator or his or her designee finds that any temporary sign has been erected in violation of the provisions of this chapter, or is unsafe or insecure, he shall give written notice to the owner and/or occupant of the property on which the sign is located or to the person or organization whose message is on the sign. If the sign is not removed or altered to comply with the provisions of this chapter within twenty-four hours of such notice, the city administrator or his or her designee shall cause such sign to be removed by the city of Fairfield without further notice.

The owner and occupant of the property shall be jointly responsible for the cost of such removal which may be recovered by the city of Fairfield in an action at law or by filing a lien against the property after notice to the property owner.

(3) Interpretation. Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the city administrator or his or her designee, or his or her designee, shall prevail, subject to appeal as provided herein. (Ord. 1034 § 2(part), 2008).

20.76.220 Permit process.

Unless exempt pursuant to Section 20.76.200, no person shall erect or display any sign unless issued a permit.

(1) Sign permit fee is twenty-five dollars and payable to the city of Fairfield.

(2) The permit shall be:

(A) Obtained from the office of planning and zoning;

(B) Made in writing upon forms furnished by the city of Fairfield, Iowa;

(C) Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector;

(D) The administrative officer or his or her designee will require the filing of plans or the furnishing of additional pertinent information where, in his opinion, based on reasonable grounds, such information is necessary to ensure compliance with this title;

(E) The sign plans will be reviewed and approved by the city administrative officer, or that officer's designee. The designee may be an appointed architectural review committee.

(3) A separate permit shall be required for each business entity or other applicant and for each sign.

(4) Insurance and Bond Requirements. Every applicant for a permit for a sign which will extend over a public right-of-way or which is so located that it may fall upon the same, shall file with the city of Fairfield before the permit is granted, an encroachment license agreement indemnifying the city of Fairfield and holding the city of Fairfield harmless from any liability as well as a liability insurance policy covering all damage or injury that might be caused by each of said signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state of Iowa and satisfactory to the city of Fairfield, with limits of liability of not less than one million dollars for property damage and one million dollars for personal injuries. The city of Fairfield, its officers, agents and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit, and if at any time it shall not be in full force, the city of Fairfield shall revoke the permit.

(5) Completion of Authorized Work. If the work authorized under the permit has not been completed within six months after the date of issuance, the permit shall become null and void.

(6) All signs for which a permit is required shall be subject to inspection by the administrative officer or his or her designee.

(7) Footing inspections may be required by the administrative officer or his or her designee for signs having footings.

(8) All signs containing electrical wiring shall be subject to inspections and the specifications of acceptable electrical codes.

(9) The administrative officer or his or her designee may order the removal of any sign that is not erected or maintained in accordance with the provisions of this title.

(10) All signs may be reinspected at the reasonable discretion of the administrative officer or his or her designee. (Ord. 1034 § 2(part), 2008).

20.76.230 Nonconforming signs/amortization period.

Any sign which existed lawfully on the effective date of this chapter which remains or becomes nonconforming by reason of adoption of this chapter or because of subsequent amendments thereto, or which shall become nonconforming by reason of the annexation to the city of Fairfield of the lot or parcel on which such sign is located, shall be considered a nonconforming sign and the continuance of such sign shall be only as hereinafter permitted:

(1) Ordinary repairs and maintenance, including the removing and replacing of the outer panels shall be permitted, provided, the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the nonconforming sign shall be permitted;

(2) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes;

(3) No repair or alteration which increases the size of the nonconforming sign shall be permitted;

(4) No nonconforming sign shall be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this chapter;

(5) If a nonconforming sign is located on property which is sold, with the full ownership of the property being transferred, the nonconforming sign shall be brought into conformance with this code at the time of the transfer unless the business will continue to operate under the same name;

(6) If a nonconforming sign is abandoned or the described business discontinued for a continuous period of thirty days, it shall be discontinued and any subsequent sign shall conform to all of the requirements of this chapter;

(7) On or prior to (five years from passage date) all nonconforming signs shall be brought into conformance with this chapter. Said period shall for all purposes be deemed an appropriate amortization period for each and every nonconforming sign presently located within the corporate limits of the city of Fairfield or hereinafter located within the city of Fairfield by reason of annexation into the city of Fairfield of the lot or parcel on which the sign is located. Such amortization period shall be noncompensated;

(8) Subsection (6) shall not apply to signs previously granted sign variances. Such signs shall be deemed nonconforming signs to which all other provisions of this section shall apply. (Ord. 1034 § 2(part), 2008).

20.76.240 Sign variances.

(a) Variance from a requirement of this chapter may be considered by the administrative officer or his designee, (i.e., an architectural review committee), if submitted in writing, with explanation of how the variance will, if granted, be consistent with the purposes of this chapter. A fee of fifty dollars is required.

(b) No variance is allowed concerning permitting or concerning standards set in this chapter where established to safeguard health, life, property and public welfare.

(c) Variance requests not approved by the administrative officer, or designee, or architectural review committee may be appealed to the property committee and then to the full city of Fairfield council.

(d) Appeals to the property committee and to the full city council shall be undertaken in the manner and timeline provided for appeals stated at Section 7.04.360 of this code. (Ord. 1034 § 2(part), 2008).

Chapter 20.78

AIRPORT HEIGHT REGULATIONS

Sections:

- 20.78.010 Short title.
- 20.78.020 Definitions.
- 20.78.030 Areas and airspace height limitations.
- 20.78.040 Use restrictions.
- 20.78.050 Lighting.
- 20.78.060 Variances.
- 20.78.070 Board of adjustment.
- 20.78.080 Judicial review.
- 20.78.090 Administrative agency.
- 20.78.100 Violation--Penalty.
- 20.78.110 Conflicting regulations.

20.78.010 Short title.

This chapter shall be known and may be cited as "the Fairfield municipal airport height regulations ordinance." (Ord. 679 § 1, 1984).

20.78.020 Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Airport" means the Fairfield municipal airport.
- (2) "Airport elevation" means the highest point of an airport usable landing area measured in feet above mean sea level, which elevation is established to be seven hundred ninety-seven feet.
- (3) "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing on takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
- (4) "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of

the nearest point on the runway centerline.

(5) Airspace Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map the detour shall be mean sea level elevation unless otherwise specified.

(6) "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

(7) "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area-type navigation equipment, for which an instrument approach procedure has been approved or planned.

(8) "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

(9) "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

(10) "Minimum obstruction clearance" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two miles of VOR.

(11) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(12) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority. (Ord. 679 § 2, 1984).

20.78.030 Areas and airspace height limitations.

In order to carry out the provisions of this chapter, there are created and established certain areas which are depicted on the Fairfield municipal airport height

regulation areas map. A structure located in more than one area of the following areas is considered to be only in the area with the more restrictive height limitation. The various areas are established and defined as follows:

(1) Airport Height Regulation Areas.

(A) Horizontal Area. The land lying under a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by:

(i) Visual Runway. Swinging arcs of five thousand feet radii from the center of each end of the primary surface of runway 8 : 26 and connecting the adjacent area by lines tangent to those arcs.

(ii) Nonprecision Instrument Runway. Swinging arcs of ten thousand feet radii from the center of each end of the primary surface of runway 17 : 35 and connecting the adjacent arcs by lines tangent to those arcs.

(NOTE: The radius of the arc specified for each end of a runway will have the same arithmetic value. That value will be the highest determined for either end of the runway. When a five thousand feet arc is encompassed by tangents connecting two adjacent ten thousand feet arcs, the five thousand feet arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

No structure shall exceed one hundred fifty feet above the established airport elevation in the horizontal area, as depicted on the Fairfield municipal airport height regulation areas map.

(B) Conical Area. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet. No structure shall penetrate the conical surface in the conical area, as depicted on the Fairfield municipal airport height regulation areas map.

(C) Approach Area. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

(NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

(i) The inner edge of the approach surface is:
(a) Visual Utility Runway. Two hundred fifty feet wide for Runway 8 : 26;
(b) Visual Other than Utility Runway and Nonprecision Instrument Runway. Five hundred feet wide for Runway 17 : 35.

(ii) The outer edge of the approach area is:
(a) Visual Utility Runway. One thousand two hundred fifty feet for Runway 8 : 26;
(b) Visual Other than Utility Runway. One thousand five hundred feet for Runway 17 : 35;
(c) Nonprecision Instrument Other than Utility Runway. Three thousand five hundred feet for Runway 35.

(iii) The approach area extends for a horizontal distance of:
(a) All Visual and Nonprecision Instrument Utility Runways. Five thousand feet at a slope of twenty to one for Runways 17, 8 and 26;
(b) Nonprecision Instrument Other than Utility Runways. Ten thousand feet at a slope of thirty-four to one for Runway 35.

No structure shall exceed the approach surface to any runway, as depicted on the Fairfield municipal airport height regulation areas map.

(D) Transitional Area. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Fairfield municipal airport height regulation areas map.

(E) No structure shall be erected in Jefferson County, Iowa that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Jefferson County, Iowa. (Ord. 679 § 3, 1984).

20.78.040 Use restrictions.

Notwithstanding any other provisions of Section 20.78.030, no use may be made of land or water within the city of Fairfield, Iowa or Jefferson County, Iowa in such a

manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Fairfield municipal airport or in the vicinity thereof.

(2) No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Fairfield municipal airport.

(3) No operations from any use in the city of Fairfield, Iowa or Jefferson County, Iowa shall produce electronic interference with navigation signals or radio communication between the airport and aircraft. (Ord. 679 § 4, 1984).

20.78.050 Lighting.

(a) Notwithstanding the provisions of Section 20.78.040, the owner of any structure over two hundred feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter and exceeding nine hundred forty-nine feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter Six of FAA Advisory Circular 7460-1D and amendments.

(b) Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the city at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard. (Ord. 679 § 5, 1984).

20.78.060 Variances.

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this chapter, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been submitted to the Fairfield municipal airport manager and the Aeronautics Director of the Iowa Department of Transportation for his opinion as to the aeronautical effects of such a variance. If the Fairfield municipal

airport manager and the Aeronautics Director does not respond to the board of adjustment within fifteen days from the receipt of the copy of the application, the board may make its decision to grant or deny the variance. (Ord. 679 § 6, 1984).

20.78.070 Board of adjustment.

(a) There is created a board of adjustment to have and exercise the following powers: (1) To hear and decide appeals from any order, requirement, decision, or determination made by the airport administration officer in the enforcement of this chapter; (2) To hear and decide special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and (3) To hear and decide specific variances.

(b) The board of adjustment shall consist of five members who shall be the three members of the Jefferson County board of supervisors and two members of the Fairfield airport committee to be appointed by the city council of the city of Fairfield. Such members each shall serve until his successor is duly appointed and qualified. Such members shall annually elect a chairman and secretary from its own number who shall serve in this capacity until the next election or his replacement on the board.

(c) The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the city clerk and on due cause shown.

(d) The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.

(e) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter. (Ord. 679 § 7, 1984).

20.78.080 Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15. (Ord. 679 § 8, 1984).

20.78.090 Administrative agency.

It shall be the duty of the airport administration officer, who shall be the city clerk of the city of Fairfield, Iowa, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the airport administrative officer upon a form furnished by him. Applications required by this chapter to be submitted to the airport administrative officer shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the airport administrative officer. (Ord. 679 § 9, 1984).

20.78.100 Violation--Penalty.

Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. 679 § 10, 1984).

20.78.110 Conflicting regulations.

Where there exists a conflict between any of the regulations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 679 § 11, 1984).

Chapter 20.80

DISTRICT CHANGES--AMENDMENTS

Sections:

- 20.80.010 Amendments.
- 20.80.020 Hearing and notification.
- 20.80.030 Application for change.
- 20.80.040 Notice--Majority vote required for passage.
- 20.80.050 Written protest.
- 20.80.060 Effect of failure to notify.

20.80.010 Amendments.

In accordance with the provisions of the Code of Iowa, as amended, the city council of the city of Fairfield, Iowa, may, from time to time, amend or change by ordinance the number, shape or area of the districts established on the official zoning map or the regulations set forth in the official zoning ordinance; but no such amendments or change will become effective unless the ordinance proposing such amendment for change shall have first been submitted to the planning and zoning commission of the city of Fairfield, Iowa, for approval, disapproval or suggestions, and after the commission shall have been allowed a reasonable time, not less than thirty days and no more than sixty days for consideration and report to the city council of the city of Fairfield, Iowa. (Ord. 645 § 25(A), 1982).

20.80.020 Hearing and notification.

Before submitting its recommendation and report to the city council, of the city of Fairfield, Iowa, the planning and zoning commission of the city of Fairfield, Iowa, may hold a hearing on the proposed amendment, supplement or change. In any event, the city council, city of Fairfield, Iowa, shall hold a public hearing on the proposed amendment, supplement or change not less than fifteen days nor more than thirty days after serving notice of time and place of such hearing by publication in a newspaper published in the community and after mailing notices to all property owners directly involved, including those owning property contiguous to or across the street or alley from the area proposed to be altered. However, the failure to mail notices of the hearing to any proposed amendment, supplement or change, which, in any way, can be construed to affect the entire city, to all property owners within the community will not constitute a violation of this chapter. (Ord. 645 § 25(B), 1982).

20.80.030 Application for change.

Any person desiring a change in the zoning of property or a change in this title may make application therefor with the administrative office of the planning and zoning commission. The application shall be accompanied with a fee of fifty dollars; should the application be withdrawn prior to the publication of the legal notice thereon, such fee shall be returned upon written request of the applicant. (Ord. 855 § 3(D), 1994; Ord. 645 § 25(C), 1982).

20.80.040 Notice--Majority vote required for passage.

(a) The notice and public hearing required in Section 20.80.030 shall be the same as that required by Section 20.80.020. During the fifteen days immediately preceding the hearing, a copy of the petition, together with any map or plans, or copies thereof, which accompanied such petition, shall be on file for public examination in the office of the planning and zoning commission, in the City Hall, city of Fairfield, Iowa.

(b) No ordinance which differs from the recommendation made by the planning and zoning commission will become effective unless passed by not less than three-fourths majority vote of all members of the city council, city of Fairfield, Iowa, present at the city council meeting. (Ord. 645 § 25(D), 1982).

20.80.050 Written protest.

In case a written protest against a proposed change in the boundary of a district signed by owners of twenty percent or more of either the frontage proposed to be altered or the frontage immediately adjoining, or across a street or alley therefrom or directly off the frontage proposed to be altered, to which has been attached an affidavit of at least one of the protesters stating that each person who signed the protest did so voluntarily and is the owner of the property described in the protest, is filed with the planning administrator of the city, such amendment shall not be adopted or become effective except by favorable vote by three-fourths of the entire membership of the city council, city of Fairfield, Iowa. (Ord. 645 § 25(E), 1982).

20.80.060 Effect of failure to notify.

The failure to notify, as provided by this title, shall not invalidate an ordinance

provided such failure was not intentional. (Ord. 645 § 25(F), 1982).

Chapter 20.84

PERMITS AND FEES

Sections:

- 20.84.010 Zoning permits.
- 20.84.020 Occupancy permits.
- 20.84.030 Issuance of occupancy permits.
- 20.84.040 Application.
- 20.84.050 Validity of existing permits.
- 20.84.060 Extension of existing permits.
- 20.84.070 Expiration of permits.
- 20.84.080 Fees.

20.84.010 Zoning permits.

Except as hereinafter provided no permit, pertaining to the use of land, building, or structure shall be issued by any officer, department, or employee of the city of Fairfield, Iowa, unless the application for such permit has been examined by the administrative officer indicating the proposed building or structure complies with all the provisions of this title. Any permit issued in conflict with the provisions of this title shall be null and void. (Ord. 645 § 27(A), 1982).

20.84.020 Occupancy permits.

No building or addition thereto, constructed after the effective date of the ordinance codified in this title, no addition to a previously existing building shall be occupied and no land, vacant on the effective date of the ordinance codified in this title, shall be used for any purpose until an occupancy permit has been issued by the administrative officer. No change in use, other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the administrative officer. Every

occupancy permit shall state that the use or occupancy complies with the provisions of this title. (Ord. 645 § 27(B), 1982).

20.84.030 Issuance of occupancy permits.

No occupancy permit for a building, or portion thereof, constructed after the effective date of the ordinance codified in this title, shall be issued until construction has been completed and the premises inspected and certified by the administrative officer to be in conformity with the plans and specifications on which the zoning certificate was issued, such zoning certificate to be valid for a period not to exceed six months from the date of issuance. Notice of the refusal to issue an occupancy permit by the administrative officer must be given in writing to the applicant within fifteen days after the request for issuance of the permit has been made. The notice shall state the reasons for refusal to issue the permit. (Ord. 645 § 27(C), 1982).

20.84.040 Application.

(a) Every application for a zoning permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no zoning permit is required shall be made directly to the administrative officer.

(b) The administrative officer may require that every application for a zoning permit be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint showing the actual shape and dimension of the plot to be built upon, the exact location, size and height of structure to be erected or altered, the existing and intended use of each building or part thereof, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighborhood lots as may be necessary for the enforcement of this title. One copy of such plans shall be signed and returned to the applicant when approved by the administrative officer together with such permit that may be granted.

(c) Prior to building construction, plot pins based on actual survey shall be set and if disturbed by construction or grading shall be reset in proper location. The survey and setting of these lot corners and pins shall be at the expense of the applicant. (Ord. 645 § 27(D), 1982).

20.84.050 Validity of existing permits.

Nothing contained within the regulations as set out in this title shall require any change in the overall layout, plan, construction, or designated use of any development, building, structure, or part thereof for which official approval and required permits have been granted prior to the enactment of the ordinance codified in this title, the construction of which conforms with such plans, and shall have been started prior to the effective date of the ordinance codified in this title and completion thereof carried on in a manner within the subsequent twelve-month period and not discontinued until completion, except for reasons beyond the builder's or developer's control. (Ord. 645 § 27(E), 1982).

20.84.060 Extension of existing permits.

A zoning permit may be extended for a period not to exceed six months with the approval of the board of adjustment. (Ord. 645 § 27(F), 1982).

20.84.070 Expiration of permits.

A zoning permit shall expire after ninety days if construction has not commenced. A zoning permit shall expire if, after construction begins, construction ceases for a period of ninety days. A zoning permit shall expire eighteen months after issuance. Valid zoning permits issued prior to publication of the ordinance codified in this section shall be valid as issued. (Ord. 873 § 1, 1995; Ord. 645 § 27(G), 1982).

20.84.080 Fees.

The following schedule of fees shall be charged for zoning permits issued after the effective date of this ordinance codified in this title:

- (1) For work costing less than \$1,000, \$15.00;
- (2) For work costing \$1,000 but less than \$5,000, \$25.00;
- (3) For work costing \$5,000 but less than \$10,000, \$35.00;
- (4) For work costing \$10,000 but less than \$20,000, \$45.00;
- (5) For work costing \$20,000 but less than \$40,000, \$55.00;
- (6) For work costing \$40,000, but less than \$60,000, \$65.00;
- (7) For work costing \$60,000 but less than \$80,000, \$75.00;
- (8) For work costing \$80,000 but less than \$100,000, \$85.00;
- (9) For work costing \$100,000, but less than \$200,000, \$100.00;
- (10) For work costing 200,000, but less than \$500,000, \$125.00;
- (11) For work costing \$500,000 and above \$150.00.

(Ord. 855 § 3(E), 1994; Ord. 645 § 27(H), 1982).

Chapter 20.86

BEAUTIFICATION COMMISSION

Sections:

- 20.86.010 Establishment.
- 20.86.020 Powers and duties.
- 20.86.030 Annual report.
- 20.86.040 Certification and recording.
- 20.86.050 Repealer.
- 20.86.060 Severability.
- 20.86.070 Effective date.

20.86.010 Establishment.

There is hereby established the Fairfield community beautification commission as an advisory body, to be composed of nine persons who are residents of the city, to be appointed by the Mayor subject to confirmation by the council. The membership shall be appointed for three-year terms. The membership shall be appointed with terms beginning and ending on January 1 and on a staggered basis so that the terms of only three members shall expire at any given year. The members so appointed shall serve without compensation. The parks and recreation director or the director's designee shall serve as an ex officio member of the commission, other ex officio members as needed shall be appointed by the mayor, subject to confirmation by the council. (Ord. 968 § 1, 2002).

20.86.020 Powers and duties.

(a) As soon as may be practical after appointment of the original members, the commission shall organize itself and establish its own rules of procedure.

(b) The commission shall coordinate the efforts of the citizens of the city in a community-based beautification effort. This beautification effort could include projects such

as:

- (1) Planting and maintenance of community gardens.
- (2) Organizing community clean-up days.
- (3) Applying for grants or other funding sources that support community

beautification.

- (4) Painting and restoration projects.
- (5) City entrance projects.

The commission working with other civic groups shall prepare a plan for community beautification in a report to the council. This plan will be updated each year and progress reports given as needed.

(c) The commission shall have the authority to accept or reject gifts made or offered to the commission for use in connection with community beautification projects. Gifts of money shall be deposited with the city treasurer and shall be credited to the commission account.

(d) The commission shall structure and coordinate a community volunteer program designated to maintain and create community beautification projects. Volunteers from community schools, service organizations, youth groups and citizens will be invited to participate. The commission shall manage, coordinate and assign volunteers to projects.

(e) The commission shall review and approve beautification projects presented by the public. (Ord. 968 § 2, 2002).

20.86.030 Annual report.

Every year at a time convenient to the commission but prior to the last regular meeting of the council for the year, the commission shall make a written or oral report to the council of the commission's activities for the entire calendar year. (Ord. 968 § 4, 2002).

20.86.040 Certification and recording.

The city administrative coordinator is hereby authorized and directed to certify a copy of the ordinance for recordation in the office of the recorder of Jefferson County, Iowa, upon adoption and approval of the ordinance codified in this chapter. (Ord. 968 § 5, 2002).

20.86.050 Repealer.

All ordinances and parts of ordinances in conflict with the provisions of the ordinance codified in this chapter are hereby repealed. (Ord. 968 § 6, 2002).

20.86.060 Severability.

Should any section or provision of the ordinance codified in this chapter be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance codified in this chapter as a whole, or any part thereof, other than that part so decided to be unconstitutional or invalid. (Ord. 968 § 7, 2002).

20.86.070 Effective date.

The ordinance codified in this chapter shall take effect immediately upon passage, and publication is required by law. (Ord. 968 § 8, 2002).

Chapter 20.88

PLANNING AND ZONING COMMISSION

Sections:

- 20.88.010 Creation--Membership.
- 20.88.020 Appointment--Term of office.
- 20.88.030 Vacancies.
- 20.88.040 Compensation.
- 20.88.050 Chairman and vice-chairman.
- 20.88.060 Jurisdiction--Powers and duties.

20.88.010 Creation--Membership.

There is established a city planning and zoning commission, composed of seven residents of the city of Fairfield, Iowa, who shall be citizens of this municipality and who shall be qualified by knowledge and experience to act in matters pertaining to the development of the city planning, none of whom hold any elective position in the city of Fairfield, Iowa. The planning commission of the city of Fairfield, Iowa, in accordance with

the provision of the Code of Iowa, as amended, shall also be and act as the zoning commission and is invested with all powers and duties of a zoning commission as are provided in the Code of Iowa, as amended, and shall hereafter be known as the planning and zoning commission of the city of Fairfield, Iowa, and referred to in this title as the planning and zoning commission. (Ord. 645 § 23(A), 1982).

20.88.020 Appointment--Term of office.

Members of the planning and zoning commission shall be appointed by the mayor subject to the approval of the city council. The term of office of members shall be five years and the term shall expire on December 31st. The members first named shall be named for the following terms: one member for a one-year term; one member for a two-year term; one member for a three-year term; two members for a four-year term, and two members for a five-year term. (Ord. 645 § 23(B), 1982).

20.88.030 Vacancies.

Vacancies on the planning and zoning commission shall be filled for the unexpired term of any member whose term becomes vacant. In the event of the absence from the city or incapacity of a member, the mayor may appoint a substitute who shall serve as a member of the commission, with the same powers and authority as the regular member until such regular member has returned or becomes capacitated for further service. (Ord. 645 § 23(C), 1982).

20.88.040 Compensation.

All members of the planning and zoning commission shall serve without compensation, except that actual expense of the commission shall be paid by the city of Fairfield, Iowa, subject to the approval of the city council. (Ord. 645 § 23(D), 1982).

20.88.050 Chairman and vice-chairman.

The planning and zoning commission shall elect annually, at its first regular meeting, one of its members to serve as chairman of the commission; another of its members to serve as vice-chairman, who shall perform all the duties of the chairman during the absence or disability thereof; and such other officers as may be necessary. (Ord. 645 § 23(E), 1982).

20.88.060 Jurisdiction--Powers and duties.

The commission shall adopt such rules and regulations as may be necessary to govern its organization and procedure. The commission shall have all the authority and powers granted under the laws of the Code of Iowa, as amended, and shall be deemed to have such powers as may be necessary to the successful carrying out of a planning program for the city of Fairfield, Iowa, as specifically including the following:

(1) To make such surveys, studies, maps, plans or plat of the whole or any portion of the city and any land outside thereof which in the opinion of the commission bears relation to the comprehensive plan;

(2) To prepare a comprehensive plan regarding growth and development of the city of Fairfield, Iowa; to survey a street and traffic problems; to study and plan for future changes and conditions insofar as the density of population and the requirements of the community. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality 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;

(3) To recommend to the city council from time to time the changes or modifications in any plan which may have been submitted to the city council and pass; and to further, prior to submission of any such plan, have the authority to first approve or disapprove of any plans for street or park improvements, public buildings and other items specifically included in the Code of Iowa, as amended;

(4) To initiate, direct, and review, from time to time, studies of the provisions of this title, and to make reports of its recommendation to the city council not less frequently than once during each calendar year.

(5) To receive all applications for amendments to this title, to conduct hearing thereon and to forward recommendations to the city council. (Ord. 645 § 23(F), 1982).

Chapter 20.90

HISTORIC PRESERVATION

Sections:

- 20.90.010 Purpose and intent.
- 20.90.020 Definitions.
- 20.90.030 Composition--Membership--Compensation--Quorum--Meetings.
- 20.90.040 Powers.
- 20.90.050 Certificate of appropriateness for demolition (substantial alteration).
- 20.90.060 Extension of moratorium.
- 20.90.070 Public notification and posting of property.
- 20.90.080 Fees.
- 20.90.090 Interpretation.
- 20.90.100 Emergency demolition.
- 20.90.110 Recordation of historic demolitions.
- 20.90.120 Injunction.
- 20.90.130 Penalty.

20.90.010 Purpose and intent.

(a) The purpose of this chapter is to promote educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites, structures and landmarks of historical and cultural significance within the city of Fairfield;

(b) Safeguard the city's historic, aesthetic and cultural heritage by preserving sites, structures and landmarks of historical and cultural significance;

(c) Stabilize and improve property values;

(d) Foster pride in the legacy, the beauty, and the achievements of the past;

(e) Protect and enhance the city's historic attractions to tourists and visitors, as well as the support and stimulus to business thereby provided;

(f) Strengthen the economy of the city;

(g) Promote the use of sites, structures, landmarks and districts of historic and cultural significance as places for education, pleasure, and welfare of the people of the city of Fairfield;

(h) To provide a mechanism within the community, which is respectful of private ownership, but which also provides for a system of review, prior to demolition or substantial alteration of any historic site, structure, or landmark prior to issuance of any

certificate of appropriateness for demolition (or substantial alteration), as well as for a period of moratorium; and also to provide for a procedure for extension for such moratorium, coupled with appropriate due process notice, public hearing and appeal;

(i) To provide for a procedure for recordation concerning demolitions or alterations of historic sites, structures and landmarks;

(j) Finally, it is the overall intent of this and succeeding sections of this chapter to assist in preservation of historic and architectural resources of the city of Fairfield, to the extent economically feasible, practical and necessary. The demolition or removal of historic buildings within the city of Fairfield diminishes the character of the city and is strongly discouraged. Instead the city recommends and supports preservation, renovation, adoptive reuse and relocation of such historic sites, structures and landmarks where possible. It is recognized, however, that structural deterioration, economic hardship, public safety, and other factors not entirely within the control of a property owner may result in necessary demolition, removal or substantial alteration of an historic site, structure or landmark. (Ord. 945 § 1, 2000; Ord. 944 § 1, 2000).

20.90.020 Definitions.

As used in this chapter, the following words and terms shall have the meanings respectively ascribed:

(1) "Commission" means the Fairfield historic preservation commission, as established by this chapter.

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

(A) Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(B) Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or

(C) Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, attractiveness or properties within such area; or

(D) Is associated with the lives of persons significant in our past; or
(E) Has yielded or may be likely to yield information important in pre-history or history.

(3) "Historic site" means a structure or building which:

(A) Is associated with events that have made a significant contribution to the broad patterns of our history; or

(B) Is associated with the lives of persons significant in our history; or

(C) Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

(D) Has yielded or may be likely to yield information important in pre-history or history.

(4) "Historic landmark" means an archaeological site, structure, or building which is possessed of one or more of those characteristics defined and embodied in an historic site.

(5) "Alterations" means any act or process which changes the exterior architectural appearance of a structure, site or area, including but not limited to, the erection, construction, re-construction, restoration, removal or demolition of any structure or part thereof, excavation, or addition of an improvement.

(6) "Demolition" means any act or process which destroys a site, structure or landmark, which pulls down the same, razes the same, or reduces the same to ruins.

(7) "Planning officer" means the director of the Fairfield city planning department.

(8) "Review commission" means a commission with responsibility for initial review of historical significance, which commission shall be a commission established by separate ordinance, as the Fairfield historic preservation commission.

(9) "Board of adjustment" means the Fairfield city board of adjustment as established by the Fairfield Municipal Code.

(10) "Structure subject to review" means any structure within the city of Fairfield, Iowa, more than fifty years old which may possess or embody one or more of those characteristics defined as an historic site or historic landmark. (Ord. 945 § 2, 2000; Ord. 944 § 2, 2000).

20.90.030 Composition--Membership--Compensation--Quorum--Meetings.

(a) The commission shall initially consist of three members who shall be residents of the city.

(b) Members of the commission shall be appointed by the mayor with the advice and consent of the city council. Members should demonstrate a positive interest in historic preservation, possessing interest in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general, or real estate.

(c) The original appointment of the members of the commission shall be, one for one year, one for two years, and one for three years, from January 1st of the year of such appointment, or until their successor is appointed to serve, for the term of three years, unless otherwise stated.

(d) Vacancies occurring in the commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.

(e) Members may serve for more than one term and each member shall serve until the appointment of a successor.

(f) Vacancies shall be filled by the city according to the original selection as aforesaid.

(g) Members shall serve without compensation.

(h) A simple majority of the commission shall constitute a quorum for the transaction of business.

(i) The commission shall elect a chairman who shall preside over all commission meetings and elect a secretary who shall be responsible for maintaining written records of the commission's proceedings.

(j) The commission shall meet at least two times a year. (Ord. 945 § 3, 2000).

20.90.040 Powers.

(a) The commission may conduct inventory studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter.

(The necessary inventory forms and procedures for their completion are available from the state office of historic preservation.) The commission may proceed at its own initiative or upon a petition from any person, group, or association. The commission shall maintain

records of all studies and inventories for public use.

(b) The commission may make a recommendation to the state office of historic preservation for the listing of a historical district or site in the National Register of Historic Places and may conduct a public hearing thereon.

(c) The commission may investigate and recommend to the city council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

(d) The commission may sit as a review commission for purposes of determination of historical significance, consistent with procedures established for determination of propriety of issuance of certificates of appropriateness for demolition or for imposition of period(s) of moratorium concerning demolition of historic sites or landmarks.

(e) Other Powers. In addition to those duties and powers specified above, the commission may be assigned or accept other historic preservation duties or responsibilities with approval of the city council. (Ord. 945 § 4, 2000).

20.90.050 Certificate of appropriateness for demolition (substantial alteration).

No historic site, structure or landmark located within the city of Fairfield, and no structures subject to review as defined in this chapter, may be demolished or removed without the prior issuance of a certificate of appropriateness by the planning department of the city of Fairfield. Application for a certificate of appropriateness for demolition (substantial alteration) shall be made on forms prescribed by the planning department and shall be subject to the following procedures:

(1) The application shall first be submitted to the planning officer;

(2) The planning officer shall proceed to review of the application information, the accompanying photographs of the property, and shall determine whether the property is affected as a registered, or listed site, structure, or landmark, requiring special permission for demolition. The planning officer shall also review the application with respect to applicability of Iowa laws concerning ancient grave sites and graves on public and private grounds subject to Iowa Code Chapter 716.5 and Chapter 144.34;

(3) If the planning officer determines that the site structure or landmark does not appear to be of historic significance, or a structure subject to review, the planning officer shall promptly, and in no event later than thirty days after application, issue a certificate of appropriateness; notice of the planning officer determination shall be provided to both the

property owner and the review commission;

(4) If the planning officer determines that the site, structure or landmark is of historic significance, or a structure subject to review, then the planning officer shall refer the application to the commission designated for review by the Fairfield city council, which commission shall be the Fairfield historic preservation commission, a municipal commission created by ordinance. On referral, the planning officer shall indicate to the reviewing commission any information available with regard to listing, or historic register of the structure, whether special permission is needed to demolish the structure, whether ancient grave sites are affected, whether graves on public and private grounds are affected, the age of the site, structure or landmark, whether the same is eligible for listing (if not listed), whether it is subject to any historic or overlay zoning, and whether it possesses any of the characteristics as defined for historic structures or historic landmarks within this chapter. Any information received from the owner with regard to structural deterioration, unsoundness, economic hardship, or other factors beyond control of the property owner, believed to cause the site to be suitable for demolition or substantial alteration shall also be forwarded to the review commission;

(5) The review commission shall, within thirty days of referral, report to the planning officer, its determination as to whether a certificate of appropriateness for demolition shall issue immediately, or whether the property shall be subject to a ninety-day moratorium on permit issuance to allow time for response within the community, including review of opportunities for preservation, to the extent economically feasible or practical, and to consider alternatives to demolition;

(6) After a determination by the planning officer, when applicable, or a determination by review commission and notification of the determination by the planning officer, the property owner, or the review commission shall be entitled to appeal such determination to the board of adjustment within ten days of such notification. The board of adjustment shall, upon receipt of such appeal, set a timely public hearing thereon within fifteen days of receipt. The board of adjustment shall issue its determination either affirming or rejecting the prior determination within ten days after hearing. Notice of the determination of the board of adjustment shall be provided promptly to both the property owner, the planning officer, and the review commission. (Ord. 944 § 3, 2000).

20.90.060 Extension of moratorium.

In the event community response has led to economic opportunities for preserving the site, structure, or landmark, and to alternatives for demolition, during the course of the ninety-day moratorium imposed, such interested persons, or groups, may file application for extension up to an additional ninety days, which extension may be granted in the absence of a finding during the period of moratorium either that the site, structure or landmark is not of historic significance, or that the site, structure or landmark has been determined a public hazard, provided:

(1) Application is filed with the planning officer prior to expiration of the moratorium;

(2) Notice of the application for extension is provided to the property owner and all interested persons concerned with the preservation or alternatives to demolition;

(3) A public hearing concerning such extension application is held before the Fairfield city council within a reasonable time thereafter, not exceeding thirty days following notice as set forth in subsection (2) of this section;

(4) That the city council of Fairfield, Iowa, is satisfied that good cause exists for the extension of the moratorium, and sets forth its findings in writing;

(5) That the determination of the council is by a majority vote of at least two-thirds of the council members present at such public hearing;

(6) If the period of moratorium provided (or any extension thereof) has ended, the planning officer shall then proceed to promptly issue a certificate of appropriateness. (Ord. 944 § 4, 2000).

20.90.070 Public notification and posting of property.

During the time of commission review, appeal, moratorium, or extension of moratorium, the site, structure, or landmark which is the subject of the application for certificate of appropriateness for demolition, shall be posted with a sign, provided by the city, which is clearly visible, stating that the "property is a property subject to review for historical significance" and the "subject of an application for a certificate of appropriateness for demolition" (or substantial alteration), and is a "threatened property." Such posted sign on the premises shall not be removed until the later of the end of the period for review, the ninety-day moratorium, or any extension thereof. (Ord. 944 § 5, 2000).

20.90.080 Fees.

At time of application for the certificate of appropriateness for demolition, the applicant shall pay to the planning officer an application fee in the sum of twenty-five dollars. (Ord. 944 § 6, 2000).

20.90.090 Interpretation.

The provisions of this chapter requiring application for certificate of appropriateness for demolition and the procedure specified therein are not intended to restrict an owner from conducting negotiations with interested persons, response groups, or the city, for sale or lease of the property, or some interest in the property, in the event that is economically feasible. Nor is it intended to in any way restrict the owner from voluntarily subjecting the property to private covenants consistent with historic preservation objectives, or with the procedures provided by this chapter. The city may also consider action to acquire the property under its power of eminent domain, if appropriate and financially possible. (Ord. 944 § 7, 2000).

20.90.100 Emergency demolition.

If a building or structure poses an immediate threat to health, or safety, due to its deteriorated condition, notwithstanding the provisions of this chapter, the owner of such building, or structure, may request issuance of an emergency demolition permit from the planning officer. After conduct of an inspection by the planning officer and such other safety inspectors, building inspectors, fire safety personnel, or other consultants, as may be available, the planning officer shall determine: (1) whether the condition of the building, or structure, represents a serious and imminent threat to public health and safety, and (2) whether there is any reasonable alternative to the immediate demolition of the building, or structure, which would be protective of public health and safety while facilitating the workings of this chapter. If the planning officer finds that the condition of the building or structure poses a serious and imminent threat to public health and safety, and that there is no reasonable alternative to immediate demolition, he shall prepare a written report describing the condition of the building or structure, the basis of the decision to issue the emergency demolition permit, and a copy of this report shall be filed with the review commission, (delegated historic preservation commission) or such commission as has been established for review under this chapter. (Ord. 944 § 8, 2000).

20.90.110 Recordation of historic demolitions.

For such sites, structures and landmarks which are the subject of a certificate of appropriateness for demolition permit, the owner of the property shall assist the planning officer and the review commission in preparation of and recordation of, for historic purposes, any available floor plans of the structure, drawings or elevation sketches of the structure, or site, or landmark, and photographs of the interior and exterior of the same. (Ord. 944 § 9, 2000).

20.90.120 Injunction.

In addition to any other relief provided by this chapter, the city council may direct its attorney to apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction. (Ord. 944 § 10, 2000).

20.90.130 Penalty.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than fifty dollars or more than two hundred dollars for each offense, and a separate offense shall be deemed committed on each date during or on which a violation occurs or is allowed to continue. (Ord. 944 § 11, 2000).

Chapter 20.92

BOARD OF ADJUSTMENT

Sections:

20.92.010 Creation--Membership.

20.92.020 Vacancies.

20.92.030 Chairman, vice-chairman and secretary.

20.92.040 Meetings.

20.92.050 Quorum.

20.92.060 Appeals--Procedure.

- 20.92.070 Appeals--Fee.
- 20.92.080 Appeals--Hearing.
- 20.92.090 Stay of proceedings.
- 20.92.100 Powers.
- 20.92.105 Decision on appeal.
- 20.92.110 Special exception--Power of board.
- 20.92.120 Special exception--Effect of performance standards.
- 20.92.140 Special exception--Additional uses permitted.
- 20.92.150 Interpretation of official zoning district map.
- 20.92.170 Variances--Restriction on authorizing.
- 20.92.180 Variances--Authorizing upon appeal.
- 20.92.190 Variances--Attachment of conditions.
- 20.92.210 Variances--Required conditions for authorizing.
- 20.92.220 Variances--Granting.
- 20.92.240 Judicial reviews.

20.92.010 Creation--Membership.

A board of adjustment consisting of five members shall be appointed by the mayor with the advice and consent of the city council in accordance with the provisions of the Code of Iowa, as amended. One member of the board may be a member of the planning and zoning commission. The appointing authority may remove any member of the board for cause upon written charges and after a public hearing. All members of the board shall serve without compensation. (Ord. 645 § 24(A), 1982).

20.92.020 Vacancies.

Vacancies on the board of adjustment shall be filled for the unexpired term of any member whose term becomes vacant. In the event of the absence from the city or the incapacity of a member, the mayor may appoint a substitute who shall serve as a member of the board, with the same powers and authority as the regular member, until such regular member has returned or becomes capacitated for further service. (Ord. 645 § 24(B), 1982).

20.92.030 Chairman, vice-chairman and secretary.

(a) The board shall elect a chairman and a vice-chairman at the first regular meeting in any calendar year, who shall serve during the ensuing year or until replaced. The chairman, or in his absence, the acting chairman, may administer oaths and compel attendance of witnesses.

(b) The planning administrator shall act as secretary to the board and maintain all records and findings of the board meetings. (Ord. 645 § 24(C), 1982).

20.92.040 Meetings.

(a) The board of adjustment shall meet at the call of the chairman and at such other times as the board may determine.

(b) The board may adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this title.

(c) Meetings of the board of adjustment shall be open to the public, minutes shall be kept of the proceedings showing the action of the board and the vote of each member on each question, or if absent, or if failing to vote, indicating the fact, and records shall be made of the boards' examination and other official actions, all of which shall be filed immediately in the office of the board of adjustment as a public record.

(d) The board of adjustment may call upon the various departments of the city of Fairfield, Iowa, for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the board of adjustment as may be reasonably required. (Ord. 878 § 1, 1996; Ord. 645 § 24(D), 1982).

20.92.050 Quorum.

Three members of the board of adjustment shall constitute a quorum, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the administrative officer, or to decide in favor of any applicant on any matter upon which the board of adjustment is required to pass under this title, or to affect any variation in the requirements of this title. (Ord. 645 § 24(E), 1982).

20.92.060 Appeals--Procedure.

An appeal to the board of adjustment may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the administrative officer. Such appeal shall be taken within a reasonable

time, as prescribed by the rules of the board of adjustment, by filing with the administrative officer a notice of appeal, specifying the grounds thereof. The administrative officer shall forthwith transmit to the board such notices of appeal, together with all plans and papers constituting the appeal. (Ord. 645 § 24(F)(1), 1982).

20.92.070 Appeals--Fee.

A fee of fifty dollars and costs (including postage and envelopes) shall accompany the appeal. In case the appeal is taken by a governmental officer in his capacity, the fee shall be paid by the officer by which he is employed. Should the appeal be withdrawn prior to the publication of the legal notice thereon, such fee shall be returned upon written request of the applicant. (Ord. 855 § 3(F), 1994; Ord. 795 § 1, 1990: Ord. 645 § 24(F)(2), 1982).

20.92.080 Appeals--Hearing.

The board of adjustment shall fix a reasonable time for the hearing of an appeal. The board shall give at least fifteen days' notice of the time and place of such hearing by inserting such notice in a newspaper published in the community, and shall also give notice delivered by certified mail, return receipt requested, by at least five days before the time fixed for such hearing to the appellant, to the administrative officer, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or attorney. The board of adjustment shall decide the appeal within a reasonable time. (Ord. 645 § 24(F)(3), 1982).

20.92.090 Stay of proceedings.

An appeal to the board of adjustment shall stay all proceedings in the furtherance of the action appealed from, unless the administrative officer certifies to the board that, by reason of facts stated in his certification, a stay would, in his opinion, cause imminent peril to life or property, or undue hardship. In such case, proceedings shall not be stayed otherwise than by an order, which may, on due cause shown, be granted by the board of adjustment on application, after notice to the administrative officer, or by a court of record. (Ord. 645 § 24(G), 1982).

20.92.100 Powers.

The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this chapter pursuant thereto;

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under this chapter;

(3) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. (Ord. 878 § 2, 1996: Ord. 645 § 24(H), 1982).

20.92.105 Decision on appeal.

In exercising the above-mentioned powers the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination appealed from and may make such order requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. 878 § 3, 1996).

20.92.110 Special exception--Power of board.

In accordance with the provisions of this title and in such other rules and regulations as the board of adjustment may deem necessary, the board shall have the power to hear and decide all questions submitted by requests or applications, and it shall have the power to make special exceptions and decisions concerning any other special questions upon which the board is authorized to pass. (Ord. 645 § 24(I)(1), 1982).

20.92.120 Special exception--Effect of performance standards.

The board shall, before authorizing a use as a special exception, give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development, and to determine whether the proposed exceptions or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious

gases, glare and heat, fire and safety hazards, sewage waste and pollution, transportation and traffic, acidic and psychological effects. The board may utilize and give recognition to those performance standards which are available in model codes or ordinances or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use to assist it in reaching a fair and objective decision. Upon authorizing a special use and/or exception, the board of adjustment may impose such requirements and conditions in addition to those expressly stipulated in this title for the particular special use and/or exception as the board may deem necessary for the protection of public interest. (Ord. 645 § 24(1)(2), 1982).

20.92.140 Special exception--Additional uses permitted.

In addition to permitting a special exception heretofore specified in this title, the board of adjustment shall have the authority to permit the following:

(1) Nonconforming Use. The substitution of one nonconforming use for another nonconforming use, if no structural alterations except those required by law or ordinance are made; provided, however, that any use so substituted shall be of the same or more restricted classification.

(2) Temporary Uses and Permits. A temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this title, provided that such use is of a true temporary nature and does not involve the erection of substantial building. Such permits shall be granted in the form of a temporary and revokable permit for not more than a twenty-four-month period, subject to such conditions that will safeguard the public health, safety, convenience and general welfare.

(3) The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the regulations prescribed by this title, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of undeveloped sections and does not involve the erection of substantial buildings. Such permits shall be granted in the form of a temporary revokable permit for not more than a twenty-four-month period, subject to such conditions that will safeguard the public health, safety, convenience, and general welfare. (Ord. 645 § 24(1)(4), 1982).

20.92.150 Interpretation of official zoning district map.

Where the street or lot layout actually on the ground or as recorded differs from the

street and lot lines indicated on the official zoning district map, the board of adjustment, after notice to the owners of the property in question, and after a public hearing, shall interpret the map in such a manner as to carry out the intent and purposes of this title for the particular section and/or district in question. (Ord. 645 § 24(I)(5), 1982).

20.92.170 Variances--Restriction on authorizing.

The board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed. (Ord. 645 § 24(J)(2), 1982).

20.92.180 Variances--Authorizing upon appeal.

The board shall have the power to authorize, upon appeal, a variance from the strict application of the terms of this title if the literal enforcement of the provisions of this chapter would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property in question, upon reason of:

- (1) Exceptional narrowness, shallowness, or shape of a specific piece of property;
- (2) Exceptional topographic conditions;
- (3) Other extraordinary exceptional situations or conditions of such piece of property. (Ord. 878 § 6, 1996: Ord. 645 § 24(J)(3), 1982).

20.92.190 Variances--Attachment of conditions.

The board of adjustment may, in authorizing a variance, attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in the interest and intent of this title. (Ord. 645 § 24(J)(4), 1982).

20.92.210 Variances--Required conditions for authorizing.

No variance in the provisions or requirements of this title shall be authorized by the board of adjustment unless the board finds beyond a reasonable doubt that all of the following conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district;

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

(3) That the authorizing of such variance shall not be a detriment to adjacent property and will not materially impair the purposes and intent of this chapter or the public interest;

(4) That the authorizing of such variance will not permanently authorize a use that is prohibited in the district in which the property in question is located;

(5) That the authorizing of such variance will not weaken the general purposes and intents of this chapter or the regulations contained herein for any specific district;

(6) That the circumstances creating the need for the variance are unique to the property in question and are not caused by the owner in any way, or by a predecessor in title;

(7) That the authorizing of the variance is in harmony with the spirit and purpose of this title. (Ord. 878 § 8, 1996: Ord. 645 § 24(J)(6), 1982).

20.92.220 Variances--Granting.

The board of adjustment shall not grant or authorize a variance unless it specifically finds the condition or situation of the specific piece of property for which the variance is sought is so typical or recurrent a nature as to make reasonable practicable the formulation of a general regulation, under an amendment to this title for such conditions or situations. (Ord. 645 § 24(J)(7), 1982).

20.92.240 Judicial reviews.

All final administrative decisions of the board of adjustment shall be subject to judicial review pursuant to the provisions of the Code of Iowa, and all amendments and modifications thereto, and the rules adopted pursuant thereto. (Ord. 645 § 24(L), 1982).

Chapter 20.96

ADMINISTRATION

Sections:

20.96.010 Administrative officer--Appointment.

20.96.020 Administrative officer--Powers and duties.

20.96.010 Administrative officer--Appointment. The administrative officer shall be appointed by the mayor with the advice and consent of the city council and the planning and zoning commission. (Ord. 645 § 26(A), 1982).

20.96.020 Administrative officer--Powers and duties. It shall be the duty of the administrative officer, with the aid of other municipal departments to enforce this title and any addition thereto, and in furtherance of such authority he shall:

- (1) Issue all zoning permits and make and maintain records thereof;
- (2) Issue all occupancy permits and make and maintain records thereof;
- (3) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this title;
- (4) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, uses on review, variances, appeals, and applications therefor;
- (5) Provide and maintain a public information service relative to all matters arriving out of this title;
- (6) Forward to the city council, city of Fairfield, Iowa, all applications for amendments to this title;
- (7) Transmit to the board of adjustment all applications for appeals, variances, uses on review, and other matters on which the board of adjustment is required to pass under this title;

(8) In addition to being the administrative officer of the planning and zoning commission, city of Fairfield, Iowa, he shall also act as secretary to the board of adjustment, city of Fairfield, Iowa, in all matters concerning the board of adjustment;

(9) Initiate a study of, direct, and review from time to time, the provisions of this title and also the subdivision ordinance of the city of Fairfield, Iowa, and make reports of his recommendations to the planning and zoning commission, the board of adjustment, and the city council, city of Fairfield, Iowa. (Ord. 645 § 26(B), 1982).

20.97.010--20.98.010

Chapter 20.97

WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

20.97.010 Interim application process.

20.97.010 Interim application process. (a) There is hereby enacted a ninety day interim application process for the issuance of permits by the city for the construction of wireless telecommunications towers, facilities and related facilities, which shall apply to any applications for a building permit, special use permit or site plan approval, use variance or other necessary city approval for a monopole, lattice tower, or other telecommunications antennae installations, including but not limited to cellular/PCS antennae installations.

(b) During the interim application process all applications for issuance of permits shall include information on at least the following topics, with additional topics to be added if deemed necessary by the reviewing agency: pre-application meeting and site visit, proof of need for facilities, proof of location and height of facility, meeting of RF emission requirements, information concerning aesthetic impacts of construction, liability insurance requirements, and removal bond. (Ord. 1051 § 3, 2010)

Chapter 20.98

VIOLATION--PENALTY

Sections:

20.98.010 Violation a misdemeanor.

20.98.010 Violation a misdemeanor. Any person, firm, copartnership, corporation, or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits, refuses to comply with, or otherwise resists the application of any provision of this title or any order issued pursuant to this title, except in accordance with the provisions of this title, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount at least fifty dollars, but not to exceed five hundred dollars or imprisoned for a term not to exceed thirty days. Each day a

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violation, act of disobedience, omission, refusal to comply with or resistance to the application of any provision of this title shall be considered a separate offense.

Limitation as to Minors. Penalties concerning persons under eighteen years of age convicted of simple misdemeanors set forth above are subject to limitation of Iowa Code Chapter 903.1(3) limiting fines for minors so as not to exceed one hundred dollars, as may be fixed by the court, or as may require the performance of community services as ordered by the court. (Ord. 960 §§ 1, 2(part), 2001; Ord. 645 § 29, 1982).

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Ordinance Number

1	Accepts addition (Special)
2	Accepts streets and alleys in addition (Special)
3	Accepts addition (Special)
4	Accepts streets and alleys addition (Special)
5	Accepts deed (Special)
6	Accepts streets and alleys (Special)
7	Accepting additions and streets and alleys (Special)
8	Describes boundaries and wards (Repealed by 550)
9	Licenses and regulates scales (Repealed by 478)
10	Practice and procedure in Mayor's court (Repealed by 445 and 478)
11	Trials, bonds, costs and punishment (Repealed by 445 and 478)
12	Nuisances (Repealed by 478)
13	Appropriation and issuance of bonds for waterworks (Special)
14	Interest on water bonds (Special)
15	Water rates and regulations, plumbing (Repealed by 227)
16	Fishing in water reservoir (Repealed by 172)
17	Keeping gunpowder (Repealed by 149 and 478)
18	Stacking hay, grain and fodder (Repealed by 478)
19	Speed of railway trains (Repealed by 478)
20	Stallions and jacks (Repealed by 110)
21	Franchise to Iowa Telephone and Telegraph Co. (No expiration)
22	Accumulation of combustibles (Superseded by 315)
23	Buying cemetery lots (Repealed by 478)
24	Street labor and poll tax (Repealed by 113 and 478)
25	Accepts addition and subdivision (Special)
26	Vacates alleys in block 3 Old Plat (Special)

- 27 Accepting streets and alleys (Special)
- 28 Accepting streets and alleys (Special)
- 29 Accepting additions (Special)
- 30 Franchise to Western Union Telegraph Co. (No expiration)
- 31 Franchise to Fairfield Gas and Electric Co. (Expired)
- 32 Amends Ord. 31, franchise (Expired)
- 33 Bicycle lamps and bells (Repealed by 446, 478)
- 34 Cigarette sales license (Repealed by 478)
- 35 Authorizing issuance of bonds (Special; repealed by 478)
- 36 Authorizing issuance of bonds (Special; repealed by 478)
- 37 Authorizing issuance of bonds (Special)
- 38 Vacates part of Depot Street (Special)
- 39 Franchise to Jefferson County Telephone Company (Expired)
- 40 Backfilling excavations in streets (11.16)
- 41 Snow and ice removal (Repealed by 644)
- 42 Trespassing on posted grounds (Superseded by 478)
- 43 Water rent collection (Repealed by 227)
- 44 Elevations and grades (Repealed by 102, 145)
- 45 Street improvements (Repealed by 485)
- 46 Signs and advertising devices (Superseded by 57)
- 47 Franchise to Fairfield Gas and Electric Co. (Expired)
- 48 Street improvement bonds (Special)
- 49 Hitching posts and hitching weights (Repealed by 478)
- 50 Appropriations for 1904 (Special)
- 51 Renumbering ordinances (Special)
- 52 Renaming streets and providing building numbering system (11.04)
- 53 Election and removal of officers (Repealed by 626-2-9)
- 54 Duties, compensation and bonds of officers (2.08, 2.24, 2.28)
- 55 Compensation of certain officers (Repealed by 141)
- 56 Street improvement procedure (Repealed by 485)

- 57 Obstructing streets, alleys, sidewalks (11.12)
- 58 Adopting ordinances and resolutions (1.04)
- 59 Business licenses (Repealed by 478)
- 60 Offenses (Repealed by 208)
- 61 Stock running at large (Repealed by 626-6-1)
- 62 Sidewalk construction and maintenance (Repealed by 496)
- 63 Procedure for accepting streets and alleys (Repealed by 485)
- 64 Police appointment and duties (Superseded by 318)
- 65 Dogs (Superseded by 182)
- 66 Barbed wire fences (Repealed by 626-9-22)
- 67 Scavenger licenses (Repealed by 478)
- 68 Transient merchants (Repealed by 544)
- 69 Honey bees (6.16)
- 70 Fire limits and building regulations (Repealed by 626-17-1)
- 71 Polluting water reservoirs (Repealed by 569)
- 72 Contagious diseases (Repealed by 478)
- 73 Burial of deceased persons (Repealed by 478)
- 74 Slaughterhouses (Repealed by 330)
- 75 Sewer construction and use (Repealed by 137)
- 76 Vacates alley (Special)
- 77 Fire department (Repealed by 360)
- 78 Salary of councilmen and chief engineer (Repealed by 225, 350, 478)
- 79 Keeping kerosene and gasoline (Repealed by 130)
- 80 Billiard halls and rooms (Repealed by 133)
- 81 Adopting and confirming revised ordinances (Special)
- 82 Sidewalk construction (Repealed by 132)
- 82-1/2 Appropriations for 1905 (Special)
- 83 Protection of pavement (Repealed by 626-11-17)
- 84 Franchise to Fairfield Brick & Title Co. (Expired)
- 85 Appropriations for 1906 (Special)

- 86 Amends Ord. 70, fire limits (Repealed by 626-17-1)
- 87 Vacates alley (Special)
- 88 Protection of pavement (Repealed by 439)
- 89 Amends Ord. 62, width of sidewalks (Superseded by 94)
- 90 Scale license, repeals Sec. 1 of Ord. 9 (Repealed by 478)
- 91 Franchise to Iowa-Missouri Traction and Power Co. (Expired)
- 92 Appropriations for 1907 (Special)
- 93 Amends Ord. 91 (Expired)
- 94 Sidewalk widths (Repealed by 496)
- 95 Hitching posts and weights (Obsolete)
- 96 Vacates alley (Special)
- 97 Amends Ord. 62, stock at large (Repealed by 626-6-1)
- 98 Amends Ord. 68, offenses (Superseded by 208)
- 99 Concealed weapons (Repealed by 626-9-18)
- 100 Spitting in public places (Repealed by 626-7-2)
- 101 Appropriations for 1908 (Special)
- 102 Adopting maps of streets, sidewalks and sewer grades (Repealed by 145)
- 103 Accepts subdivision (Special)
- 104 Amends Ord. 59, business licenses (Repealed by 287)
- 105 Contract with light company (Expired)
- 106 Contract for water pumping (Expired)
- 107 Appropriations for 1909 (Special)
- 108 Board of park commissioners (Repealed by 559)
- 109 Vacates portions of streets (Special)
- 110 Stallions and jacks (Repealed by 626-6-3)
- 111 City engineer (Repealed by 139)
- 112 Privy vaults (Repealed by 478)
- 113 Road poll tax (Repealed by 201 and 478)
- 114 Lot drainage (Repealed by 478)
- 115 Coal holes and doors in sidewalks (Repealed by 478)

- 116 Appropriations for 1910 (Special)
- 117 Vacates street (Special)
- 118 Vacates street (Special)
- 119 Vacates alley (Special)
- 120 Directs execution of deed (Special)
- 121 Amends Ord. 55, mayor's compensation (Repealed by 141 and 478)
- 122 Street and sidewalk grades (Repealed by 145)
- 123 Amends Ord. 77, fire department (Repealed by 360)
- 123A Solicitors salary (Repealed by 357 and 478)
- 123B Amends Ord. 54, duties of solicitor (2.08)
- 123C Amends Ord. 111, salary of engineer (Repealed by 139)
- 124 Vacates portion of street (Repealed by 134)
- 125 Vacates alley (Special)
- 126 Appropriations for 1911 (Special)
- 127 Repeals part of Ord. 60, offenses (Repealer)
- 128 Traffic code (Repealed by 446)
- 129 Amends Ord. 44, street grade (Repealed)
- 130 Gasoline and kerosene storage (Repealed by 149)
- 131 Appropriations for 1912 (Special)
- 132 Sidewalk width and construction (Repealed by 478)
- 133 Billiard halls and poolrooms (9.56)
- 134 Vacates street (Special)
- 135 Vacates alley (Special)
- 136 Street and sidewalk grades (Repealed by 148)
- 137A (Voided)
- 137B Sewer use and construction (Superseded by 461)
- 138 Water rates (Repealed by 167, 170)
- 139 Repeals Ord. 111 and amendment by Ord. 123C (Repealer)
- 140 Duty of clerk (Repealed by 626-2-3)
- 141 Officers salaries (Repealed by 142)

142 Officers salaries (Repealed by 478)
143 Appropriations for 1913 (Special)
144 Designation of street grades (Repealed by 478)
145 Street grades (Special)
146 Animals on sidewalks (6.28)
147 Boarding and riding trains (Superseded by 208)
148 Street grade (Special)
149 Keeping combustibles (Repealed by 155)
150 Public garages in fire limits (Repealed by 478)
151 Speed of motor vehicles (Repealed by 446 and 478)
152 Street grades (Special)
153 Franchise to Ralph M. Burtis (Expired)
154 Franchise to Ralph M. Burtis (Expired)
155 Keeping combustibles (Repealed by 626-16-2)
156 Vacates part of alley (Special)
157 Gas and electricity rates (Repealed by 160)
158 Water superintendent salary (Repealed by 225)
159 Appropriations for 1914 (Special)
160 Repeals Ord. 157 (Repealer)
161 Electricity rates (Repealed by 213)
162 Gas rates (Repealed by 222)
163 Amends Ord. 57, signs (Repealed by 626-11-9)
164 Vacates portion of street (Special)
165 Vacates portion of street (Special)
166 Storm sewer connection charges (Repealed by 485)
167 Water rates (Repealed by 170)
168 Vacates portion street (Special)
169 Water rates (Repealed by 227)
170 Water rates (Repealed by 227)
171 Vehicles for hire (Repealed by 217)

- 172 Fishing in reservoir (Repealed by 478)
- 173 Amends Ord. 45, street improvements (Repealed by 174)
- 174 Repeals Ord. 173 (Repealer)
- 175 Amends Ord. 112, privy vaults (Repealed by 478)
- 176 Board of library trustees (2.56)
- 177 Vacates alleys (Special)
- 178 Franchise to Interstate Power Co. (Expired)
- 179 Appropriations for 1916-17 (Special)
- 180 Franchise to Interstate Power Co. (Expired)
- 181 Trimming trees (Superseded by 401)
- 182 Dogs' licenses (Repealed by 478)
- 183 Noxious weeds (Repealed by 659)
- 184 Sewer and water pipes (Repealed by 692)
- 185 Vacates street (Special)
- 186 Circus and show licenses (Superseded by 258)
- 187 Ashes and waste on streets and sidewalks (Repealed by 208)
- 188 Sidewalk grades (Special)
- 189 Prohibited fishing (Repealed by 478)
- 190 Keeping certain substances nuisance (7.24)
- 191 Franchise to William G. Dows and Isaac B. Smith and John A. Reed
(Expired)
- 192 Franchise (Expired)
- 193 Amends Ord. 78, salaries (Repealed by 225 and 478)
- 194 Junk dealers (Repealed by 200)
- 195 Laying water pipes (Repealed by 227)
- 196 City engineer (Repealed by 225 and 478)
- 197 Appropriations for 1917-18 (Special)
- 198 Street grades (Special)
- 199 Delivery and draymen license (Repealed by 478)
- 200 Junkyards (Repealed by 626-5-4)

201 Road or poll tax (Repealed by 228)
202 Appropriations for 1918-19 (Special)
203 Prohibited fishing (Temporary-expired)
204 Circus and show licenses (Not passed)
205 Amends Ord. 186, street carnivals (Temporary-expired)
206 Motor vehicles (Repealed by 446)
207 Appropriations for 1919-20 (Special)
208 Offenses (Repealed by 478)
209 Requires railroad to construct viaduct (Special)
210 Requires railroad to construct viaduct (Special)
211 Traffic code (Repealed by 446 and 478)
212 Appropriations for 1920-21 (Special)
213 Electric rates (Repealed by 223)
214 Water rates (Repealed by 227)
215 Vacates part of street (Special)
216 Vehicles and traffic (Repealed by 446)
217 Licensing vehicles for hire (Repealed by 341)
218 Vacates portion street (Special)
219 Requires written reports from officers (Superseded by 225)
220 Vacates alley (Special)
221 Amends Ord. 215, vacating street (Special)
222 Gas rates (Repealed by 224)
223 Electric Rates (Repealed by 239)
224 Repeals Ord. 222, gas rates (Repealer)
225 Superintendent of public works (Repealed by 466)
226 Appropriations for 1921-22 (Special)
227 Water rates and regulations (Repealed by 822)
228 Road or poll tax (Repealed by 478)
229 Appropriations for 1922-23 (Special)
230 Fireworks (Repealed by 485)

- 231 Amends Ord. 77, fire department (Repealed by 360)
- 232 Width of streets, curb to curb (Special)
- 233 Requires utility connections (11.20)
- 234 Street grades (Special)
- 235 Appropriations for 1923-24 (Special)
- 236 Width of portion of street (Special)
- 237 Street widths (Special)
- 238 Street widths (Special)
- 239 Repeals Ord. 223, electric rates (Repealer)
- 240 Vacating portion of North Ninth Street (Special)
- 241 Appropriations for 1924-25 (Special)
- 242 Milk code (Repealed by 322)
- 243 Appropriations (Special)
- 244 Sidewalk grades (Special)
- 245 Appropriations 1925-26 (Special)
- 246 Franchise for telephone (Expired)
- 247 Street grades (Special)
- 248 Appropriations for 1927-28 (Special)
- 249 Speed limits (Repealed by 423 and 478)
- 250 Storage of inflammable oils (Repealed by 259)
- 251 Stop streets and u-turns (Repealed by 478 and 481)
- 252 Interference with radio reception (Repealed by 263)
- 253 Appropriations for 1928-29 (Special)
- 254 Requiring railroad crossing signals (Special)
- 255 Parking (Repealed by 329)
- 256 Appropriations for 1929-30 (Special)
- 257 Arterial stop streets (Superseded by 356)
- 258 Circus and show permits (5.12)
- 259 Storage of gasoline and oils (Repealed by 626-16-2)
- 260 Restricted residence district (Repealed by 370)

261 Appropriations for 1930-31 (Special)
262 Restricted residence district (Repealed by 265)
263 Interference with radio reception (Repealed by 626-9-21)
264 Franchise for Iowa Electric Co. (Special)
265 Restricted residence district (Repealer)
266 Appropriations 1931-32 (Special)
267 Repeals § 7 of Ord. 259, flammable storage (Repealer)
268 Restricted residence district (Repealed by 370)
269 Flagman at railroad crossing (Repealed by 478)
270 Appropriations for 1933-34 (Special)
271 Amends Ord. 258, circuses and shows (Repealed by 478)
272 Appropriations for 1933-34 (Special)
273 Street grades (Special)
274 Appropriations for 1934-35 (Special)
275 Public dance halls (Repealed by 568)
276 Appropriations for 1935-36 (Special)
277 Barbershops, sanitation (Repealed by 478)
278 Cosmetology shops, sanitation (Repealed by 478)
279 School zones (Repealed by 323)
280 Issuance of sewer bonds (Special)
281 Appropriations for 1936-37 (Special)
282 Restricted residence district (Repealed by 370)
283 Appropriations for 1936-37 (Special)
284 Appropriations for 1936-37 (Special)
285 Franchise to Iowa Electric Company (Expired)
286 Franchise to Iowa Electric Company (Expired)
287 Bowling alley license (Repealed by 314)
288 Bicycles (Repealed by 478)
289 (Tabled)
290 (Tabled)

291 (Tabled)

292 Amends Ord. 121, mayor's compensation and fees (Repealed by 350)

293 Appropriations for 1937-38 (Special)

294 Distributing advertising (5.16)

295 Traffic offenses (Repealed by 446)

296 Appropriations for 1938-39 (Special)

297 Roof construction (Repealed by 300)

298 Trespassing, failing to leave when requested (9.60)

299 (Tabled)

300 Roof construction (Repealed by 626-17-3)

301 Building permits (Repealed by 626-17-2)

302 Vacates alley and street (Special)

303 Franchise to Iowa Electric Co. (Expired)

304 Restricted residence district (Repealed by 370)

305 Appropriations for 1938-39 (Special)

306 Appropriations for 1939-40 (Special)

307 Dikes around flammable liquid storage (Repealed by 626-16-2)

308 Restricted residence district (Repealed by 370)

309 Vacates alley (Special)

310 Restricted residence district (Repealed by 333)

311 Appropriations for 1939-40 (Special)

312 Appropriations for 1940-41 (Special)

313 Amends Ord. 59, billiard and pool table license (Repealed by 626-5-8)

314 Bowling alley license (Repealed by 626-5-9)

315 Fire prevention code (Repealed by 626-16-1)

316 Amends Ord. 312, appropriations (Special)

317 Appropriations for 1941-42 (Special)

318 Police officers (Repealed by 485)

319 Vacates alley (Special)

320 Vacates alley (Special)

- 321 Appropriations for 1942-43 (Special)
- 322 Milk code (Repealed by 483)
- 323 School zones (Superseded by 383)
- 324 Appropriations for 1943-44 (Special)
- 325 Use of water reservoirs (Repealed by 570)
- 326 Vacates portions of streets (Special)
- 327 Appropriations for 1944-45 (Special)
- 328 Dogs running at large (Repealed by 442)
- 329 Parking (Repealed by 338)
- 330 Slaughterhouses (7.16)
- 331 Appropriations for 1945-46 (Special)
- 332 Electric rates (Repealed by 344)
- 333 Repeals Ord. 310 (Repealer)
- 334 Vacates parts of streets and alleys (Special)
- 335 Appropriations for 1946-47 (Special)
- 336 Parking meters (Incompleted; superseded by 421)
- 337 Appropriations for 1947-48 (Special)
- 338 Parking (Repealed by 361)
- 339 Compensation of waterworks trustees (Repealed by 353)
- 340 Restricted residence district (Repealed by 370)
- 341 Taxicabs (5.20)
- 342 Restricted residence district (Repealed by 370)
- 343 Nuisances (9.68)
- 344 Electric rates (Repealed by 485)
- 345 Vacates alley (Special)
- 346 Restricted residence district (Repealed by 370)
- 347 Vacates alley (Special)
- 348 Street grades (Special)
- 349 Appropriations for 1948-49 (Special)
- 350 Compensation for officers (Repealed by 485)

351 Gas rates (Repealed by 365)
352 (Missing)
353 Compensation of waterworks trustees (Repealed by 416)
354 Appropriations for 1949-50 (Special)
355 Parking zones (Superseded by 440)
356 Arterial stops (Repealed by 481)
357 Compensation of solicitor (Repealed)
358 Trailer camps (Repealed by 438)
359 Weed removal (Repealed by 659)
360 Fire department (2.40)
361 Parking (10.34)
362 Two-hour parking on square (Superseded by 440)
363 Appropriations for 1950-51 (Special)
364 Franchise to Iowa Electric Company (Expires 1970)
365 Gas rates (Repealed by 626-5-6)
366 (Missing)
367 Prohibiting bonfires in and near city square (Repealed by 626-16-1)
368 Vacating and selling alley (Special)
369 Trees and shrubbery in street (Repealed by 484)
370 Zoning code (Repealed by 420)
371 Appropriations for 1951-52 (Special)
372 Vacates alley (Special)
373 Erection of fences for swimming pool (Repealed by 626-10-21)
374 Vacates alley (Special)
375 Vacates alley (Special)
376 Appropriations for 1952 (Special)
377 Vacates alley (Special)
378 Gas regulations (Repealed by 485)
379 Vacates alley (Special)
380 Arterial highways and stop signs (Repealed by 481)

381 No parking zones (Superseded by 440)
382 One-way traffic no parking zones (Repealed by 449)
383 School zones (10.42)
384 Through streets and stop signs (Repealed by 481)
385 Appropriations for 1953 (Special)
386 Iowa Electric Company Franchise (Expires 1978)
387 Street Improvement bonds (Special)
388 Stop intersection (Repealed by 481)
389 Emergency vehicle traffic regulations (10.44)
390 Vacates portion street (Special)
391 Parking stall markings (Superseded by 440)
392 Parking for sales purpose (10.34)
393 Speed limits (Repealed by 423)
394 Parking (Superseded by 421)
395 Vacates alley (Special)
396 Vacates alley (Special)
397 Vacates portion of alley (Special)
398 Parking restrictions (Superseded by 440)
399 Appropriations for 1954 (Special)
400 Planning commission (2.48)
401 Trees and shrubbery (Repealed by 484)
402 Vacating portion of alley (Special)
403 Width street (Special)
404 Amends Ord. 370, zoning (Repealed by 420)
405 Grade street (Special)
406 Vacates part of alley (Special)
407 Appropriations for 1955 (Special)
408 Issuance of street improvement bonds (Special)
409 Appropriations for 1956 (Special)
410 Stop intersection (Repealed by 481)

411 Width of street (Special)
412 Amends Ord. 370, zoning (Repealed by 420)
413 Stop intersections (Repealed by 481)
414 Appropriations for 1957 (Special)
415 Sewer connection fee (Superseded by 461)
416 Compensation of waterworks trustees (Repealed by 821)
417 Appropriations for 1958 (Special)
418 Issuance of street improvement bonds (Special)
419 Subdivisions (Title 19)
420 Zoning Code (Title 20)
421 Parking meters (10.36)
422 Appropriations (Special)
423 Maximum speed (10.30)
424 Dogs at large (Repealed by 442)
425 Compensation for councilmen (Repealed by 534)
426 Amends Ord. 419, subdivisions (Obsolete)
427 Office of city manager (Repealed by 441)
428 Amends Ord. 420, zoning (20.36, 20.40)
429 Requires street improvements by subdivider (Title 19)
430 Appropriations for 1960 (Special)
431 Amends Ord. 420, zoning (Special)
432 Amends Ord. 420, zoning (Special)
433 Amends Ord. 420, zoning (Special)
434 Amends Ord. 420, zoning (Special)
435 Level datum and bench marks established (1.08)
436 Amends Ord. 420, zoning (20.24)
437 Amends Ord. 420, zoning (20.42, 20.52)
438 Trailers and mobile homes (Repealed by 645)
439 Heavy traffic (10.52)
440 Parking (10.32)

441 Repeals Ord. 427, city manager (Repealer)
442 Dogs at large (6.12)
443 Special parking provisions (Special)
444 Amends Ord. 420, zoning (Special)
445 Police court (Repealed by 626-2-18)
446 Traffic (Title 10)
447 Amends Ord. 420, zoning (20.28)
448 Amends Ord. 442, dogs (Repealed by 779)
449 Repeals Ord. 382, one-way traffic (Repealer)
450 Amends Ord. 420, zoning (Special)
451 Hitchhiking (10.50)
452 Amends Ord. 421, parking meters (Repealed by 932)
453 Creates sewer district (Repealed by 598)
454 Amends Ord. 420, zoning (20.28)
455 Intoxication (9.32)
456 Amends Ord. 420, zoning (20.48, 20.52, 20.72)
457 Amends Ords. 145 and 158 (Special)
458 Controlled-access traffic regulations (10.40)
459 Sewer service charges (Repealed by 563)
460 Sewer board (Repealed by 582)
461 Sewer connection and services (Repealed by 692)
462 Compensation for mayor and treasurer (Special)
463 Penalty for petty theft (9.16)
464 Speed limits in city parks (9.92)
465 Powers and duties of mayor (2.04)
466 Director of public works (2.20)
467 Amends Ord. 420, zoning (Special)
468 Amends Ord. 461, sewer connections (13.04)
469 Snakes and wild animals (Repealed by 626-6-4)
470 Amends Ord. 420, zoning (Special)

- 471 Amends Ord. 420, zoning (Special)
- 472 Amends Ord. 420, zoning (Special)
- 473 Hauling trash or refuse (Repealed by 626-7-1)
- 474 Removal of dead or diseased trees (Repealed by 484)
- 475 Amends Ord. 419, subdivisions (Title 19)
- 476 Amends Ord. 420, zoning (Special)
- 477 Amends Ord. 400, planning commission (2.48)
- 478 Public peace and safety (7.12, 9.04--9.12, 9.20, 9.40--9.52, 9.60, 9.72, 9.88, 19.46)
- 479 Amends Ord. 420, home occupations (20.04, 20.24)
- 480 Amends Ord. 420, zoning (Special)
- 481 Through streets (10.38)
- 482 Amends Ord. 420, zoning (Special)
- 483 Milk and milk products (Repealed by 626-7-3)
- 484 Trees and shrubbery (11.08)
- 485 Repeals § 1 of Ord. 58 and Ords. 45, 56, 63, 166, 230, 318, 344, 350 and 378 (Repealer)
- 486 Provides for precincts within wards 3 and 4 (Repealed by 550)
- 487 Amends Ord. 459, sanitary sewer rental (Repealed by 539, 563)
- 488 Amends Ord. 420, zoning (Special)
- 489 Amends Ord. 420, zoning (Special)
- 490 Grants right to RF, Inc. (Expires 1991)
- 491 Establishes permanent registration of voters (Repealed by 626-1-3)
- 492 Method for nominating candidates for municipal office (1.20)
- 493 Amends Ord. 420, zoning (Special)
- 494 Amends Ord. 420, zoning (Title 20)
- 495 Code adoption (Repealed by 626)
- 496 Regulates construction and repair of sidewalks (Repealed by 957)
- 497 Establishes civil service commission (2.68)
- 498 Membership of planning and zoning commission (2.48)

499 Amends Ord. 360, fire calls outside city limits (2.40)
500 Amends Ord. 490, franchise (Special)
501 Rezone (Special)
502 Designated through streets (10.38)
503 Issues sewer revenue bonds (Special)
504 Amends § 10.34.080, parking (10.34)
505 Amends § 10.36.040, parking meters (Repealed by 614)
506 Amends § 6.12.040, dogs (6.12)
507 Amends § 9.32.030, liquor possession by minors (9.32)
508 Establishes one-way streets (10.56)
509 Amends § 13.08.080, sewer rental (13.08)
510 Rezone (Special)
511 Establishes street grades (Special)
512 Establishes street grades (Special)
513 Amends § 10.32.080, parking (Repealed by 761)
514 Rezone (Special)
515 Amends § 13.04.110, sewer connections (13.04)
516 Rezone (Special)
517 Rezone (Special)
518 (Repealed by 645)
519 Subdivision (Title 19)
520 Beer permits (Repealed by 626-5-7)
521 Defines case of beer (Repealed by 626-5-7)
522 Amends § 10.38.020, through streets (10.38)
523 Amends § 10.36.040, parking meter (Repealed by 614)
524 Rezone (Special)
525 Amends §§ 2.40.010, 2.40.070, 2.40.230, 2.40.250, 2.68.090; repeals
§§ 2.40.020, 2.40.150, 2.40.170, 2.40.220, fire department (2.40, 2.68)
526 Amends Ord. 518, zoning (Title 20)
527 Rezone (Special)

528 Rezone (Special)

529 Controlled access facilities (10.40)

530 Excessive vehicle noise and fumes, repeals § 10.18.060 (10.17)

531 (Not passed)

532 Rezone (Special)

533 Iowa Electric Light and Power Company Franchise (Expires 1994)

534 Councilman compensation, repeals Ord. 425 (Repealed by 578)

535 Amends Ord. 383 § 2, traffic (10.42)

536 Rezone (Special)

537 Amends Ord. 490 § 7, cable vision (Repealed by 585)

538 Rezone (Special)

539 Sanitary sewer rental, repeals Ord. 487 and § 3 of Ord. 459 (Repealed
by 563)

540 Rezone (Special)

541 Amends Ord. 518, zoning (20.28)

542 Adds paragraph to Ord. 518 § 13-A, application fee for amendment, special
use or variation from zoning (20.28)

543 Rezone (Special)

544 Repeals and replaces Ord. 68, transient merchant licensing (Repealed by
626-5-5)

545 Rezone (Special)

546 Rezone (Special)

547 Vacation of portion of alley (Special)

548 Rezone (Special)

549 Repeals and replaces Ord. 508, one-way streets (10.56)

550 Repeals and replaces Ords. 8 and 486, boundaries and wards (Repealed
by 643)

551 Bicycle regulations (10.58)

552 Amends §§ 20.24.010 and 20.24.030, zoning (20.24)

553 Rezone (Special)

- 554 Rezone (Special)
- 555 Parks (9.92)
- 556 Rezone (Special)
- 557 Rezone (Special)
- 558 Rezone (Special)
- 559 Discontinues park board, swimming pool board and recreation board; creates park and recreation board; repeals Ord. 108 (2.60)
- 560 Time limitation on city parking lots (10.35)
- 561 Rezone (Special)
- 562 Repeals and replaces § 11.32.010, snow and ice removal (Repealed by 644)
- 563 Rate and manner of paying sewer charges, repeals Ords. 459, 487 and 539 (Repealed by 598)
- 564 City finance officer, abolishment of office of city treasurer (Repealed by 626-2-5)
- 565 Water rates, repeals paragraph 7 of Ord. 227 and Res. 8 (14.04)
- 566 Abandoned vehicles (10.62)
- 567 Repeals and replaces subsections (a) and (b) of § 2 of Ord. 563, sewer charges (Repealed by 598)
- 568 Repeals Ord. 275 (Repealer)
- 569 Pollution of reservoirs, repeals Ord. 71 (14.08)
- 570 Use of reservoirs and adjacent land, repeals Ord. 325 (14.12)
- 571 Repeals and replaces § 3 of Ord. 559, park and recreation board (2.60)
- 572 Repeals §§ 2--17 and rennumbers §§ 2, 3 and 4 of Ord. 490, cable television franchise (Special)
- 573 Cable television system (5.08)
- 574 Form of government (1.02)
- 575 Board of library trustees (2.56)
- 576 Rezone (Special)
- 577 Runoff election (1.24)

578 Municipal officers' salaries, repeals Ords. 534 and § 8 of 465 (Repealed
by 744)

579 Railroad crossings (10.60)

580 Rezone (Special)

581 Rezone (Special)

582 Dissolves sewer rental board established by Ord. 460 (Repealer)

583 Rezone (Special)

584 Repeals and replaces § 5 of Ord. 442, dog redemption fee (6.12)

585 Repeals and replaces § 7 of Ord. 490, and repeals Ord. 537, cable
television charges (Repealed by 617)

586 Alley vacation (Special)

587 Rezone (Special)

588 Adds (17) to § 20.28.020, R-2 district permitted uses (20.28)

589 Alley vacation (Special)

590 Repeals and replaces § 2.60.040, park and recreation board term of office
(2.60)

592 Solid waste collection; repeals Ch. 7.04 (7.04)

593 Use of skateboards (Repealed by 834)

594 Alley vacation (Special)

595 Street vacation and sale (Special)

597 Amends §§ 10.60.030 and 10.60.060, streets (10.60)

598 Sanitary facility use, repeals Ords. 563 and 567 (Repealed by 733)

599 Amends § 10.36.110, parking meter violations (Repealed by 915)

600 Street grades (Special)

601 Amortization periods (3.08)

603 Vacation and sale of property (Special)

604 Street grades (Special)

606 Amends § 3 of Ord. 603, vacation and sale of property (Special)

607 Street grades (Special)

609 Alley vacation (Special)

610 Street vacation (Special)

614 Amends § 10.36.040, parking meter district (10.36)

615 Fair housing (9.96)

617 Amends § 7 of Ord. 490; repeals Ord. 585, cable vision (Repealed by
668)

618 Amends §§ 1 and 2 of Ord. 578, salaries (Repealed by 744)

619 Amends § 10.12.020, traffic signal lights (Repealed by 716)

620 Street vacation (Special)

620-A Easement (Special)

621 Partial property tax exemptions (Repealed by 935)

622 Alley vacation (Special)

625 Alley vacation (Special)

626 Code adoption (1.01)

626-1-1 Repeals § 5 of Ord. 495 (Repealer)

626-1-2 Repeals § 7 and renumbers §§ 8, 9 and 10 of Ord. 495, code adoption
(Not codified)

626-1-3 Repeals Ord. 491 (Repealer)

626-1-4 Amends Ord. 577, runoff election (1.24)

626-2-1 Amends § 2 of Ord. 465, city council meetings (2.04)

626-2-2 Amends § 5 of Ord. 465, appointment of officers (2.04)

626-2-3 Repeals § 2 of Ord. 140 and §§ 7--12 of Ord. 54 (Repealer)

626-2-4 Clerk-finance officer (2.12)

626-2-5 Repeals §§ 1 and 2 of Ord. 564 (Repealer)

626-2-6 Repeals §§ 16--20 of Ord. 54 (Repealer)

626-2-7 Amends § 15 of Ord. 54, appointments by city council (2.24)

626-2-8 Amends § 45 of Ord. 54, bond and oath requirements (2.24)

626-2-9 Preferring and hearing charges; repeals §§ 2--13 of Ord. 53 (2.24)

626-2-10 Amends § 46 of Ord. 54, bonds (2.24)

626-2-11 Amends § 47 of Ord. 54, city council (2.28)

626-2-12 Police department (2.44)

626-2-13 Amends § 1 of Ord. 360, fire department (2.40)

626-2-14 Amends § 7 of Ord. 360, fire department (2.40)

626-2-15 Amends § 10 of Ord. 360, fire department (2.40)

626-2-16 Amends § 12 of Ord. 360, fire department (2.40)

626-2-17 Amends § 23 of Ord. 360, fire department (2.40)

626-2-18 Repeals Ord. 445 (Repealer)

626-2-19 Amends § 4 of Ord. 400, planning and zoning commission (2.48)

626-2-20 Amends §§ 3 and 4 of Ord. 575, board of library trustees (2.56)

626-2-21 Amends § 1 of Ord. 497, civil service commission (Repealed by 867)

626-2-22 Repeals § 7 of Ord. 497 (Repealer)

626-2-23 Repeals § 9 of Ord. 525 (Repealer)

626-5-1 Amends Ord. 258, permits for shows and exhibitions (5.12)

626-5-2 Amends §§ 1--5 of Ord. 294, advertising matter (5.16)

626-5-3 Repeals § 12 of Ord. 341 (Repealer)

626-5-4 Junkyards; repeals Ord. 200 (5.24)

626-5-5 Repeals Ord. 544 (Repealer)

626-5-6 Repeals Ord. 365 (Repealer)

626-5-7 Repeals Ord. 520 (Repealer)

626-5-8 Repeals Ord. 313 (Repealer)

626-5-9 Repeals Ord. 314 (Repealer)

626-6-1 Repeals §§ 1--8 of Ord. 61 (Repealer)

626-6-2 Amends § 4 of Ord. 442, dogs (6.12)

626-6-3 Repeals Ord. 110 (Repealer)

626-6-4 Repeals Ord. 469 (Repealer)

626-6-5 Amends Ord. 146, driving of animals (6.28)

626-7-1 Repeals Ord. 473 (Repealer)

626-7-2 Repeals §§ 1 and 2 of Ord. 100 (Repealer)

626-7-3 Repeals Ord. 483 (Repealer)

626-9-1 Repeals § 7 of Ord. 478 (Repealer)

626-9-2 Amends § 35 of Ord. 478, obscene secretions (9.12)

626-9-3 Amends § 15 of Ord. 478, annoying conduct (9.12)

626-9-4 Amends § 40 of Ord. 478, nudity in public (9.12)

626-9-5 Repeals § 41 of Ord. 478 (Repealer)

626-9-6 Amends Ord. 463, petit theft (9.16)

626-9-7 Amends § 43 of Ord. 478, swindling and defraud (9.20)

626-9-8 Repeals §§ 5, 6, 8 and 9 of Ord. 478 (Repealer)

626-9-9 Repeals § 13 of Ord. 478 (Repealer)

626-9-10 False soliciting of alms (9.28)

626-9-11 Amends § 12 of Ord. 478, intoxication in public (Repealed by 708)

626-9-12 Amends § 2 of Ord. 455, possession of alcohol by minors (9.32)

626-9-13 Repeals § 33 of Ord. 478 (Repealer)

626-9-14 Amends § 16 of Ord. 478, destruction of property (9.44)

626-9-15 Amends § 19, 26 and 37 of Ord. 478, traffic (9.48)

626-9-16 Amends §§ 1 and 2 of Ord. 133, billiard hall and poolrooms (9.56)

626-9-17 Amends § 29 of Ord. 478, trespassing (9.60)

626-9-18 Repeals § 1 of Ord. 99 (Repealer)

626-9-19 Amends § 32 of Ord. 478, causing noise (9.72)

626-9-20 Amends §§ 2 and 3 of Ord. 183, noxious weeds (Repealed by 659)

626-9-21 Repeals Ord. 263 (Repealer)

626-9-22 Repeals § 1 of Ord. 66 (Repealer)

626-9-23 Amends § 55 of Ord. 478, violation and penalty (9.88)

626-10-1 Amends § 1 of Ord. 446, streets (10.02)

626-10-2 Amends (A) of § 31 of Ord. 446, accident reports (10.08)

626-10-3 Repeals § 8 of Ord. 446 (Repealer)

626-10-4 Amends § 47 of Ord. 446, tampering with vehicles (10.10)

626-10-5 Amends § 9 of Ord. 446, traffic signal lights (Repealed by 716)

626-10-6 Amends §§ 10--15, 21 and 27 of Ord. 446, vehicles (10.14)

626-10-7 Amends §§ 41 and 42 of Ord. 446, vehicles (10.20)

626-10-8 Amends § 49 of Ord. 446, vehicles (10.22)

626-10-9 Operation of vehicles (10.14)

626-10-10 Amends § 2 of Ord. 423, speed limits (10.30)

626-10-11 Amends § 2 of Ord. 423, speed limits (10.30)

626-10-12 Amends § 2 of Ord. 361, parking (10.34)

626-10-13 Amends § 3 of Ord. 392, vehicle violations (Repealed by 917)

626-10-14 Amends § 2 of Ord. 481, through streets (10.38)

626-10-15 Amends § 6 of Ord. 481, traffic-control signals (10.38)

626-10-16 Amends § 8 of Ord. 481, stop signs (10.38)

626-10-17 Amends § 9 of Ord. 481, four-way stop streets (10.38)

626-10-18 Amends § 1 of Ord. 283, school zones (Repealed by 735)

626-10-19 Amends § 1 of Ord. 389, emergency vehicles (10.44)

626-10-20 Repeals §§ 2 and 3 of Ord. 389 (Repealer)

626-10-21 Repeals Ord. 373 (Repealer)

626-10-22 Amends (2) of § 1 of Ord. 439, vehicle tires (10.52)

626-10-23 Repeals § 2 of Ord. 464 (Repealer)

626-10-24 Repeals § 6 of Ord. 551 (Repealer)

626-10-25 Amends § 5 of Ord. 566, vehicle impound fees (10.62)

626-11-1 Amends Ord. 52, street names (11.04)

626-11-2 Amends § 2 of Ord. 484, street trees (11.08)

626-11-3 Amends § 3 of Ord. 484, street trees (11.08)

626-11-4 Amends § 4 of Ord. 484, street trees (11.08)

626-11-5 Amends § 8 of Ord. 484, street trees (11.08)

626-11-6 Repeals § 9 of Ord. 484 (Repealer)

626-11-7 Amends § 10 of Ord. 484, street trees (11.08)

626-11-8 Amends § 2 of Ord. 57, stairways (11.12)

626-11-9 Repeals § 4 of Ord. 57 (Repealer)

626-11-10 Amends § 6 of Ord. 57, advertising on sidewalk (11.12)

626-11-11 Repeals § 10 of Ord. 57 (Repealer)

626-11-12 Repeals § 3 of Ord. 40 (Repealer)

626-11-13 Amends § 1 of Ord. 233, utility connections (11.20)

626-11-14 Amends § 3 of Ord. 233, utility connections (11.20)

626-11-15 Amends § 4 of Ord. 233, public improvements (11.20)

626-11-16 Repeals § 6 of Ord. 496 (Repealer)

626-11-17 Repeals Ord. 83 (Repealer)

626-11-18 Amends § 1 of Ord. 41, sidewalks (Repealed by 644)

626-13-1 Amends § 6 of Ord. 461, sewer connection (13.04)

626-13-2 Amends § 8 of Ord. 461, sewers (13.04)

626-14-1 Amends Ord. 227, waterworks (Repealed by 822)

626-14-2 Amends § 3 of Ord. 569, waterworks (14.08)

626-16-1 Fire prevention; repeals Ord. 315 and §§ 23, 31 and 36 of Ord. 478
(16.04)

626-16-2 Explosives; repeals Ords. 155, 259 and 307 (16.08)

626-17-1 Repeals Ord. 70 (Repealer)

626-17-2 Repeals Ord. 301 (Repealer)

626-17-3 Repeals Ord. 300 (Repealer)

626-19-1 Amends § 9 of Ord. 519, subdivisions (19.36)

626-21-1 Amends § 4 (B) of Ord. 438, trailers and mobile home parks (Repealed
by 645)

627 Alley vacation (Special)

628 Amends § 10.32.010, handicapped parking zones (10.32)

629 Parking of trailers (10.34)

630 Street grades (Special)

631 Amends § 10.32.040, parking (Repealed by 718)

632 Rezone (Special)

633 Rezone (Special)

634 Alley vacation (Special)

635 Floodplain districts (Repealed by 743)

636 Amends Ord. 598(2)(a), sewer use charges (Repealed by 733)

637 Alley vacation (Special)

638 Alley vacation (Special)

639 Unsafe and dangerous buildings (17.08)

640 Amends § 10.42.010, school zones (Repealed by 735)

641 Adds Section 8A to Ord. 592, solid waste (7.04)

642 Alley vacation (Special)

643 Boundaries and wards; repeals Ord. 550 (Repealed by 819)

644 Repeals and replaces § 11.32.010, snow and ice removal (Repealed by
696)

645 Zoning; repeals Ords. 438 and 518 (20.04, 20.08, 20.12, 20.16, 20.20,
20.24, 20.28, 20.32, 20.36, 20.40, 20.44, 20.48, 20.52, 20.56, 20.60, 20.64, 20.68,
20.72, 20.76, 20.80, 20.84, 20.88, 20.92, 20.96, 20.98)

646 Amends §§ 5 and 6 of Ord. 598, sewer rental charges (Repealed by 733)

647 Alley vacation (Special)

648 Alley vacation (Special)

649 Alley vacation (Special)

650 (Void)

651 Rezone (Special)

652 Rezone (Special)

653 Rezone (Special)

654 Rezone (Special)

655 Alley vacation (Special)

656 Street vacation (Special)

657 Amends §§ 20.44.020 and 20.48.020, zoning (20.44, 20.48)

658 Rezone (Special)

659 Repeals and replaces Ch. 9.76, vegetation regulations (9.76)

660 Rezone (Special)

661 Rezone (Special)

662 Rezone (Special)

663 Rezone (Special)

664 Rezone (Special)

665 Rezone (Special)

666 Rezone (Special)

667 Amends Ord. 626-10-6 SI(F)(6), vehicle operating rules (10.14)
668 Repeals and replaces § 7 of Ord. 490; repeals Ord. 617, cablevision
(5.08)
669 Rezone (Special)
670 Street vacation (Special)
671 Adds §§ 10.30.010(4) and 10.30.015; repeals subsections (1), (5), (6)
and (9) of § 10.30.020, speed limits (10.30)
672 Amends §§ 6.12.050 and 6.12.070, dog control (Repealed by 779)
673 Rezone (Special)
674 One-way streets (Repealed by 697)
675 Adds to Title 20; repeals §§ 20.24.060 and 20.28.060, zoning (20.12)
676 Rezone (Special)
677 Alley vacation (Special)
678 Property vacation (Special)
679 Airport height regulations (20.78)
680 Alley vacation (Special)
681 Adds language to § 5(A) of Ord. 645 and § 20.12.010, zoning (20.12)
682 Street vacation (Special)
683 Street vacation (Special)
684 Street vacation (Special)
685 Rezone (Special)
686 Rezone (Special)
687 Rezone (Special)
688 Rezone (Special)
689 Void
690 Repeals and replaces § 1 of Ord. 681, zoning (20.12)
691 Rezone (Special)
692 Public and private sewers; repeals Ord. 184 and 461 (13.04)
693 Amends property description (Special)
694 Alley vacation (Special)

- 695 Rezone (Special)
- 696 Snow and ice removal; repeals Ord. 644 (11.32)
- 697 Repeals Ord. 674 (Repealer)
- 698 Rezone (Special)
- 699 Rezone (Special)
- 700 Rezone (Special)
- 701 Repeals and replaces § 2 of Ord. 565 and § 14.04.250, water regulations
(Repealed by 822)
- 702 Rezone (Special)
- 703 Repeals §§ 14(C), 15(C), 16(B) and 17(B) of Ord. 645, zoning
(Repealer)
- 704 Adds subsection (6) to § 10.30.020, speed limits (10.30)
- 705 One-way street--north to south (10.56)
- 706 Snow and ice removal of streets and alleys (11.36)
- 707 Search warrants (2.72)
- 708 Repeals and replaces § 9.32.010, consumption or possession of alcoholic
liquor; repeals §§ 9.32.011 and 9.32.012 (9.32)
- 709 Adds subsection (c) to § 10.32.010, parking restrictions and zones
(10.32)
- 710 Adds § 16.04.055, fire prevention (16.04)
- 711 Rezone (Special)
- 712 Rezone (Special)
- 713 Rezone (Special)
- 714 Street vacation (Special)
- 715 Adds § 10.56.040, one-way streets (10.56)
- 716 Repeals and replaces § 10.12.020, signs and signals (Repealed by 805)
- 717 Amends §§ 10.32.020, 10.32.030 and 10.32.040(b), parking restrictions
and zones (10.32)
- 718 Repeals Ord. 631 (Repealer)
- 719 Repeals and replaces §§ 10.22.010 and 10.22.020, parking rules (10.22)

- 720 Rezone (Special)
- 721 Alley vacation (Special)
- 722 Alley vacation (Special)
- 723 Alley vacation (Special)
- 724 Alley vacation (Special)
- 725 Alley vacation (Special)
- 726 Void
- 727 Rezone (Special)
- 728 Grants franchise renewal to Centel Cable Television Company (Special)
- 729 Building code (17.02)
- 730 Corrects property tax description of Ord. 725, alley vacation (Special)
- 731 (Vetoed)
- 732 Adopts Ch. 10.57, motorcycles and motorized bicycles (10.57)
- 733 Wastewater treatment works user charge system; repeals Ch. 13.08 and
Ords. 459, 487, 539, 563, 567, 598 and 636 (13.08)
- 734 Rezone (Special)
- 735 Repeals and replaces § 10.42.010, school zones (10.42)
- 736 Adds Ch. 10.13, pedestrian crosswalks (10.13)
- 737 Rezone (Special)
- 738 Repeals and replaces subsections (a)1 and (a)4 of Ord. 735, school zones
(10.42)
- 739 Adds subsections (33) and (34) to § 7 of Ord. 736, pedestrian crosswalks
(10.13)
- 740 Rezone (Special)
- 741 Rezone (Special)
- 742 Floodplain districts (17.04)
- 743 Repeals Ord. 635 (Repealer)
- 744 Municipal officers salaries; repeals Ords. 578 and 618 (Repealed by 870)
- 745 Rezone (Special)
- 746 Adds Ch. 2.74, the giving and reporting of gifts (2.74)

747 Street grades (Special)

748 Adds Ch. 20.62, zoning (20.62)

749 Alley vacation (Special)

750 Alley vacation (Special)

751 Street grades (Special)

752 Adds § 1.01.100, code adoption (1.01)

753 Rezone (Special)

754 Alley vacation (Special)

755 Street grades (Special)

756 Street vacation (Special)

757 Adds language to Ch. 16.04; repeals §§ 16.04.030, 16.04.040 and
16.04.050, fire prevention (16.04)

758 Right-of-way vacation (Special)

759 (Void)

760 Alley vacation (Special)

761 Repeals and replaces § 10.32.080, parking restrictions and zones
(Repealed by 917)

762 (Not sent)

763 (Not sent)

764 (Not sent)

765 Rezone (Special)

766 Rezone (Special)

767 (Number not used)

768 (Number not used)

769 (Number not used)

770 (Number not used)

771 (Number not used)

772 (Number not used)

773 (Number not used)

774 (Number not used)

775 (Number not used)
776 (Number not used)
777 (Number not used)
778 Alley vacation (Special)
779 Repeals and replaces § 6.12.070, dog control (6.12)
780 Adds Ch. 20.34, zoning (20.34)
781 Adds § 20.12.110, zoning (20.12)
782 Rezone (Special)
783 Rezone (Special)
784 Rezone (Special)
785 Rezone (Special)
786 Alley vacation (Special)
787 Alley vacation (Special)
788 Rezone (Special)
789 Construction of fences and hedges in residential districts (Repealed by
906)
790 Adds § 10.30.010(5), speed limits (10.30)
791 Open burning; repeals §§ 16.04.030, 16.04.040 and 16.04.050 (16.04)
792 Amends § 10.56.030, one-way streets (10.56)
793 Amends §§ 19.08.020(1) and (2), and 19.08.060, subdivisions (19.08)
794 Adds § 20.24.030(4), zoning (20.24)
795 Amends § 20.92.070, zoning (20.92)
796 Alley vacation (Special)
797 Street grades (Special)
798 Adds § 7.04.075; amends § 7.04.010, solid waste collection (7.04)
799 Adds §§ 20.40.020(5) and 20.44.020(18), zoning (20.40, 20.44)
800 Rezone (Special)
801 Adds § 10.20.060, vehicle weight, size and load limitations (10.20)
802 Adds §§ 5.20.130 and 5.20.140; amends § 5.20.070; repeals and
replaces § 5.20.030, taxicabs (5.20)

803 Rezone (Special)

804 Amends § 10.32.010(c), parking restrictions and zones (10.32)

805 Repeals and replaces § 10.12.020, signs and signals (10.12)

806 Repeals and replaces § 10.14.180, vehicles and traffic (10.14)

807 Authorizes erection of certain traffic signs (Not codified)

808 Repeals and replaces Ch. 19.24, subdivisions (19.24)

809 Alley vacation (Special)

810 (Denied)

811 Amends § 10.36.110, parking meters (Repealed by 915)

812 Street grades (Not codified)

813 Rezone (Special)

814 Sale and vacation of certain land tract (Special)

815 Amends §§ 20.20.010 and 20.36.020, zoning (20.20, 20.36)

816 Sale and vacation of portion of certain alley way (Special)

817 Amends § 9.32.030, consumption or possession of alcoholic liquor (9.32)

818 Amends § 10.14.070, vehicles and traffic (10.14)

819 Precincts and wards; repeals Ord. 643 (Repealed by 956)

820 Alley vacation (Special)

821 Repeals § 2.64.010; adds §§ 2.64.010--2.64.100, waterworks board of trustees (2.64)

822 Repeals and replaces Ch. 14.04, water regulations (14.04)

823 Rezone (Special)

824 Alley vacation and sale of property (Special)

825 Alley vacation and sale of property (Special)

826 Adds Ch. 6.30, prohibiting use of steel traps (6.30)

827 (Not sent)

828 (Not sent)

829 Repeals and replaces § 14.04.170, water regulations (14.04)

830 Repeals and replaces § 13.08.040, wastewater treatment works charges (Repealed by 927)

- 831 (Not sent)
- 832 (Not sent)
- 833 Adds Ch. 7.06, recycling (7.06)
- 834 Adds § 10.59.050; repeals and replaces §§ 10.59.010--10.59.040, skateboards, rollerskates and rollerblades (10.59)
- 835 Adds Ch. 7.32; repeals §§ 7.04.010(12) and 7.04.230, recovery of expenses for hazardous materials cleanup emergency action (7.32)
- 836 Adds Ch. 7.30; repeals §§ 7.04.010(12) and 7.04.230, reporting of hazardous materials release (7.30)
- 837 Adds Ch. 7.28; repeals §§ 7.04.010(12) and 7.04.230, hazardous materials cleanup (7.28)
- 838 Rezone (Special)
- 839 (Defeated)
- 840 Adds subsection 34 to § 10.13.070, pedestrian crosswalks (10.13)
- 841 Rezone (Special)
- 842 Adds §§ 20.08.055, 20.08.115 and 20.08.485; amends § 20.36.020 and repeals and replaces §§ 20.08.150 and 20.08.650, zoning (20.08, 20.36)
- 843 Adds Ch. 20.58, lodging houses (20.58)
- 844 Adds subsection (5) to § 20.24.030; repeals subsection (2) of § 20.28.030, zoning (20.24, 20.28)
- 845 Floodplain districts (17.04)
- 846 Repeals and replaces subsection (c) of § 10.32.010, handicapped parking (10.32)
- 847 Adds § 10.18.090, equipment requirements and usage (10.18)
- 848 Adds § 10.18.100, equipment requirements and usage (10.18)
- 849 Adds § 10.30.010(6), speed limits (10.30)
- 850 Amends Ch. 11.08, tree and landscaping regulations (11.08)
- 851 Alley vacation (Special)
- 852 Rezone (Special)
- 853 Rezone (Special)

- 854 Amends § 19.12.070(a), subdivision plan fees (19.12)
- 855 Amends §§ 20.32.200(d), 20.64.060, 20.76.100, 20.80.030, 20.84.080 and 20.92.070, zoning (20.32, 20.64, 20.76, 20.80, 20.84, 20.92)
- 856 Amends § 13.04.050(e), sewer connection fees (13.04)
- 857 Amends § 20.64.020(3); repeals § 20.64.030(6), zoning (20.64)
- 858 Rezone (Special)
- 859 Amends § 11.04.050, street names and building numbers (11.04)
- 860 Rezone (Special)
- 861 Amends Ch. 11.08, tree and landscaping regulations (11.08)
- 862 Street vacation (Special)
- 863 Rezone (Special)
- 864 Rezone (Special)
- 865 Rezone (Special)
- 866 Alley vacation (Special)
- 867 Repeals and replaces §§ 2.68.010 and 2.68.050, civil service commission (2.68)
- 868 Amends §§ 2.40.070, 2.40.230, 2.40.240 and 2.40.250, fire department (2.40)
- 869 Rezone (Special)
- 870 Compensation for councilmembers, the mayor, and other officers and employees; repeals Ords. 578, 618 and 744 (2.04, 2.28)
- 871 Amends §§ 7.04.280, 7.04.290, 7.04.300 and 7.04.330, solid waste collection (7.04)
- 871A Amends §§ 20.64.090 and 20.64.100, zoning (20.64)
- 872 Amends § 20.12.085(d), zoning (Repealed by 906)
- 873 Amends § 20.84.070, zoning (20.84)
- 874 Readopts existing Fairfield Municipal Code (Special)
- 875 Adds § 10.13.070(35), pedestrian crosswalks (10.13)
- 876 Amends § 9.68.010, nuisances (9.68)
- 877 Rezone (Special)

- 878 Adds § 20.92.105 and amends §§ 20.92.040(a), 20.92.100, 20.92.180
and 20.92.210, zoning; repeals §§ 20.92.130, 20.92.160 and 20.92.200 (20.92)
- 879 Rezone (Special)
- 880 Street and alley vacation and sale of property (Special)
- 881 Adds § 10.30.010(7), speed limits (10.30)
- 882 Adds Ch. 9.05, alarm regulation (9.05)
- 883 Adds §§ 11.04.080 and 11.04.090, street names and building numbers
[violations] (11.04)
- 884 Adopts new official zoning map (Special)
- 885 Amends § 9.04.020, disturbing the peace (9.04)
- 886 Amends § 9.92.040(a)(2), parks (9.92)
- 887 One-way street designated (10.56)
- 888 Amends §§ 11.08.050, 11.08.060, 11.08.080(3), 11.08.090(3) and
11.08.100, tree and landscaping regulations (11.08)
- 889 (Pending)
- 890 Rezone (Special)
- 891 (Void)
- 892 One-way street designated (10.56)
- 893 Adds § 20.08.655; amends § 20.36.020, zoning (20.08, 20.36)
- 894 Amends § 20.72.030, zoning (20.72)
- 895 Adds § 10.13.070(36), pedestrian crosswalks (10.13)
- 896 Vacation and sale of platted street (Special)
- 897 Rezone (Special)
- 898 Regulates sale of food, alcoholic beverages and merchandise, and the
provision of entertainment on July 25 and 26, 1997 (Expired)
- 899 Adds §§ 10.59.035 and 10.59.037; repeals and replaces § 10.59.030,
skateboards, rollerskates and rollerblades (10.59)
- 900 Repeals and replaces § 10.60.020, railroad crossings (10.60)
- 901 Amends § 6.12.040, dog control (6.12)
- 902 Tax levy (Special)

- 903 Adds § 10.56.040(2), one-way streets (10.56)
- 904 Adds § 6.12.015; repeals and replaces § 6.12.070, dog control (6.12)
- 905 Vacation and sale of platted alley (Special)
- 906 Repeals and replaces § 20.12.085, zoning (20.12)
- 907 Adds §§ 10.30.005(5) and 10.30.010(8), speed limits (10.30)
- 908 Adds §§ 10.56.020(4) and (5) and 10.56.040(3), one-way streets
(10.56)
- 909 Street vacation (Special)
- 910 Adds § 10.13.070(29), crosswalks (10.13)
- 911 Street vacation (Special)
- 912 (Pending)
- 913 Regulates Fairfield public access TV (2.52)
- 914 Rezone (Special)
- 915 Repeals and replaces § 10.36.110, penalties for violations (10.36)
- 916 Adds § 10.36.105; repeals and replaces § 10.36.100, violations (10.36)
- 917 Adds § 10.22.025; repeals and replaces §§ 10.04.020, 10.32.080 and
10.34.120, penalties for violation (10.04, 10.22, 10.32, 10.34)
- 918 Adds § 10.35.050; repeals and replaces § 10.35.040, parking and
penalties for violations (10.35)
- 919 Tax levy (Special)
- 920 Rezone (Special)
- 921 Tax levy (Special)
- 922 Tax levy (Special)
- 923 Rezone (Special)
- 924 Rezone (Special)
- 925 Repeals and replaces § 16.08.030, storage tanks (16.08)
- 926 Rezone (Special)
- 927 Repeals and replaces § 13.08.040, wastewater user charges (13.08)
- 928 Speed zones; repeals § 10.30.005(4) (10.30)
- 929 Amends Ord. 446 by adding § 10.28.050, penalty (10.28)

- 930 Amends §§ 7.04.270 and 7.04.370, solid waste collection (7.04)
- 931 Adds § 20.48.030, zoning (20.48)
- 932 Repeals and replaces § 10.36.070, parking meters (Repealed by 1026)
- 933 Repeals and replaces § 10.36.080(a), parking meters (Repealed by 1026)
- 934 Adds § 10.36.110(8); repeals and replaces §§ 10.36.110(1) and (3), parking (10.36)
- 935 Repeals and replaces Ch. 3.04; repeals Ord. 621, property tax exemptions (Repealed by 1001)
- 936 Repeals and replaces § 11.04.080, building numbers (11.04)
- 937 Repeals and replaces § 9.76.010, weeds (9.76)
- 938 Adds Ch. 17.10, rental housing code (17.10)
- 939 Tax levy (Special)
- 940 Tax levy (Special)
- 941 Rezone (Special)
- 942 Rezone (Special)
- 943 Rezone (Special)
- 944 Historic preservation (20.90)
- 945 Historic preservation commission (20.90)
- 946 Adds § 20.08.615 and Ch. 20.57, zoning (20.08, 20.57)
- 947 Adds §§ 20.08.435, 20.20.010(6) and 20.24.010(3), zoning (20.08, 20.20, 20.24)
- 948 Adds § 10.56.030(3), one-way traffic (10.56)
- 949 Rezone (Special)
- 950 Adds Ch. 9.30, peddlers, solicitors, transient merchants and direct sellers (9.30)
- 951 Amends § 9.68.010, nuisances enumerated (9.68)
- 952 Amends § 10.62.020, abandoned vehicles (10.62)
- 953 Adds § 10.17.035, motor vehicle noise regulation (10.17)
- 954 Street vacation (Special)

- 955 Amends § 14.04.240, water rates (Repealed by 1025)
- 956 Precincts and wards; repeals Ord. 819 (1.12)
- 957 Sidewalk construction and repair; repeals Ord. 496 (11.24)
- 957 Amends Ch. 11.24, sidewalk construction (11.24)
- 958 Amends zoning map (Special)
- 959 Amends § 10.30.020(6), posted speed limit (10.30)
- 960 Repeals and replaces §§ 6.12.070, 6.30.050, 9.05.080, 9.16.040, 9.68.040, 9.88.010, 9.92.060, 10.04.020, 10.13.080, 10.28.050, 10.40.020, 10.42.030, 10.62.140, 13.04.100(A), 14.08.040, 14.12.100, 16.04.200, 16.08.080, 19.36.010 and 20.98.010, general penalty (6.12, 6.30, 9.05, 9.16, 9.68, 9.88, 9.92, 10.04, 10.13, 10.28, 10.40, 10.42, 10.62, 13.04, 14.08, 14.12, 16.04, 16.08, 19.36, 20.98)
- 961 Amends §§ 2.04.080 and 2.28.030; repeals Ord. 870, salaries (2.04, 2.28)
- 962 Amends § 14.04.240, water rate structure (Repealed by 1025)
- 963 Amends zoning map (Special)
- 964 Amends § 11.32.035, snow removal (11.32)
- 965 Amends § 20.72.050, off-street parking and loading development standards (20.72)
- 966 Amends § 20.24.030, uses approved by the board of adjustments (20.24)
- 967 Repeals and replaces § 13.08.040(c), user charges (13.08)
- 968 Adds Ch. 20.86, beautification committee (20.86)
- 969 Street vacation (Special)
- 970 Amends zoning map (Special)
- 971 Adds Ch. 6.10, livestock and poultry (6.10)
- 972 Repeals and replaces § 9.76.010, weeds (9.76)
- 973 Extends franchise agreement (Special)
- 974 Amends zoning map (Special)
- 975 Extends franchise agreement (Special)
- 976 (Pending)

- 977 Adds §§ 20.08.235, 20.12.120, 20.20.030, 20.24.030, 20.28.030, 20.34.030, 20.36.030, 20.40.030, 20.48.030, 20.52.020 and 20.56.020, conditional uses (20.08, 20.12, 20.20, 20.24, 20.28, 20.34, 20.36, 20.40, 20.48, 20.52, 20.56)
- 978 Amends § 20.36.030, conditional uses (20.36)
- 979 (Not codified)
- 980 (Not codified)
- 981 (Pending)
- 982 (Not codified)
- 983 Adds Ch. 2.10, administration and personnel (2.10)
- 984 Amends §§ 10.22.025, 10.32.080, 10.34.120, 10.40.130(c) and 10.50.040, parking rules and regulations (10.22, 10.32, 10.34, 10.40, 10.50)
- 985 Amends § 10.13.070, pedestrian crosswalks (10.13)
- 986 Amends § 10.56.040, one-way streets (10.56)
- 987 Repeals and replaces § 6.12.050, dog control (6.12)
- 988 (Void)
- 989 Amends § 10.36.040, parking meters (10.36)
- 990 Repeals and replaces § 7.04.270, solid waste collection (7.04)
- 991 Repeals and replaces § 7.06.080, recycling (7.06)
- 992 Repeals and replaces § 16.04.030, fire prevention (16.04)
- 993 Amends § 10.56.010, one-way streets (10.56)
- 994 Adds § 17.10.065; amends § 17.10.040, rental housing code (17.10)
- 995 Amends Ord. 645; rezone (Special)
- 996 Vacates alley (Special)
- 997 Repeals and replaces § 14.12.010, recreational activities on reservoir (14.12)
- 998 Amends § 10.22.010, parking rules (10.22)
- 999 Adds Ch. 6.14, domesticated animal, wild animal and dangerous animal control (6.14)
- 1000 Adds Ch. 6.40, licensing and vaccination (6.40)
- 1001 Repeals and replaces Ch. 3.04, property tax exemptions (3.04)

- 1002 Vacates alley (Special)
- 1003 Adds §§ 7.32.060 and 7.32.070, recovery of expenses for hazardous materials cleanup emergency action (7.32)
- 1004 Amends § 14.04.080, water regulations and charges (14.04)
- 1005 Amends Ord. 645; rezone (Special)
- 1006 Adds § 17.10.055; amends §§ 17.10.040 and 17.10.065, rental housing code (17.10)
- 1007 Amends § 10.13.070, pedestrian crosswalks (10.13)
- 1008 Amends § 7.04.170, solid waste collection (7.04)
- 1009 Amends § 10.14.070, operating rules (10.14)
- 1010 Amends §§ 10.58.140, 10.58.150 and 10.58.170, bicycles (10.58)
- 1011 Amends § 9.92.040, parks (9.92)
- 1012 Amends § 14.12.010, recreational activities on reservoir (14.12)
- 1013 Amends Ord. 645; rezone (Special)
- 1014 Street vacation (Special)
- 1015 Amends Ord. 645; rezone (Special)
- 1016 Vacation and sale of platted street (Special)
- 1017 Establishes Tiff district (Special)
- 1018 Amends §§ 10.56.020 and 10.56.040, one-way streets (10.56)
- 1019 Repeals and replaces § 10.22.010(9), parking rules (10.22)
- 1020 Street vacation (Special)
- 1021 Grants franchise to Interstate Power and Light Company (Special)
- 1022 Amends § 13.08.040; repeals § 13.08.030(b) and (c), wastewater treatment works user charge system (13.08)
- 1023 Amends Ch. 13.04, public and private sewer systems (13.04)
- 1024 Railroad crossing vacation (Special)
- 1025 Repeals and replaces § 14.04.240, water regulations and charges (Repealed by 1035)
- 1026 Amends §§ 10.36.010, 10.36.020, 10.36.040, 10.36.060 and 10.36.100--10.36.110; renames Ch. 10.36; repeals and replaces §§ 10.36.030,

10.36.050 and 10.36.070--10.36.090, time limitation parking (10.36)
1027 Amends § 10.56.010, one-way streets (10.56)
1028 Repeals and replaces § 10.58.130, bicycles; repeals §§
10.58.140--10.58.180 (10.58)
1029 Rezone (Special)
1030 Rezone (Special)
1031 (Failed)

- 1032 Adds § 9.40.025; amends § 9.40.020, dangerous acts (9.40)
- 1033 Rezone (Special)
- 1034 Amends § 20.64.020, zoning; repeals and replaces Ch. 20.76, signs; repeals §§ 20.20.020, 20.32.020, 20.56.030 and 20.92.230 (20.64, 20.76)
- 1035 Repeals and replaces § 14.04.240, water regulations and charges (14.04)
- 1036 Amends § 10.13.070, pedestrian crosswalks (10.13)
- 1037 Rezone (Special)
- 1038 Amending § 9.68.010, appropriate composting (9.68)
- 1039 Amending § 9.68.020, nuisances (9.68)
- 1040 (Failed)
- 1041 Adding §§ 17.10.057 and 17.10.058, regarding landlords and tenants (17.10)
- 1042 Adding § 17.10.041 regarding landlords and tenants (17.10)
- 1043 (Failed)
- 1044 (Failed)
- 1045 Amending § 7.04.270, establishing service charges (7.04)
- 1046 Amending § 7.06.080, recycling collection rates (7.06)
- 1047 Amending § 10.56.020, one-way streets (10.56)
- 1048 Rezone (Special)
- 1049 Amending §§ 13.08.040 and 13.08.050, sewer rates (13.08)
- 1050 Amending § 14.04.240, water rates and charges (14.04)
- 1051 Adding Ch. 20.97, wireless telecommunications facilities (20.97)
- 1052 Amending § 13.08.040, user charges (13.08)
- 1053 Amending § 14.04.010, utilities committee-composition; 14.04.020, deposit of funds; 14.04.030, rules and regulations part of contract; 14.04.040, right to shut off water; 14.04.060, laying of mains; 14.04.130, owner's requirement to install curb valve; 14.04.150, responsibility for damage; 14.04.170, meters-required; 14.04.240, water rates and charges; 14.12.040, hunting; 14.12.080, construction and repairs; 14.12.090,

responsibility (14.04, 14.12)

1054 Amending § 20.68.010, continuation (20.68)

1055 Amending § 6.10.020, fence and setback requirements (6.10)

ICA Ch. 123

Games of skill, chance and raffles

ICA Ch. 99B

Boxing and wrestling matches

ICA 90A.1 et seq.

Taxicabs

ICA 321.236(7)

Transient merchants

ICA 9C.1 et seq.

Animals

Dogs

ICA Ch. 351

Neglected animals

ICA 364.22A

Cruelty to animals

ICA 717.1 et seq. and Ch. 717B

Health and Safety

Local board of health

ICA Ch. 137

Hotels sanitation code

ICA Ch. 137C

Food establishments and food processing plants

ICA Ch. 137F

Nuisances generally

ICA 364.12(3), 657.1 et seq.

Abandoned refrigerators

ICA 727.3

Weeds

ICA Ch. 317

Hazardous substances

ICA 455B.381 et seq.

Smoking prohibitions

ICA Ch. 142B

Fireworks

ICA 727.2

Control of environment

ICA Ch. 455B

Flammable liquids and explosives

ICA 101.6 and 101A.1 et seq.

Public Peace, Welfare and Morals

Offenses against government

ICA Ch. 718

Obstructing justice

ICA Ch. 719

Public disorder

ICA Ch. 723

Criminal street gangs

ICA Ch. 723A.1

Vice

ICA Ch. 725

Gambling

ICA Ch. 99A and 99B

Houses used for prostitution or gambling

ICA Ch. 99

Indecent exposure

ICA 709.9

Obscenity

ICA Ch. 728

Damage and trespass to property

ICA Ch. 716

Weapons

ICA Ch. 724

Vehicles and Traffic

Motor vehicles generally

ICA Ch. 321

Powers of local authorities

ICA 321.236 et seq.

Traffic signs, signals and markings

ICA 321.252 et seq.

Traffic light synchronization

ICA 364.24

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ICA 321.285 et seq.

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ICA 321J

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ICA 321.354 et seq.

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ICA 321.325 et seq.

Ethanol-blended gasoline required for city vehicles

ICA 364.20

Bicycles

ICA 321.234

Snowmobiles and all-terrain vehicles

ICA Ch. 321G

Abandoned vehicles

ICA 321.89

Streets, Sidewalks and Public Places

Regulations generally

ICA 364.12

Changing street grades

ICA 364.15

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ICA 312.11

Cemeteries

ICA Ch. 566

Public Services

Regulations generally

ICA 364.1 and 388.1 et seq.

Service charges

ICA 384.84

Sewage works construction

ICA 455B.241 et seq.

Waterworks franchise

ICA 364.2(4)(a)

Joint electrical utilities

ICA Ch. 390

Buildings and Construction

Adoption of standard codes by reference

ICA 380.10

State building code

ICA Ch. 103A

Housing code

ICA 364.17 and 403A

Dangerous buildings

ICA 364.12(3), 657A.1 et seq.

Fire limits

ICA 364.16

State historic building code

ICA Ch. 103A.41

Mobilehome regulations

ICA 364.3(5)

Subdivisions

Regulations generally

ICA Chs. 354 and 355

Zoning

Municipal zoning generally

ICA Ch. 414

Administration

ICA 414.6 et seq.