CITY OF ROCK RAPIDS, IOWA

2016 CODE OF ORDINANCES

ROCK RAPIDS

our river flowing, our community growing

Effective June 1, 2016

Prepared with Planning Assistance from
North**W**est **I**owa **P**lanning & **D**evelopment **C**ommission

EFFECTIVE OCTOBER 2, 2014

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List of Supplements

No.	Subject	Effective Date	Page Insert
675	Perpetual Care	08-03-16	72-A
676	Stop Intersections	10-05-16	186-A
677	Corporate Limits	11-02-16	11-A
678	Re-Zoning	11-02-16	Zoning 25-D
679	Compensation-Mayor	11-02-16	27-A
680	Compensation-Council	11-02-16	32-A
681	Lyon County Shop	12-07-16	289-A
682	Floodplain Management	12-07-16	301-A
683	Re-Zoning	12-07-16	Zoning 47-A
684	URB Revit - Res	12-21-16	Non-Codified
685	URB Revit - Com	12-21-16	Non-Codified
686	Zoning	02-01-17	Zoning 25-E
687	Urban Renewal XII	05-17-17	Non-Codified
688	Fireworks	05-31-17	110-A
689	Re-Zoning	07-05-17	Zoning 25-F
690	No-Parking	08-23-17	182-A
691	Urban Renewal X	10-18-17	Non-Codified
692	Vacate Alley	01-17-18	206-A
693	RE-Zoning	01-17-18	Zoning 25-G
694	Snow Removal	03-21-18	214-A
695	Jake Braking	05-09-18	162-A
696	Fireworks	05-23-18	110-B
697	Fireworks	06-20-18	110-C
698	Stop Intersections	07-18-18	186-B
699	Street Grade	09-05-18	218-A
700	Re-Zoning	09-19-18	Zoning 25-H
701	Re-Zoning	09-19-18	Zoning 25-I
702	Re-Zoning	09-19-18	Zoning 25-J
703	Re-Zoning	09-19-18	Zoning 25-K
704	Urban Renewal I	06-10-19	Non-Codified
705	Urban Renewal XIV	06-10-19	Non-Codified
706	Mobile Food Vendors	08-21-19	261-A
707	Re-Zoning	12-25-19	Zoning 25-L
708	Urban Renewal XIII	01-22-20	Non-Codified
709	Street Grade	04-22-20	218-B
710	Snow Removal	07-01-20	215-A

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No.	Subject	Effective Date	Page Insert
711	Re-Zoning	11-04-20	Zoning 25-M
712	Sidewalk Cafe	11-04-20	227-A
713	FloodPlain Management	07-21-21	313-A
714	Urban Renewal III	06-21-21	Non-Codified
715	Voting Precincts	12-13-21	16
716	Urban Renewal IV	03-14-22	Non-Codified
717	Urban Renewal V	03-14-22	Non-Codified
718	Urban Renewal XV	04-25-22	Non-Codified
719	Urban Renewal XVI	04-25-22	Non-Codified
720	Re-Zoning	12-21-22	Zoning 25-N
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723	Offensive Smells	12-20-23	120
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725	Electronic Meetings	08-21-24	23
726	Urban Renewal Hawkins	10-23-24	Non-Codified
727	Cigarette Permits	08-06-25	257-A
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ORDINANCE NO. 662

AN ORDINANCE ADOPTING THE "CITY OF ROCK RAPIDS, IOWA 2016 CODE OF ORDINANCES"

SECTION 1. Purpose. The purpose of this adopting ordinance is to enable the City of Rock Rapids, Iowa, to comply with the provisions of Section 362.3 and 380.8, The Code of Iowa.

SECTION 2. Adoption. The City Council of the City of Rock Rapids, Iowa, hereby adopts the "City of Rock Rapids, Iowa 2016 Code of Ordinances" pursuant to published notice and following public hearing on May 23, 2016 so required by Sections 362.3 and 380.8, The Code of Iowa.

SECTION 3. Content. All ordinances or parts thereof in force on June 1, 2016 and not contained in the "City of Rock Rapids, Iowa 2016 Code of Ordinances" are hereby repealed from and after June 1, 2016 except as hereinafter provided.

That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before June 1, 2016; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authoring the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by resolutions of the Council not in conflict or inconsistent with the provisions of the "City of Rock Rapids, Iowa 2016 Code of Ordinances"; nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council on any other person or corporation; nor shall it affect any ordinance naming, establishing, relocation and vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance levying and imposing taxes; nor shall it affect any ordinance establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any zoning ordinances and/or zoning map ordinances; nor shall it affect any subdivision ordinances nor shall it affect any prosecution, suit or other proceeding pending or any judgement rendered on or prior to June 1, 2016.

The "City of Rock Rapids, Iowa 2016 Code of Ordinances" shall include this adopting ordinance and the City Clerk's certification of its adoption and passage.

If the "City of Rock Rapids, Iowa 2016 Code of Ordinances" includes an ordinance which has adopted by reference the provisions of any statewide or nationally recognized standard code pursuant to the provisions of Section 380.10, The Code of Iowa, the City Clerk shall also keep on file, with the official copy of the "City of Rock Rapids, Iowa 2016 Code of Ordinances" a copy of such standard code.

SECTION 4. Format. The "City of Rock Rapids, Iowa 2016 Code of Ordinances" shall be compiled in loose-leaf format.

SECTION 5. Official Copy. The City Clerk shall be responsible for the compilation, organization, and maintenance of the official "City of Rock Rapids, Iowa 2016 Code of Ordinances", and shall keep the official copy on file in the office of the City Clerk.

SECTION 6. Public Copies. Additional copies of the "City of Rock Rapids, Iowa 2016 Code of Ordinances" shall be kept in the office of the City Clerk and shall be available for public inspection and for sale for cost to the public. One copy of the "City of Rock Rapids, Iowa 2016 Code of Ordinances" shall be kept on file in the City Clerk's office for public inspection.

SECTION 7. Additional Ordinances. All ordinances, except as hereinafter provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to the "City of Rock Rapids, Iowa 2016 Code of Ordinances". This section does not apply to grade ordinances, bond ordinances, subdivision ordinances, zoning ordinances, naming streets and vacating streets and alleys.

SECTION 8. Effective Date. This Ordinance, after its passage and publication, as required by law, shall be effective as of June 1, 2016.

PASSED AND APPROVED by the City Council this 23rd day of May, 2016.

Lyon County Reporter
310 1st Ave – PO Box 28
Rock Rapids, IA 51246

State of Iowa

Lyon County

I, Wendy DeLaRosa-Gacke, duly sworn on my oath, do say that in the Lyon County Reporter, a newspaper issued weekly, published at Rock Rapids, Iowa, in said County of Lyon, the attached notice was inserted and published in said newspaper in the issue of 6/1/16 for the reasonable fee for publishing said notice is $47.19.

Wendy DeLaRosa-Gacke

State of Iowa
County of Lyon
Subscribed in my presence and sworn before me 6/1/16. Given under my hand and Notary Seal.

Jodie Hoogendoorn

Notary Public

NOTARIAL SEAL IOWA
JODIE HOOGENDOORN
COMMISSION NUMBER 152759
MY COMMISSION EXPIRES
JANUARY 17, 2017

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PASSED AND APPROVED by the City Council this 23rd day of May, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

R0601-4

TITLE I: MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 1 – MUNICIPAL CODE

1.01 Title
1.02 Definitions
1.03 Rules Of Construction
1.04 Amendments
1.05 Altering Code
1.06 Standard Penalty
1.07 Severability
1.08 Separate Offense
1.09 Single Offense
1.10 License Revocation; Infraction Charges; Civil Remedies
1.11 Warrants
1.12 Sufficiency Of Service By Certified Mail
1.13 Extension Of Authority
1.14 General Standards For Action
1.15 Indemnity
1.16 Personal Injuries

1.01 TITLE. These ordinances will be known and cited as the Municipal Code of Rock Rapids, Iowa.

1.02 DEFINITIONS. Terms used within this Municipal Code shall have the meanings defined below, unless specifically defined otherwise.

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.

2. "City Administrator" means the City Administrator of Rock Rapids, Iowa.

3. "City" means the City of Rock Rapids, Iowa.

4. "City Code" or "Municipal Code" means the current Municipal Code of the City of Rock Rapids, Iowa.

5. "Clerk" means the City Clerk of Rock Rapids, Iowa.

6 "Code" means the specific chapter in which a specific subject is covered and bears a descriptive title word.

7. "Council" means the City Council of Rock Rapids, Iowa.

8. "County" means Lyon County, Iowa.

9. "Measure" means an ordinance, resolution, amendment or motion.

10. "Month" means a calendar month.

11. "Oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be the equivalent to the words "swear" and "sworn".

12. "Occupant, Tenant" applied to a building or land, shall include any person who inhabits the whole or part of such building or land, whether alone or with others.

13. "Ordinances" means the ordinances of the City of Rock Rapids, as incorporated by the Municipal Code, ordinances not repealed by the ordinance adopting the Municipal Code and those passed hereafter.

14. "Peace Officers", sometimes designated "law enforcement officers", include:

    a. Sheriffs and their regular deputies who are subject to mandated law enforcement training.

    b. Marshals and police officers of cities.

    c. Peace officer members of the department of public safety as defined in Code of Iowa Chapter 80.

    d. Conservation officers as authorized by section 456A.13, Code of Iowa.

    e. Such employees of the department of transportation as are designated "peace officers" by resolution of the department under section Code of Iowa, Section 321.477.

    f. Such persons as may be otherwise so designated by law.

15. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a county or City.

16. "Parking" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.

17. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity and includes a trustee, receiver, assignee, or similar representative but does not include a governmental body.

18. "Property" shall include real property, and tangible, and intangible personal property unless clearly indicated otherwise.

19. "Property Owner" means a person owning private/real property in the City as shown by the County's Auditor's plats of the City.

20. "Public Place" includes but is not restricted to any City-owned space or property, either open or enclosed.

21. "Public Property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.

22. "Sidewalk" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.

23. "State" means the State of Iowa.

24. "Statutes, Laws" means the latest edition of the Code of Iowa as amended.

25. "Street" means and includes any public way, highway, street, avenue, boulevard or other public thoroughfare, and includes the entire width between property lines.

1.03 RULES OF CONSTRUCTION. In the construction of the Municipal Code, the following rules shall be observed:

1. Tense: words used in the present tense include the future.
2. May: grants a power.
3. Must: states a requirement.
4. Shall or Will: imposes a duty.
5. Gender: masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions.
7. The singular includes the plural, and the plural includes the singular.
8. Editor's Note: does not constitute any part of the law, and is intended merely to indicate, explain or to clarify the contents of a section.

1.04 AMENDMENTS. All ordinances which amend, repeal or affect the Municipal Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the City. Any amendment of an ordinance shall include in full the language section, subsection, or paragraph as amended.
(Code of Iowa, Sec. 380.2)

1.05 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions any part or portion of the Municipal Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Municipal Code in any manner which will cause the law of the City to be misrepresented.

1.06 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars ($65.00) but not to exceed six hundred twenty-five dollars ($625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine. The

criminal penalty surcharge required by Code of Iowa section 911.1 shall be added to a city fine and is not a part of the city's penalty.

(Code of Iowa, Sec. 364.3(2) and 903.1(1a))

1.07 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.

1.08 SEPARATE OFFENSE. If a violation of this code is committed on more than one calendar day, a separate offense shall be deemed to have occurred on each such calendar day.

1.09 SINGLE OFFENSE. In cases where action or inaction is made punishable by more than one provision of this code, the City may select the provision or provisions of this code under which to proceed. In such a circumstance, a single offense shall result in no more than one conviction and penalty, subject to the provisions of section 1.08 of this chapter.

1.10 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.

1.11 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1.12 SUFFICIENCY OF SERVICE BY CERTIFIED MAIL. Wherever notice is allowed by certified mail in this City Code, then upon proof of an addressee's refusal to accept a certified mail, service by certified mail shall be deemed satisfied and the notice shall become effective. For purposes of this section, proof of an addressee's refusal to accept a certified mail may include the return from the postal service to include any markings from the postal service demonstrating that the addressee refused the certified mail and that the same has been returned to the sender.

1.13 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.14 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.15 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.16 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 2 – BOUNDARIES

2.01 Corporate Limits

2.01 CORPORATE LIMITS. The corporate limits of the City of Rock Rapids are described as follows:

The South East ¼ of Section Thirty two, the South half of Section Thirty three and the south West quarter of Section Thirty four, all in Township 100 Range 45 West of 5th P.M. and West half of Section three: all of Section four and the East half of Section five the North East quarter of Section eight: the North half of Section nine and the North west quarter of Section ten all in Township 99 Range 45 West of 5 P.M., Lyon County, Iowa.

ORDINANCE NO. 677

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE I, CHAPTER 1, ARTICLE 2, SECTION 2.01 AND ADOPTING A NEW TITLE I, CHAPTER 1, ARTICLE 2, SECTION 2.01 IN LIEU THEREOF, CONCERNING CORPORATE LIMITS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title I, Chapter 1, Article 2, Section 2.01 and adopting a new Title I, Chapter 1, Article 2, Section 2.01 in lieu thereof, concerning Corporate Limits, as follows:

2.02 CORPORATE LIMITS. The corporate limits of the City of Rock Rapids are described as follows:

The South East ¼ of Section Thirty-two, the South half of Section Thirty-three and the south West quarter of Section Thirty-four, all in Township 100 Range 45 West of 5th P.M. and West half of Section three: all of Section four and the East half of Section five the North-east quarter of Section eight: the North half of Section nine and the North-west quarter of Section ten all in Township 99 Range 45 West of 5 P.M., Lyon County, Iowa.

AND

From Subdivision Plat recorded in Plat Book 2, Page 24:

All of Lots 2, 4, 5, 6, 8 and Lot 9 in Riverside Subdivision of Section 33-100-45, Lyon County, Iowa

EXCEPT

From Plat of Survey recorded in Plat Book 4, Page 82:

Lot 1 in Lot 8 in Riverside Subdivision of Section 33-100-45, Lyon County, Iowa;

AND EXCEPT

The East 400 feet of Lot 5 in said Riverside Subdivision;

AND

From Plat of Survey recorded in Plat Book 17, Page 108:

Parcels H, I, J, K, L, and M in Abandoned Illinois Central Railroad R.O.W. in SW1/4-NW1/4 Section 33-100-45, Lyon County, Iowa;

AND

That part of North Boone Street lying in Lot 8 in Riverside Subdivision of Section 33-100-45, Lyon County, Iowa;

AND

The east part of North Union Street lying in the NW1/4 Section 33-100-45, Lyon County, Iowa;

AND

That part of the Illinois Central/Gulf Railroad Company's abandoned One Hundred Foot (100') wide Sioux Falls District right-of-way and property situated in the NE1/4 Section 32-100-45, Lyon County, Iowa;

AND

The south 33 feet the SW1/4 of Section 28-100-45, Lyon County, lying west of the west right-of-way line of North Boone Street;

AND

The south 33 feet of the SE1/4 of Section 29-100-45, Lyon County, lying east of the west right-of-way of North Union Street;

AND

From Administrator's Deed recorded in Book 198, Page 93:

A Tract of land lying and being situate in Section 29, Township 100, North, Range 45, West of the 5th P.M., Lyon County, Iowa, described as follows: Commencing at the South Quarter (S1/4) Corner of Section Twenty-nine (S.29), Township 100 North (T.100N), Range 45 West (R.45W.) of the Fifth Principal Meridian; thence due East along the South line of said Section 29 for a distance of 2081.3 ft. to the point of beginning; thence N.15° 40' W. for a distance of 2704.5 ft.; thence S. 89° 05' E. for a distance of 381.9 ft.; thence S. 15° 40' E. for a distance of 2698.1 ft. to a point on the south line of said Section 29; thence due West along the south line of said Section 29 for a distance of 380.1 ft. to the point of beginning; all of said tract lying in the East ½ of the Southeast Quarter (SE1/4) of Section 29 and containing 22.7 acres, more or less;

AND

From Application for Condemnation recorded in Book 200, Page 268,

DESCRIPTION: TRACT NO. ONE

Commencing at the South Quarter Corner (S1/4 Cor.) of Section Twenty-nine (Sec. 29), Township 100 North (T100N), Range 45 West (R45W) of the fifth Principal Meridian (5th P.M.), Lyon County, Iowa; thence N 89° 54' E along the south line of said Sec. 29, one thousand five hundred twenty-nine and three/tenths feet (1,529.3') to the point of beginning. Thence N8° 26' W, two thousand six hundred thirty-four and three/tenths feet (2,634.3'); thence S 89° 12' E, two hundred two and six/tenths feet (202.6'); thence S 15° 47' E along the westerly edge of the present Rock Rapids airport, two thousand seven hundred four and five/tenths feet (2,704.5'); thence S 89° 53' W along the south line of said Sec. 29, five hundred fifty-two feet (552.0') to the point of beginning containing 22.6 acres.

DESCRIPTION: TRACT NO. TWO

Commencing at the South Quarter Corner (S1/4 Cor.) of Section Twenty-nine (Sec. 29), Township 100 North (T100N), Range 45 West (R45W) of the Fifth Principal Meridian (5th P.M.), Lyon County, Iowa; thence N 89° 53' E along the south line of said Sec. 29, one thousand five hundred twenty-nine and three/tenths feet (1,529.3'); thence N 8° 26' W, two thousand six hundred thirty-four and three/tenths feet (2,634.3') to the point of beginning. Thence N 8° 26' W, two hundred seventy feet (270.0'); thence due N, four hundred forty-two and two/tenths feet (442.2'); thence N 74° 13' E, four hundred five and five/tenths feet (405.5'); thence S 15° 47' E, eight hundred sixty feet (860.0') along the easterly line of the county road thence N 89° 12' W, five hundred eighty-four and five/tenths feet (584.5') along the north line of the present Rock Rapids airport to the point of beginning containing 9.1 acres.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of October, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of November, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of November, 2016.

Jordan Kordahl, Clerk

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 3 – CHARTER

3.01	**Purpose**	**3.05**	**Number & Term Of Council**
3.02	**Charter**		
3.03	**Form of Government**	**3.06**	**Term of Mayor**
3.04	**Powers & Duties**	**3.07**	**Copies on File**

3.01 PURPOSE. The purpose of this article is to provide for a Charter incorporating the form of government existing in the City of Rock Rapids, Iowa.

3.02 CHARTER. This article may be referred to as the Charter of the City of Rock Rapids, Iowa.

3.03 FORM OF GOVERNMENT The City of Rock Rapids, Iowa, shall have the mayor- council form of government.

(Code of Iowa, Sec. 372.4)

3.04 POWERS AND DUTIES. The Council, the Mayor, and other City officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Rock Rapids, Iowa.

3.05 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected for terms of four (4) years.

(Code of Iowa, Sec. 372.4)

3.06 TERM OF MAYOR. The Mayor is elected for a term of two (2) years.
(Code of Iowa, 376.2)

3.07 COPIES ON FILE. The Clerk shall keep an official copy of this Charter on file with the official records of the City Clerk, and make available copies at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 4 – CORPORATE SEAL

4.01 Seal & Custody **4.02 Use**

4.01 SEAL AND CUSTODY**.** The council shall provide a seal, of which shall be the words around the margin "THE GREAT SEAL OF ROCK RAPIDS IOWA" and the same is hereby declared to be the corporate seal. The clerk shall keep the corporate seal in his charge.

4.02 USE. The corporate seal shall be attached to all transcripts, orders, and certificates which it may be necessary or proper to authenticate.

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 5 – ELECTIONS

5.01	**Municipal Election**	**5.06**	**Contest**
5.02	**Terms**		
5.03	**Nominations**	**5.07**	**Oaths**
5.04	**Persons Elected In City Elections**	**5.08**	**Surety Bonds**
5.05	**Tie Vote**	**5.09**	**Unavoidable Casualty**
		5.10	**Voting Precincts**
		5.11	**Vacancies**

5.01 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.
(Code of Iowa, Sec. 376.1)

5.02 TERMS. Terms of elected officers begin at noon on the first day in January which is not a Sunday or a legal holiday following their election.
(Code of Iowa, Sec. 376.2)

5.03 NOMINATIONS. Candidates for elective city offices must be nominated as provided in (Sections 376.4 to 376.9) or (Chapter 44 or 45) of the Code of Iowa.
(Code of Iowa, Sec. 376.3)

5.04 PERSONS ELECTED IN CITY ELECTIONS.
In a regular City election held for a City where the Council has chosen to have nominations made in the manner provided by Chapter 45 of the Code of Iowa, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.
(Code of Iowa, Sec. 376.8)

5.05 TIE VOTE. In case of a tie vote resulting in failure of one candidate to receive a majority vote, the tie shall be determined by lot by the Board of Canvassers.
(Code of Iowa, Sec. 43.75)

5.06 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the City Clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the Mayor is presiding officer except when the Mayor's nomination or election is contested, in which case the Council shall elect one of its members to serve as presiding officer.
(Code of Iowa, Sec. 376.10)

5.07 OATHS. Each officer, elective, or appointive, before entering upon the officer's duties, shall qualify by taking the prescribed oath and giving a bond when required before noon of the second secular day in January of the first year of the term of which such officer was elected or as provided in Code of Iowa, Sections 63.3 and 63.4.

(Code of Iowa, Sec. 63.1)

1. PRESCRIBED OATH: I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Rock Rapids, Iowa, as now or hereinafter required by law.

(Code of Iowa, Sec. 63.10)

2. OFFICERS EMPOWERED TO ADMINISTER OATHS: The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

A. Mayor,
B. Clerk,
C. Mayor Pro Tem

(Code of Iowa, Sec. 78.2(2, 4))

5.08 SURETY BONDS. The following shall apply to surety bonds of municipal officers:

1. CONDITIONS. All City officers and employees, except as otherwise provided, shall be bonded under a blanket bond in accordance with the conditions stated in the Code of Iowa.

(Code of Iowa, Sec. 64.2)

2. BOND NOT REQUIRED. Bonds shall not be required of Council members.

(Code of Iowa, Sec. 64.1A)

3. REQUIRED. The Council shall provide by resolution for a surety bond or blanket position bond running the City and covering the Mayor, Clerk, Mayor Pro Tem and such officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

4. BOND APPROVED. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

5. BONDS FILED. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23(6))

6. RECORD. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective and appointive.
(Code of Iowa, Sec. 64.24(3))

5.09 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time, the officer may do so within ten days after that fixed time.

~~5.10 VOTING PRECINCTS.~~

~~Precinct 7 – A portion of the City of Rock Rapids which lies: North of N 2nd Avenue, East of Boone Street, North of S 1st Avenue, East of Story Street, South of S 3rd Avenue, East of Boone Street, South of S 5th Avenue, East of Greene Street, North of S 9th Avenue, East of Greene Street, North of S 12th Avenue, East of Tama Street, Northeast of Mill Pond Road.~~

~~Precinct 8 – A portion of the City of Rock Rapids which lies: South of N 2nd Avenue, West of Boone Street, South of 1st Avenue, West of Story Street, North of S 3rd Avenue, West of Boone Street, North of S 5th Avenue, West of Greene Street, South of S 9th Avenue, West of Greene Street, South of S 12th Avenue, West of Tama Street, South of Mill Pond Road.~~

(Editor's Note: Ordinance 650 was passed and approved by Council on August 22, 2011 and established section 5.10 Voting Precincts.)
(Editors Note: Ordinance 715 repeals section 5.10 and added new section 5.10 – see next page)

5.11 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:
(Code of Iowa, Sec. 372.13 (2))

1. APPOINTMENT. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.
(Code of Iowa, Sec. 372.13 (2a))

2. ELECTION. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.
(Code of Iowa, Sec. 372.13 (2b))

ORDINANCE NO. 715

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE I, CHAPTER 1, ARTICLE 5 – ELECTIONS, BY REPEALING SECTION 5.10 AND ADDING A NEW SECTION 5.10 RELATING TO THE ESTABLISHMENT OF VOTING PRECINCTS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Section as follows:

Title I, Chapter 1, Article 5, Section 5.10 VOTING PRECINCTS.

Precinct 3 – A portion of the City of Rock Rapids which lies: North of S 12th Avenue, West of East Street, North of the south city limits, East of Tama Street, North of S 12th Avenue, East of Union Street, North of the south boundary line of Riverside Township.

Precinct 4 – A portion of the City of Rock Rapids which lies: East of East Street, South of S 12th Avenue; A portion of the City of Rock Rapids which lies: West of Tama Street, South of S 12th Avenue, West of Union Street, South of the south boundary line of Riverside Township.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after January 15, 2022.

PASSED AND APPROVED by the Council this 13th day of December, 2021.

_____

Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 22nd day of December, 2021 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 22nd day of December, 2021.

_____
Jordan Kordahl, Clerk

CHAPTER 1: GENERAL ORGANIZATION

ARTICLE 6 – OFFICERS AND EMPLOYEES

6.01	**General Duties**	**6.08**	**Vacancies**
6.02	**Officers To Be Appointed**		
6.03	**Books & Records**	**6.09**	**Removal Of Appointed Officers**
6.04	**Transfer Of Records And Property To Successor**	**6.10**	**Positions Combined**
		6.11	**Meetings**
6.05	**Conflict Of Interest**	**6.12**	**Conflict Of Interest**
6.06	**Resignations**	**6.13**	**Gifts**
6.07	**Non-Eligibility For Reappointment**	**6.14**	**Unlawful Use Of City Property**

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

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

6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:

1. CLERK. The council shall appoint a city clerk to perform duties prescribed by State or City law.

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

2. DEPUTY CITY CLERK. The council shall appoint a deputy city clerk to perform duties as prescribed by State or City laws.

3. CITY ADMINISTRATOR. The council shall appoint a city administrator to perform duties as prescribed by State or City laws.

4. TREASURER. The council shall appoint a treasurer to perform duties prescribed by State or City law.

5. CITY ATTORNEY. The council shall appoint a city attorney to perform duties as prescribed by State or City laws.

6. POLICE CHIEF. The mayor shall appoint the police chief to perform duties as prescribed by State of City laws.

   (Code of Iowa, Sec. 372.4)

7. POLICE OFFICERS. The mayor shall appoint police officers to perform duties as

prescribed by State or City laws.

8. POUND MASTER. The mayor shall appoint the pound master to perform duties as prescribed by State or City laws.

9. COUNCIL STANDING COMMITTEES. The mayor shall appoint members to council standing committees.

10. MAYOR PRO TEM. The mayor shall appoint a council member as mayor pro tem.

(Code of Iowa, Sec. 372.4)

11. LIBRARY BOARD. The mayor shall appoint members of library board with approval of city council.

12. PLANNING AND ZONING COMMISSION. The mayor shall appoint members to the city's Planning and Zoning Commission with approval of council to perform duties as prescribed by State and Local laws.

13. ZONING BOARD OF ADJUSTMENT. The mayor shall appoint members to the City's Zoning Board of Adjustment with approval of the council to perform duties as prescribed by State and Local laws.

14. AIRPORT COMMISSION. The mayor shall appoint members to the Airport Commission with approval of the council to perform duties as prescribed by State and Local laws.

15. CEMETERY ASSOCIATION. The mayor shall appoint members to the Cemetery Association with approval of the council to perform duties as prescribed by State and Local laws.

16. BUILDING OFFICIAL. The mayor shall appoint a building official with approval of the council to perform duties as prescribed by State and Local laws.

17. FIRE DEPARTMENT OFFICIALS. The mayor shall appoint members to the fire department with approval of the council to perform duties as prescribed by State and Local laws.

18. ZONING ENFORCEMENT OFFICER. The mayor shall appoint a zoning enforcement officer with approval of council to perform duties as prescribed by State and Local laws.

19. UTILITY BOARD OF TRUSTEES. The mayor shall appoint members to the

Utility Board of Trustees with approval of the council.

20. OTHER OFFICERS AND EMPLOYEES. The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless provided otherwise by law.

(Code of Iowa, Sec. 372.13(4) & 372.4)

21. TREE BOARD. The mayor shall appoint members to the tree board with approval of the council.

22. ARTS AND RECREATION ADVISORY COMMITTEE. The mayor shall appoint members to the committee with approval of the council.

6.03 BOOKS AND RECORDS. The public has the right, upon request, to examine, copy, or publish all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa.

(Code of Iowa, Sec. 22.7)

6.04 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the officer's successor in office all books, papers, records, documents and property in the officer's possession pertaining to the officer's office.

6.05 CONFLICT OF INTEREST OF A CITY OFFICER. A measure voted upon is not invalid by reason of conflict of interest in an officer of a city, unless the vote of the officer was decisive to passage of the measure. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purposes of this section, the statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered of record.

(Code of Iowa, Sec. 362.6)

6.06 RESIGNATIONS. Resignations may be made by all Council members and officers to the Clerk or Mayor.

(Code of Iowa, Sec. 69.4(5))

6.07 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation for the office has been increased.

(Code of Iowa, Sec. 372.13(9))

6.08 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the Council within forty (40) days after the vacancy occurs, or as otherwise provided by law.

(Code of Iowa, Sec. 372.13(2))

6.09 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by law, all persons appointed to City office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the

reasons, be filed with the Clerk and a copy shall be sent by certified mail to the person removed. Upon request filed with the Clerk within thirty (30) days of the date of mailing the copy, the removed person shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

6.10 POSITIONS COMBINED. The powers and duties of an appointed office or employment may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire Council.

(Code of Iowa, Sec. 63.3)

6.11 MEETINGS. All meetings of the Council, any board or commission, or any multi- membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

(Code of Iowa, Sec. 21.4)

1. NOTICE OF MEETING (PUBLIC NOTICE) Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

(Code of Iowa, Sec. 21.4)

2.*a*. TWENTY-FOUR HOUR NOTICE. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. Subsection 1 does not apply to any of the following:

   a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.

   b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

5. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

6. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

7. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

(Code of Iowa, Sec. 21.5)

   a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.

   b. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or

disadvantage the position of the governmental body in that litigation.

c. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.

d. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

e. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

f. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

g. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

h. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

1. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

2. This section shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this section applies and which is contained in such a record.

i. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under this section shall be announced publicly at the open session and entered in the

minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

j. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.

k. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also tape record all of the closed session. The detailed minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and tape recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of that meeting.

l. Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.

8. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

~~9.~~ Electronic Meetings. A meeting shall provide the options of hybrid meetings, teleconference participation, virtual meetings, remote participation, or other hybrid options for the members of the governmental body to participate in the official meeting. Hybrid meetings, remote participation, teleconference participation, virtual meetings shall be defined as they are in Code of Iowa, Sec. 21.8(4). ~~A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.~~

(Editor's Note: Ordinance 725 was passed and approved by City Council on August 21, 2024 and Amended section 6.11(9))

(Code of Iowa, Sec. 21.8)

6.12 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, Sec. 362.5(1))

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, Sec. 362.5(2))

3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.

(Code of Iowa, Sec. 362.5(3))

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5(5))

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5(6))

6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5(7))

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5(8))

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5(9))

9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa; Sec. 362.5(4)

10. Cumulative Purchases. Contracts not otherwise permitted by this section for the purchase of goods or services by a City having a population of two thousand five hundred or less, which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars in a fiscal year.

(Code of Iowa, Sec. 362.5(11))

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5(12))

6.13 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

6.14 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use City property owned or leased by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2(5))

CHAPTER 2: ADMINISTRATIVE CODE – EXECUTIVE

ARTICLE 7 – MAYOR

7.01 Powers & Duties
7.02 Voting
7.03 Compensation

7.01 POWERS AND DUTIES. The powers and duties of the Mayor shall be as follows: (Code of Iowa, Sec. 372.14)

1. SUPERVISE DEPARTMENT HEADS. Supervise and give direction to all city department heads concerning departmental functions in the absence or in conjunction with the City Administrator. He may examine all department functions and records and call for special reports from department heads at any time.

2. PRESIDING OFFICER. Act as presiding officer at all regular and special council meetings. He may call special meetings of the council when necessary to the interests of the city.

3. ACTION ON ORDINANCE. May sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. The mayor may veto an ordinance, amendment, or resolution within fourteen (14) days after passage by the council. The mayor shall explain the reasons for the veto in a written message to the council at the time of the veto.

(Code of Iowa, Sec. 380.5)

4. REPORTS. Make oral and written reports to the council at the first meeting of every month which concern municipal affairs, department, and recommendations suitable for council action.

5. ANNUAL BUDGET. Prepare and submit annually to the council an itemized budget of revenues and expenditures.

6. CONTRACTS. Sign all contracts on behalf of the city when authorized by the council.

7. REPRESENT CITY. Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.

8. SECURE SERVICES. Secure special or professional services not available to the city, upon order of the council.

9. AUTHORIZE LICENSES AND PERMITS. Sign all licenses and permits granted by the council, except those legally designated to be issued by another municipal officer.

10. REVOKE LICENSES AND PERMITS. Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.

11. MAYOR PRO TEM. Designate one member of the council as mayor pro tem.

12. ABSENTEE OFFICER. Provide that the duties of an absentee officer are carried on during the officer's absence.

13. REMOVE NUISANCES. Order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. The order shall be in writing and carried out by a peace officer.

14. POLICE COMMISSIONER. The Mayor shall serve as Police Commissioner under any 28E Law Enforcement Contract between the City and the County of Lyon and the Police Commissioner shall be responsible for fulfillment of the terms of said 28E Agreement on behalf of the City.

15. PROCLAMATION OF EMERGENCY. Have the authority to take command of the police and govern the City by proclamation, upon making a determination that the time of emergency or public danger exists. Within the City limits the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

(Code of Iowa, Sec. 372.14(2))

(Editor's Note: Ordinance 612 was passed and approved by City Council on October 28, 2003 and created a new subsection 7.01(14).

7.02 VOTING. The Mayor is not a member of the Council and may not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

7.03 COMPENSATION. The salary of the mayor shall be dollars $2,400.00 per year.

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

ORDINANCE NO. 679

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE I, CHAPTER 2, ARTICLE 7, SECTION 7.03 AND ADOPTING A NEW TITLE I, CHAPTER 2, ARTICLE 7, SECTION 7.03 IN LIEU THEREOF, CONCERNING COMPENSATION OF THE MAYOR.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title I, Chapter 2, Article 7, Section 7.03 and adopting a new Title I, Chapter 2, Article 7, Section 7.03 in lieu thereof, concerning Compensation of the Mayor, as follows:

7.03 COMPENSATION. The salary of the mayor shall be three thousand six hundred dollars ($3,600.00) per year, to become effective for at the beginning of the term that starts January 1, 2018.

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

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of October, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of November, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of November, 2016.

Jordan Kordahl, Clerk

CHAPTER 2: ADMINISTRATIVE CODE – EXECUTIVE

ARTICLE 8 – MAYOR PRO TEM

8.01 Powers & Duties **8.02 Compensation**

8.01 POWERS AND DUTIES. The duties of the Mayor Pro Tem shall be as follows:
(Code of Iowa, Sec. 372.14(3))

1. VICE-PRESIDENT. Service as vice-president of the Council.

2. PERFORM IN MAYOR'S ABSENCE. Perform the duties of the Mayor in case of absence or inability of the Mayor to perform his or her duties.

3. LIMITED POWER. Shall not have power to employ or discharge officers or employees that the Mayor has the power to appoint, employ, or discharge without approval of the Council. Official actions of the Mayor Pro Tem when the Mayor is absent or unable to act are legal and binding to the same extent as if done by the Mayor. The Mayor pro tem retains all of the powers of a Council member.

4. VOTING. May vote as a member of the Council.

8.02 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem shall be paid for that period such compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 3: ADMINISTRATIVE CODE – LEGISLATIVE

ARTICLE 9 – COUNCIL

9.01	**Powers & Duties**	**9.06**	**Compensation**
9.02	**Exercise Of Power**		
9.03	**Council Committees**	**9.07**	**Tentative Agenda**
9.04	**Meetings**	**9.08**	**Serving as Chief of Fire Department**
9.05	**Eligibility For Appointment**	**9.09**	**Gender Balance**

9.01 POWERS AND DUTIES. The powers and duties of the council shall be as follows:

1. GENERAL. All powers of the city are vested in the council unless otherwise provided by law or ordinance.
   (Code of Iowa, Sec. 364.2(1))

2. FUNDS. Apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof.
   (Code of Iowa, Sec. 384.2 (1), 384.16 & 384.38(1))

3. PUBLIC IMPROVEMENTS. Make all orders for the doing of public improvements, and award contracts for construction of any public improvements.

4. CONTRACTS. Make or authorize all contracts. No contract shall bind or obligate upon the city unless authorized by the council, and be in writing. Contracts authorized by resolution shall be drawn or approved by the city attorney before they are entered into. Any contracts based upon bidding would require bidding according to the Code of Iowa requirements.

5. OFFICERS AND EMPLOYEES. Appoint and remove city officers and employees unless otherwise provided by law or ordinance, and prescribe their powers, duties, compensation and terms of employment.

   (Code of Iowa, Sec. 372.13(4&8))

6. PRESCRIBE COMPENSATION. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. By resolution the council shall

prescribe the compensation of appointed city officers and employees.
(Code of Iowa, Sec. 372.13 (8))

7. RECORDS. The council shall maintain records of its proceedings.
(Code of Iowa, Sec. 372.13(5))

9.02 EXERCISE OF POWER. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at open session. Such powers shall be exercised as follows:

1. APPROVED ACTION BY COUNCIL. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of all the council members. A resolution must be adopted to spend public funds in excess of one-hundred thousand dollars ($100,000) on any one project, or to accept public improvements and facilities upon their completion, and requires an affirmative vote of not less than a majority of all the council members. Each councilperson's vote on an ordinance, amendment, or resolution must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

As used in this chapter, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.
(Code of Iowa, Sec. 380.4)

2. OVERRIDING MAYOR'S VETO. Within thirty (30) days after the mayor's veto, the council may repass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the council members; and the ordinance or resolution becomes effective upon repassage and publication.
(Code of Iowa, Sec. 380.6(2))

3. MEASURES BECOME EFFECTIVE. Measures passed by the council, other than motions, become effective in one of the following ways:

a. If the mayor signs the measure, a resolution becomes effective immediately upon signing; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(1))

b. If the mayor vetoes a measure and the council repasses the same measure after the mayor's veto, a resolution becomes effective immediately upon repassage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(2))

c. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage; and an ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.
(Code of Iowa, Sec. 380.6(3))

d. A motion becomes effective immediately upon passage of the motion by the Council.
(Code of Iowa, Sec. 380.6)

9.03 COUNCIL COMMITTEES. The mayor shall appoint any council standing committees established by council resolution, and any special committees of the council. The standing committees shall consist of two council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other members as he deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the standing committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

9.04 MEETINGS. Meetings of the council shall be as follows:

1. REGULAR MEETINGS. The regular meetings of the council shall be held in accordance with Iowa State law. The regular meetings of the council shall be on the second and fourth Monday of each month at 5:30 p.m. in the Forester Community Center. If such a day falls on a legal holiday and City Hall is scheduled to be closed, the meeting is held the next day at the same time unless a different day or time is determined by the Council.

2. SPECIAL MEETINGS. Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the clerk. Notice of a special meeting shall specify the date, time, place, and subject of the meeting; and such notice shall be given personally or left at the usual place of residence of each member of the council. A record of the service of notice shall be maintained by the clerk.
(Code of Iowa, Sec. 21.4)

3. OPEN MEETINGS. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meeting laws of Iowa.
(Code of Iowa, Chapter 21)

4. QUORUM. A simple majority of all councilmen is a quorum.
(Code of Iowa, Sec. 372.13(1))

5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection.
(Code of Iowa, Sec. 372.13(5))

9.05 ELIGIBILITY FOR APPOINTMENT. A councilman is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he is elected.
(Code of Iowa, Sec. 372.13(9))

9.06 COMPENSATION. The salary of each council member shall be thirty-five dollars ($35.00) for each official council meeting attended.
(Code of Iowa, Sec. 372.13(8))

9.07 TENTATIVE AGENDA. The clerk shall prepare and post a tentative agenda for each meeting at a place, or places, designated by the council, one of which shall be near the place of meeting at the city hall. The posting shall be made at least twenty-four (24) hours before the meeting except as permitted under state law in case of emergencies.

9.08 SERVING AS CHIEF OF VOLUNTEER FIRE DEPARTMENT. If volunteer fire department for the City serves an area with a population of not more than two thousand (2,000) then a council member may also hold the office of chief of the volunteer fire department, provided that no other person who is not a council member is available to hold such office.
(Code of Iowa, Sec. 372.13(10))

ORDINANCE NO. 680

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE I, CHAPTER 3, ARTICLE 9, SECTION 9.06 AND ADOPTING A NEW TITLE I, CHAPTER 3, ARTICLE 9, SECTION 9.06 IN LIEU THEREOF, CONCERNING COMPENSATION OF THE COUNCIL.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title I, Chapter 3, Article 9, Section 9.06 and adopting a new Title I, Chapter 3, Article 9, Section 9.06 in lieu thereof, concerning Compensation of the Council, as follows:

9.06 COMPENSATION. The salary of each council member shall be one thousand eight hundred dollars ($1,800.00) per year, to become effective for all council members at the beginning of the term that starts January 1, 2020.
(Code of Iowa, Sec. 372.13(8))

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of October, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of November, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of November, 2016.

Jordan Kordahl, Clerk

9.09 GENDER BALANCE. All appointive boards, commissions, and committees shall be gender balanced. No person shall be appointed or reappointed to any board, commission, or committee if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, or committee plus one if the board, commission, or committee is composed of an odd number of members. If the board, commission, or committee is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission or committee they shall consult each other to avoid a violation of this section.

All appointive boards, commissions, and committees of the City, if not otherwise provided by law, shall be gender balanced as provided in this section unless the City has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, or committee in compliance with this section for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this section, the City shall utilize a fair and unbiased method of selecting the best qualified applicants. This section shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance. Gender balance is applicable to appointive boards, commissions, and committees of the City on and after January 1, 2012.

(Code of Iowa, Sec. 69.16A)

CHAPTER 4: ADMINISTRATIVE CODE – ADMINISTRATION

ARTICLE 10 – CITY ADMINISTRATOR

10.01 Powers & Duties Generally
10.02 Finance Officer
10.03 Office Created
10.04 Council Reports
10.05 Compensation
10.06 Relationship to City Attorney
10.07 Deputy City Clerk
10.08 Other Duties

10.01 OFFICE CREATED. The office of city administrator is hereby created, which office shall be filled by a majority vote of the council. The appointee shall hold office during the pleasure of the council and shall be subject to removal by a majority vote of the council. He shall be ex-officio city clerk.

10.02 FINANCE OFFICER. The city administrator shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this chapter.

(Code of Iowa, Sec. 384.16)

10.03 POWERS AND DUTIES GENERALLY. The powers and duties of the city administrator shall include the following:

1. Accounting. Responsibility for all accounting and accounting procedures for the municipality.

2. City Council. Administration of all ordinances, resolutions, council policies and directives.

3. Operations and Procedures. Continuous study of the city government's operating procedures, organizations and facilities and recommendations of fiscal and other policies to the council whenever necessary.

4. Annual Budget. Preparation and administration of the city's annual operating budget.

5. Administrative. Supervision of the city's administrative policies and procedures, including personnel and purchasing.

6. Inform Council. Keeping the council informed on the progress of its programs and the status of its policies.

7. Co-ordinate Departments. Co-ordination and direction of all city services provided through the various departments.

8. Personnel. Employment and removal of city employees with council approval regarding pay, employment, and removal of such employees.

9. Boards and Commissions. Study possible joint arrangements with municipal board and commissions, and make recommendations for such arrangements as are mutually acceptable and to co-ordinate these activities as agreed upon.

10. Mayor. Assist the mayor in any of his duties as requested by him and as approved by the city council.

11. Planning. Assist the council and the planning and zoning commission in the carrying out of the comprehensive plan and to assist in all other forms of planning within the city government.

12. Intergovernmental Agreements. To act for the city in the exercise and execution of all policies and programs whereby the city of Rock Rapids, Iowa is involved on a joint basis with any other governmental subdivision, including any subdivision of the government of the State of Iowa or the United States of America.

10.04 COUNCIL REPORTS. The administrator shall be directly responsible to the council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the administrator and all council involvement in administration initiated by the council must be coordinated through the administrator.

10.05 COMPENSATION. The compensation of the administrator shall be in such amount as may from time to time be fixed by the council.

10.06 RELATIONSHIP TO CITY ATTORNEY. The city attorney shall not be considered to be a department head for purposes of this article, and shall continue to be appointed by, and be directly responsible to the city council.

10.07 DEPUTY CITY CLERK. The administrator may nominate, for council appointment, a deputy city clerk to perform the duties of the city clerk in the administrator's absence and to perform such other duties as assigned him.

10.08 OTHER DUTIES. The administrator shall perform such other duties as may hereafter be directed by the council, which duties are not in conflict with this article.

CHAPTER 4: ADMINISTRATIVE CODE – ADMINISTRATION

ARTICLE 11 – CITY CLERK

11.01	**Creation of Office**	**11.08**	**Fund Control**
11.02	**Powers & Duties**		
11.03	**Chief Accounting Officer**	**11.09**	**Compensation**
11.04	**Custody of Records**	**11.10**	**Special Funds; Cash Funds**
11.05	**Publication**	**11.11**	**Fund Surplus**
11.06	**Official Posting Location**	**11.12**	**Investment Policy**
11.07	**Compensation**	**11.13**	**Elections.**

11.01 CREATION OF OFFICE. There is hereby created the office of city clerk to be appointed by a majority of the city council and to serve at the discretion of the Council. The City Clerk is appointed at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

11.02 POWERS AND DUTIES. The powers and duties of the City Clerk shall be as follows:

1. ADMINISTER OATHS. Administer oaths of office to any City officer who is required to give an oath.
   (Code of Iowa, Sec. 78.2(4))

2. ATTEND MEETINGS. Attend all meetings of the Council and its committees.

3. RECORD PROCEEDINGS. The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

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

4. ORDINANCES. Publish all ordinances immediately after passage and approval by Council, and keep an ordinance book authenticating each ordinance and certifying as to the time and manner of publication.
   (Code of Iowa, Sec. 380.7(3) & 362.3)

5. RESOLUTIONS. Keep an official resolution record book, and enter each resolution therein.

6. COUNCIL COMMUNICATIONS. Keep and date all communications and petitions directed to the Council or City, and endorse thereon Council action taken

on matters presented in such documents.

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

7. CORPORATE SEAL. Affix the corporate seal to those public documents or instruments as directed by the Mayor or Council or as required by law.

(Code of Iowa, Sec. 380.7(3))

8. ELECTIONS. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have requisite number of signatures and it is timely filed. The Clerk shall deliver all nomination petitions to the county commissioner of elections no later than five o'clock p.m. (5 p.m.) on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

9. ISSUE LICENSES AND PERMITS. Issue all Council-approved licenses and permits and keeps a record of them showing the date, number, to whom issued, and for what purpose.

10. OTHER DUTIES. Perform such other duties as specified by Council resolution or ordinance.

11.03 CHIEF ACCOUNTING OFFICER. The clerk shall be chief accounting officer of the city and:

1. BUDGET ACCOUNTS. Maintain the budgetary accounts required by law and as directed by the council.

2. BUDGET REPORTS. Prepare and publish all financial and budgetary reports and the list of claims, as required by law.

3. REVENUES FROM CITY UTILITY. The gross revenues of a city utility, combined utility system, city enterprise, or combined city enterprise must be kept in a separate account from other funds of the city.

(Code of Iowa, Sec. 384.85)

4. PAY CLAIMS. Pay all claims against the city only upon council order or other council authorization.

5. AUTHENTICATE DOCUMENTS. Sign all evidences of indebtedness, coupons, or certificates as required by law.

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

6. BALANCE ACCOUNTS. Reconcile the bank statements with his books and

certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.

7. INVESTMENTS. Invest all idle funds and other funds as directed by the council in accordance with law.
(Code of Iowa, Sec. 12B)

11.04 CUSTODY OF RECORDS. The Clerk shall have custody of all records and documents pertaining to the municipality unless otherwise directed by law or ordinance and:
(Code of Iowa, Sec. 372.13(3))

1. FILE AND RECORD TRANSACTIONS. File and preserve all receipts, vouchers, and other documents kept or required to be kept so as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.

2. DESTROY OLD RECORDS Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records, documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption, replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances or resolutions, Council proceedings, records, documents, or accurate reproductions, relating to real property shall be maintained permanently.

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

3. FURNISH COPIES. Furnish, upon request, to any municipal officer a copy of any record, paper, or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by law or Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance are required to be attested by the fixing of the seal.

4. CERTIFY MEASURES. Certify to the County Recorder all ordinances establishing zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits.

(Code of Iowa, Sec. 380.11)

5. RECORD APPOINTMENTS. Keep a record of all appointments, notifying all persons appointed by the Mayor or Council of such appointments and the time of taking office.

6. ORDINANCES AND CODES. Maintain copies of all effective City ordinances and codes for public use.

7. BONDS. Keep a register of all bonds outstanding, and record all payments made of interest and principal.

11.05 PUBLICATION. The clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. TIME. If notice of an election, hearing or other official action is required by the municipal code or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

2. MANNER OF PUBLICATION. A publication required by the city code or law must be in a newspaper published at least once weekly and having general circulation in the city.

(Code of Iowa, Sec. 362.3(1)(b))

3. PUBLICATION OF MINUTES. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. The list of claims allowed shall show the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the city shall provide at its office upon request an unconsolidated list of all claims allowed. Matters discussed in closed session pursuant to Code of Iowa, Section 21.3 shall not be published until entered on the public minutes. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over.

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

11.06 OFFICIAL POSTING LOCATION. Whenever there is to be notice given and no other form of publication is specified by law, the following three locations are officially designated for such notices:

1. Rock Rapids City Office
2. Rock Rapids Public Library
3. Rock Rapids Community Center

11.07 COMPENSATION. The clerk shall be paid such compensation as specified by resolution of the council.

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

11.08 FUND CONTROL. The clerk shall establish and maintain separate and distinct funds only as required or permitted by law, and account to them as follows:

1. REVENUES. All monies received by the city shall be credited to the proper fund as required by law, ordinance, or resolution.
(Code of Iowa, Sec. 384.3)

2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or was properly budgeted and supported by a claim approved by the council.

3. CUSTODY OF FUNDS. Be responsible for the safe custody of all funds of the city in the manner provided by law and council direction, including all funds received or held in custody for any board or commission or agency existing in the city created by council or the people.

4. RECONCILIATIONS, REPORTS. Reconcile the bank statements with the city's books, certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed, and reconcile the treasurer's books with the clerk's every month.

5. DEBT SERVICE. Keep a register of all bonds outstanding, and record all payments made of interest and principal.

6. INVESTMENTS. Advise the council on investments, and invest city monies not immediately needed at interest in accordance with council directives and the requirements of Section 452.10 of the Iowa Code. The treasurer shall determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 453 of the Iowa Code.

7. RECORDS. Keep such books as will account for all funds of the city, including any warrants out at interest, and call such warrants at the earliest opportune time.

8. DEPOSITS. Deposit immediately upon receipt, city monies to be held in his custody in council-approved banks for amounts not exceeding the monetary limits authorized by the council.

9. OTHER DUTIES. Perform such other duties as specified by the council by resolution or ordinance.

11.09 COMPENSATION. The treasurer shall be paid such compensation as specified by resolution of the council.

11.10 SPECIAL FUNDS; CASH FUNDS.

13. PETTY CASH FUND. The clerk shall be custodian of a petty cash fund in amount established by council for the payment of small claims for minor purchases, collect-on-delivery, transportation charges, and small fees customarily paid at the time of rendering a service. The clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his agent.

At such time as the petty cash fund is approaching depletion, the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.
(Code of Iowa, Sec. 384.9)

11.11 FUND SURPLUS. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally-accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the city finance committee.
(Code of Iowa, Sec. 384.89)

11.12 INVESTMENT POLICY. The Council shall establish an Investment Policy to comply with the standards set in Chapter 12B of the Code of Iowa. Copies of this Investment Policy shall be distributed to all appropriate officials.

11.13 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations.

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular city election.
(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.
(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon the petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measures being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) P.M. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

CHAPTER 4: ADMINISTRATIVE CODE – ADMINISTRATION

ARTICLE 12 – CITY ATTORNEY

12.01 Powers & Duties **12.02 Compensation**

12.01 POWERS AND DUTIES. The duties of the City attorney shall be as follows: (Code of Iowa, Sec. 372.13(4)

1. ATTEND MEETINGS. Attend those meetings of the council at which he is requested to be present.

2. DRAFTS. Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.

3. DOCKET AND RECORD OF OPINIONS. Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.

4. LEGAL OPINION. Give his opinion in writing upon all questions of law relating to municipal affairs submitted by the council, the mayor, members of the council individually, municipal boards, or the head of any municipal department upon request.

5. PREPARE ORDINANCES. Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.

6. REPRESENT CITY. Act as attorney for the city in all matters affecting the city's interests, and appear on behalf of the city before any court tribunal, commission, or board. He shall prosecute or defend all actions and proceedings when so requested by the mayor or the council.

7. REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES. Not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. He shall, however, if directed by the council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of said office

or employment.

8. CERTIFY BONDS. Sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court; and when so signed, the city shall be bound upon the same.

9. REVIEW CONTRACTS AND ORDINANCES. Make a written recommendation to the council and interested department heads concerning all contracts, documents, authorized power of the city officer, and ordinances submitted to him or coming under his notice before they go into effect.

12.02 COMPENSATION. The City attorney shall receive such compensation as shall be established by resolution.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 4: ADMINISTRATIVE CODE – ADMINISTRATION

ARTICLE 13 – MANAGER OF PUBLIC WORKS

13.01 Manager Of Public Works
13.02 Powers & Duties
13.03 Compensation

13.01 MANAGER OF PUBLIC WORKS. A manager of public works shall be appointed by the council to serve at its pleasure, and shall work under the direction and supervision of the city administrator.

13.02 POWERS AND DUTIES. The powers and duties of the manager of public works shall be as follows:

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

1. AUTHORITY. Superintend all public works for council consideration, or as directed by the council.

2. SUPERVISE STORM SEWERS. Superintend and inspect the installation of all storm sewers in the city in accordance with state laws and good practice; and supervise the maintenance of all storm drainage.

3. UNCOVER MANHOLES. Uncover manholes that are buried, raising them where necessary to keep them accessible.

4. MAINTAIN PUBLIC WAYS. Be in charge of maintaining and repairing the sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers, including removal of snow and ice that imperils travel on public ways.

5. INVESTIGATE COMPLAINTS. Investigate all complaints of dangerous or impassable conditions on any sidewalk, street, alley, bridge, underpass or overpass, and repair the same, or report those findings that require its decision to the council.

6. RECORDS. Maintain written records of the inspections of water and sewer work, of the purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.

7. REPORTS. Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month following the

activities.

13.03 COMPENSATION. The manager of public works shall be paid such compensation as specified by resolution of the council.
(Code of Iowa, Sec. 372.13(8))

CHAPTER 4: ADMINISTRATIVE CODE – ADMINISTRATION

ARTICLE 14 – RESERVED FOR FUTURE USE

Article 14 is Reserved for Future Use.

Editor's Note: Ordinance 608 was passed and approved by the City Council on October 8, 2002 and repealed Article 14 – Supervisor of Public Works.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 15 – POLICE DEPARTMENT

15.01 Purpose
15.02 Appointments
15.03 Oath
15.04 Qualifications
15.05 Training
15.06 Removal, Demotion & Suspension
15.07 Powers & Duties
15.08 Compensation
15.09 Reserve Peace Officers

15.01 PURPOSE. A police department is established for the purpose of providing for the preservation of peace and enforcement of the law within the corporate limits of the city.

15.02 APPOINTMENTS. The police chief and other officers shall be appointed by the mayor. (Code of Iowa, Sec. 372.4)

15.03 OATH. Every police officer shall take the oath prescribed in Title 1, Chapter 1, Article 5 before entering the duties of his office.

15.04 QUALIFICATIONS. Any person recruited, selected or appointed as a police officer shall meet the qualifications required by the Code of Iowa, Sec. 80B.11.

15.05 TRAINING. All officers shall have received the minimum training by law at an approved law enforcement training school within one year of employment.

(Code of Iowa, Sec. 80.11)

15.06 REMOVAL, DEMOTION AND SUSPENSION. A police officer may be removed, demoted or suspended by the police chief for violation of rules or regulations, but such officer shall have the right to a hearing before the city council. The police chief shall by written rules specify whether suspension, pay penalties or reprimands are penalties for specific types of offenses.

15.07 POWERS AND DUTIES. The duties of a police chief shall be as follows: (Code of Iowa, Sec. 372.13(4))

1. GENERAL. To protect the rights of persons and property, preserve order at public gatherings, prevent and abate nuisances and protect persons against every manner of unlawful disorder and offense.

2. ENFORCE LAWS. To enforce all laws, ordinances and regulations and bring all persons committing any offenses before the proper court.

3. COMMAND. To be responsible for the care, maintenance and use of all vehicles, equipment and materials of his department.

4. UNIFORM. To wear a metal badge engraved with the name of his office in plain view upon the outer garment of his uniform, which may be specified by the council.

5. ASSIST OFFICIALS. To aid other municipal officers, boards and commissions in the execution of their official duties upon request.

6. REPORTS. To report to the council and mayor upon request and immediately after July 1st submit to them an annual report on police activities for the preceding fiscal year.

7. SERGEANT-AT-ARMS. To be sergeant-at-arms of the council chamber when requested by the council.

8. WRITS. To execute and return all writs and other processes directed to him.

9. RECORD OF ARRESTS. To keep a record of all arrests made in the city, showing whether the arrests were made under the provisions of state law or city ordinance, the offense charged, the disposition of the charge and who made the arrest.

10. PRISONERS. To take custody of persons requiring detention and convey them to the county jail as provided by law and agreements with the county.

11. ACCIDENT REPORTS. To report all motor vehicle accidents investigated to the Iowa Department of Public Safety.

12. INVESTIGATIONS. To investigate the violation of any laws or ordinance when necessary for the prosecution of the offender.

13. SUBMIT BUDGET PROPOSAL. To submit to the clerk the budget proposal for his department by the date set by the clerk.

15.08 COMPENSATION. The compensation of a police chief shall be determined by the council.

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

15.09 RESERVE PEACE OFFICERS. The Council may provide for the establishment of a force of reserve peace officers, and may limit the size of the reserve force.

(Code of Iowa, Sec. 80D.1)

1. TRAINING. Each person appointed to serve as a reserve peace officer shall satisfactorily complete a minimum training course as provided by the Code of Iowa. (Code of Iowa, Sec. 80D.3)

2. STATUS. Reserve peace officers shall serve on the orders and at the discretion of the chief of police. While in actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officers.

(Code of Iowa, Sec. 80D.6)

3. SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers.

(Code of Iowa, Sec. 80D.8)

4. CARRYING WEAPONS. A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the Iowa law enforcement academy council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police.

(Code of Iowa, Sec. 80D.7)

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 16 – LIBRARY BOARD

16.01 Public Library.
16.02 Board of Library Trustees
16.03 Qualifications
16.04 Terms
16.05 Vacancies
16.06 Powers & Duties
16.07 Power to Contract
16.08 Nonresident Use of The Library
16.09 Library Account
16.10 Annual Report
16.11 Open Meetings
16.12 Library Materials
16.13 Library Equipment
16.14 Injury to Books or Property
16.15 Theft of Library Materials
16.16 Detention & Search.

16.01 PUBLIC LIBRARY. The free public library established for the City of Rock Rapids is to be known as the Rock Rapids Public Library.

16.02 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of seven (7) members to be appointed by the Mayor and approved by the Council.

(Code of Iowa, Sec. 392.5)

Editor's Note: Section 16.02 was amended at time of 2016 Codification.

16.03 QUALIFICATIONS. All board members shall be bona fide citizens, over the age of eighteen (18), and residents of Lyon County, Iowa, and six (6) of the members shall be residents of the City of Rock Rapids.

Editor's Note: Section 16.03 was amended at time of 2016 Codification.

16.04 TERMS. Of the seven (7) board members, three (3) members shall hold office for two years, two (2) for four years, and two (2) for six years, from the first day of July following the establishment of the board. At the board's first meeting, members shall cast lots for the respective terms, reporting the result to the council. All subsequent terms and appointments thereto shall be for six years each, except to fill vacancies.

Editor's Note: Section 16.04 was amended at time of 2016 Codification.

16.05 VACANCIES. A board position shall become vacant if the trustee moves permanently from the city, or is absent from four (4) consecutive regular board meetings, except in the case of illness or temporary excused absence from the city. Vacancies shall be filled by appointment of the mayor with council approval, and the new trustee shall fill the unexpired term for which the appointment was made.

16.06 POWERS AND DUTIES. The board shall have the following powers and duties:

1. OFFICERS. Meet and elect a chairperson, vice-chairperson, and secretary from its members.

2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.

3. DIRECT AFFAIRS. Direct and control library affairs.

4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.

5. OTHER EMPLOYEES. Authorize the librarian to employ assistants and other employees necessary to operate the library properly.

6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.

7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.

8. NONRESIDENT USE. Authorize the use of the library by nonresidents of the city and to fix charges thereof.

9. FUNDS. Have exclusive control of all expenditures for library purposes including all monies available by gift or otherwise within council appropriations for library services.

10. GIFTS. Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library.

(Code of Iowa, Sec. 392.5)

11. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.

12. RECORD. Keep a record of its proceedings.

13. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.

16.07 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.

16.08 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:

1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.

2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.

3. BOOKMOBILES. Establishing bookmobiles or a traveling library.

4. BRANCH LIBRARIES. Establishing branch libraries.

16.09 LIBRARY ACCOUNT. The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders, signed by the president and secretary. The warrant-writing officer is the city clerk.

16.10 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year.

16.11 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

16.12 LIBRARY MATERIALS. Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

a. A public library.
b. A library of an educational, historical, or eleemosynary institution, organization, or society.
c. A museum.

d. A repository of public records.

(Iowa Code, Sec. 702.22(1))

16.13 LIBRARY EQUIPMENT. Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 16.12 of this Article.
(Iowa Code, Sec. 702.22(2))

16.14 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials (i.e. newspaper, periodical, book. Map, pamphlet, chart, picture or other property belonging to the library or reading room), or equipment.

16.15 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials or equipment as defined in sections 16.12 and 16.13 of this Chapter, or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

16.16 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 16.15 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 16.15.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 17 – FIRE DEPARTMENT

17.01	**Purpose**	**17.08**	**Mutual Aid**
17.02	**Qualifications**		
17.03	**Training**	**17.09**	**Fire Chief**
17.04	**Election of Officers**	**17.10**	**Powers & Duties**
17.05	**Accidental Injury Insurance**	**17.11**	**Compensation**
17.06	**Liability Insurance**	**17.12**	**Obedience to Fire Chief**
17.07	**Fires Outside The City**	**17.13**	**Administrative Rules**

17.01 PURPOSE. A volunteer fire department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

17.02 QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a member of the department unless such person:

1. RESIDENT CITIZEN. Is a citizen of the United States and a resident of the city or fire district or intends to become a resident upon acceptance as a member of the department.

2. AGE. Is at least eighteen (18) years of age.

3. DRIVER'S LICENSE. Has a current active Iowa driver's license.

4. ALCOHOL AND DRUGS. Is not an abuser of alcohol or drugs.

5. CHARACTER. Is a good moral character and has not been convicted of a felony.

17.03 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

17.04 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as necessary, but the election of chief shall be subject to the approval of the council. In case of absence of the chief, the officer next in rank shall be in charge and have and exercise all the powers of chief.

17.05 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city

against liability for workmen's compensation and against liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61, 410.18 & 517A.1)

17.06 LIABILITY INSURANCE. The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.

(Code of Iowa, Sec. 613A.2 & 517A.1)

17.07 FIRES OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the fire district if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the fire district.

(Code of Iowa, Sec. 364.4(2&3))

17.08 MUTUAL AID. Subject to approval by resolution of the council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the clerk.

(Code of Iowa, Sec. 364.4(2&3))

17.09 FIRE CHIEF. The council shall appoint the fire chief for a term of two (2) years or for the balance of a term if to fill a vacancy. The council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the clerk. The fire chief, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed in Title 1, Chapter 1, Article 5 of this Municipal Code.

17.10 POWERS AND DUTIES. The duties of the fire chief shall be as follows:

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

2. ENFORCE DEPARTMENT REGULATIONS. Enforce all rules and regulations established by the council for the conduct of the affairs of the fire department.

3. CONTROL DEPARTMENT PROPERTY. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

4. KEEP RECORDS. Keep records of the fire department personnel, operating cost and efficiency of each element of firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

5. REPORTS. Make monthly written reports to the mayor and council concerning the general status and efficiency of the fire department, the number of alarms answered during the previous month, and any additional information. He shall compile and

file with the mayor an annual report summarizing the department's

activities for the year and containing recommendations for improvements in the department.

6. ENFORCE ORDINANCES AND STATE LAWS. Enforce all ordinances and, here enabled, state laws regulating the following:

   a. Fire prevention
   b. Maintenance and use of fire escapes
   c. The investigation of the cause, origin and circumstances of fires
   d. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose
   e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. RIGHT OF ENTRY. Have the right of entry into any building or premises within his jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. He shall conduct such investigation or inspection that he considers necessary in light of state law, regulation or ordinance.

8. MAKE RECOMMENDATIONS. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. AID STATE FIRE MARSHAL. Aid the state fire marshal when requested in the performance of his duties by investigating, preventing and reporting data pertaining to fires.

10. APPOINT FIREMEN. Appoint carefully selected volunteer firemen, with council approval, fill vacancies among them and discharge them when necessary.

11. INVESTIGATIONS. Investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. If death, serious bodily injury or property damage in excess of two hundred thousand dollars occurs as a result of a fire, or if arson is suspected, he shall notify the state fire marshal's division immediately. Within ten

    (10) days following the end of each month the chief shall file a report of all fire incidents with the state fire marshal's division in the form required by the state fire marshal.

12. ENFORCEMENT; FIRE MARSHAL. The chief of the fire department shall be the city fire marshal, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this Article, either by himself or through a designated deputy, named by the chief from among the

membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent

jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.

13. AUTHORITY AT FIRES. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

14. CONTROL OF SCENE Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

15. AUTHORITY TO BARRICADE. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right -of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting effort of the fire department, to control the scene until any required investigation is complete or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

16. TECHNICAL ASSISTANCE. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

17.11 COMPENSATION. The compensation of the fire chief shall be determined by the council.

17.12 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

17.13 ADMINISTRATIVE RULES. The department shall adopt administrative rules as they deem calculated to accomplish the object contemplated, and such administrative rules and any change or amendment to such administrative rules before being effective, must be approved by Council.

CHAPTER 5: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 18 – AIRPORT COMMISSION

18.01 Purpose.
18.02 Organization
18.03 Powers & Duties
18.04 Rules
18.05 Penalties
18.06 Meetings

18.01 PURPOSE. The purpose of this article is to confirm the establishment of the Rock Rapids Airport Commission and to provide for its organization, powers and duties, rule- making, and penalties for violations of this article.

18.02 ORGANIZATION. The airport commission shall be organized in the following manner:

1. MEMBERSHIP. The Airport Commission shall consist of three members appointed by the Mayor and approved by the City Council. The members shall be residents of Lyon County, Iowa, and two of the members shall be residents of the City of Rock Rapids.

2. TERMS. Terms shall be for six (6) years commencing on June first of the year of appointment, and each member shall continue in office until his successor is appointed and qualified.

3. OFFICERS. The commission shall elect from its own members a chairman and secretary who shall serve for such term as the commission shall determine.

4. COMPENSATION. Airport commission members shall receive no compensation.

Editor's Note: Subsection 18.02 (1) Membership was amended by Ordinance 652, approved by City Council on January 23, 2012. Section 18.02(2) was changed to six years at time of Codification in 2016 and terms commence on June 1st.

18.03 POWERS AND DUTIES. The airport commission shall have the following powers and duties:

1. CONTROL OF AIRPORT PROPERTY. Have full control and management of the real and personal property owned by the city for airport purposes.

2. ESTABLISH CHARGES. Establish fees, rents, concessions and other charges for use of the property and services of the airport facilities and staff.

3. PROVIDE BUDGET ESTIMATES. Provide the city clerk the estimate of the commission's revenues and expenditures requirements and the necessary general revenues from taxation or other sources to meet the proposed expenditures. Budget estimates shall be submitted to the clerk no later than January 15,

immediately prior to the time set by law for annual city budget hearings. Where the council must consider one or two-year future year estimates, the commission shall submit its estimate for those years.

4. REPORTS. File with the city clerk, immediately after the close of each municipal fiscal year, a detailed and audited written report of all money received and disbursed by the commission during said fiscal year and publish a summary thereof in an official newspaper.

18.04 RULES. Every person using the airport or entering upon airport property shall comply with the rules established by the commission. Such rules shall be effective only after adoption, following notice and hearing in compliance with Section 362.3 of the Code of Iowa, and their publication, following the hearing, in the newspaper in which council minutes are published together with posting of the rules in two or more prominent locations on airport property.

18.05 PENALTIES. The following shall apply to penalties for violations of commission rules:

1. MISDEMEANOR. A violation of any rules which have been submitted to and approved by the council shall be a misdemeanor.

2. OTHER PENALTIES. Following notice to a person who violates an operating rule of the commission or state or federal air law, and hearing on a charge of such violation, the commission may deny a person or persons charged, the use of the airport or its facilities if it is shown that the violation caused serious danger to other users or to property, showed negligence or that there had been a pattern of repeated violations such as to eliminate the probability of inadvertence in committing the violation. The denial order shall state a term, not exceeding one year. Such rules shall extend to the air space above the airport, the land within the city limits and the area within two miles of the boundaries of the airport regardless of the territorial limits of the airport or city, as the commission shall provide.

18.06 MEETINGS. All meetings of the airport commission shall comply with the rules for open meetings as stated in Chapter 21, Code of Iowa.

CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

ARTICLE 19 – PLANNING AND ZONING COMMISSION

19.01 Planning And Zoning Commission Created.
19.02 Term of Office
19.03 Powers

19.01 PLANNING AND ZONING COMMISSION CREATED. There is hereby created a city planning and zoning commission composed of seven residents of the city who shall be qualified by knowledge and experience to act in manners pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the city. Such members shall be appointed by the city council."

(Editor's Note: Ordinance 603 was passed by Council on April 9, 2012, adopting a new Section 19.01 Planning & Zoning Commission Created).

19.02 TERM OF OFFICE. The term of office of commission members shall be three years, except that the members first named shall hold office for such terms not exceeding three years, that the terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the commission, caused by resignation or otherwise, shall be filled by the council for the unexpired term. All members of such commission shall serve without compensation except their actual expenses which shall be subject to the approval of the council. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman to serve in the absence of the chairman.

19.03 POWERS. Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:

1. PLANS. To make 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 such commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations and it may publish the same.

2. ZONING PLAN. To prepare a plan for zoning regarding the height, number of stories, and size of buildings and other structures; the percentage of ground that may be occupied; the size or yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the city council.

3. RECOMMEND CHANGES. To recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the comprehensive plan prepared by it, and recommend changes to the zoning regulations.

4. OFFICIAL MAP. To study and make recommendations on all subdivisions submitted for approval to the city and to make surveys and plans for an official map as a guideline for such approval.

5. TRENDS. To study trends of development in industrial, physical and social aspects of the community and make such reports as it may deem necessary.

6. SURVEY. To survey street and traffic problems and make recommendations thereon to the mayor and council.

7. RECOMMENDATIONS. To review and make recommendations on proposed vacations of streets and alleys.

19.04 OPEN MEETING. All meetings of the Planning and Zoning Commission shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

CHAPTER 5: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 20 – UTILITY BOARD

20.01	**Establishment**	**20.06**	**Powers & Duties**
20.02	**Membership & Term**		
20.03	**Vacancies**	**20.07**	**Meetings**
20.04	**Bond**	**20.08**	**Discontinuance**
20.05	**Compensation**	**20.09**	**Ex-Official Board Member**

20.01 ESTABLISHMENT. A Utility Board of Trustees is established in conformity with:

1. Approval at an election held on August 27, 1951, to administer the Waterworks and Electric Light and Power Plant.

2. Approval at an election held on February 13, 1979, to administer the Sanitary Sewer System.

3. Approval at an election held on May 10, 1983, to administer the Gas System.

20.02 MEMBERSHIP AND TERM. The mayor shall appoint three board members for staggered six year terms subject to council approval. A public officer or a salaried city employee may not serve on the board.

20.03 VACANCIES. A board member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term.

20.04 BOND. This section is reserved for future use.

20.05 COMPENSATION. The City Council shall set the compensation of board members by resolution.

20.06 POWERS AND DUTIES. The utility board shall have the following powers and duties:

1. ADMINISTER UTILITIES. Exercise all powers of the city in order to administer the waterworks, electric, sanitary sewer, and gas systems with the following exceptions:
(Code of Iowa, Sec. 388.4)

   a. The board may not certify taxes to be levied, pass ordinances or amendments or issue general obligation or special assessments bonds.
(Code of Iowa, Sec. 388.4 (1))

b. The title to all property of a city utility or combined utility system must be held in the name of the city, but the utility board has all the powers and authorities of the city with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of such property, and the management, control, and operation of the same, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the city utility or combined utility system, and which are then outstanding. ~~The board may not dispose of an interest in real property unless the disposition is consistent with the continued use of the property for utility purposes, without consent of the council and a determination by the board that the property is no longer needed for utility purposes~~.

(Editor's Note: Ordinance 724 was passed by Council on August 21, 2024, amending section 20.06 (1)(b))

(Code of Iowa, Sec. 388.4 (2))

2. ANNUAL REPORT. File with the council a detailed annual report, including a complete financial statement in accordance with generally accepted accounting principles.

(Code of Iowa, Sec. 388.4 (3))

3. PROCEEDINGS OF BOARD PUBLISHED. Immediately following a regular or special meeting of a utility board, the secretary shall prepare a condensed statement of the proceedings of the board and cause the statement to be published in a newspaper of general circulation in the city. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the utility board shall provide at its office upon request an unconsolidated list of all claims allowed. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary.

(Code of Iowa, Sec. 388.4 (4))

4. CONTROL OF REVENUE. Have full control of all moneys derived from the operation of the utility, the sale of utility property, interest on investments, or from any other source related to the municipal utility and any tax revenues allocated to the utilities it administers.

a. All utility moneys received shall be held in a separate fund with a separate account for each utility system, and money may be paid from that utility's account only under the board's direction.

(Code of Iowa, Sec 388.5)

b. Any surplus, as defined by generally accepted accounting principles, of utility funds administered by the board may be transferred to another city fund only with board approval.

5. LEGAL ACTION. The utility board may be party to legal action.

20.07 MEETINGS. All meetings of the utility board shall comply with the laws for open meetings, Chapter 21 of the Code of Iowa.

20.08 DISCONTINUANCE. The board may be discontinued by resolution of the council if the utility systems it administers are disposed of or leased for a period of over five years. (Code of Iowa, Sec. 388.2)

20.09 EX-OFFICIAL BOARD MEMBER. The Mayor shall appoint one ex-official board member for a two-year term subject to Council approval. A public officer or salaried city employee may not serve as the ex-official board member. The ex-official board member shall be a non-voting member of the Board. The City Council shall set the compensation for the ex-official board member by resolution.

Editor's Note: Ordinance 594 was passed and approved by City Council on August 14, 2001 and established a new Section 20.09 Ex-Official Board Member.

CHAPTER 5: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 21 – TREE BOARD

21.01 Creation & Establishment
21.02. Compensation
21.03 Duties & Responsibilities
21.04 Operation

21.01 CREATION AND ESTABLISHMENT. There is hereby created and established a city tree board for the city of Rock Rapids, Iowa, which shall consist of five (5) members chosen by the mayor and confirmed by the city council. Terms of the members of the tree board shall be three (3) years, except that for the initial board one member shall serve for one (l) year, two members for two (2) years and two members for three (3) years. In the event of a vacancy during the term of any member, his or her successor shall be chosen by the mayor and confirmed by the council for the unexpired portion of the term.

21.02. COMPENSATION. Members of the board shall serve without compensation.

21.03 DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the board to study, investigate, council, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. 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 Rock Rapids, 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.

21.04 OPERATION. The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. At least annually, and more often if requested by the city council, the tree board shall provide the council with a copy of the journal of its proceedings.

CHAPTER 5: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 22 – ARTS AND RECREATION ADVISORY COMMITTEE

22.01 Purpose
22.02 Definition
22.03 Membership
22.04 Organization
22.05 Duties
22.06 Exclusions

22.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a city arts and recreation advisory committee, and to specify its powers and duties.

22.02. DEFINITION. In this chapter the arts and recreation advisory committee shall be referred to as the advisory committee

22.03 MEMBERSHIP. The advisory committee shall consist of four (4) voting citizens residing within the corporate limits of the City of Rock Rapids. The mayor with the approval of the city council shall appoint the members. The city administrator and/or his or her designee shall be an ex-officio additional voting member.

22.04 ORGANIZATION. The organization of the advisory committee shall be as follows:

1. TERM OF OFFICE. All appointments to the advisory committee shall be for four (4) years, except for vacancies. Each term shall commence on July 1. Appointments shall be made every two (2) years of one-half (1/2) the total number or as near as possible, to stagger the terms.

2. VACANCIES. Vacancies on the advisory committee shall be filled in the same manner as an original appointment except that the new member shall complete the unexpired term for which the appointment was made.

3. COMPENSATION. Advisory committee members serve without compensation.

22.05 DUTIES. The duties of the advisory committee are as follows:

1. RECOMMENDATIONS. The advisory committee shall provide advice and recommendations for city council action to certain standing committees of the city council, namely the buildings and grounds committee and the parks and recreation committee, or to the city council directly.

2. COORDINATION. The advisory committee shall also have responsibility for coordination of the city's cultural and recreational activities.

22.06 EXCLUSIONS. Limits of responsibility assigned to the advisory committee include the following:

1. OFFICIAL ACTION. The advisory committee does not have any authority to enact change on its own unless expressly given by action of the full city council.

2. RESPONSIBILITIES ASSIGNED ELSEWHERE. Responsibilities otherwise assigned by the city council are not included in the advisory committee's duties. A current example involves the ballpark complex, which operates under a joint maintenance 28E agreement between the city and the school. However, suggestions are always welcome.

CHAPTER 5: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE 23 – CEMETERY ASSOCIATION

23.01 Cemetery Association Established
23.02 Cemetery Finances
23.03 Indebtedness
23.04 Sexton
23.05 Cemetery Records
23.06 Cemetery Description
23.07 Gifts, Donations, Endowments
23.08 Administrator of Fund
23.09 Care Of Lots
23.10 Interments
23.11 Fees
23.12 Clerk Duties
23.13 Maintenance Care
23.14 Maintenance Person
23.15 Perpetual Care Fund
23.16 Other Regulations

23.01 CEMETERY ASSOCIATION ESTABLISHED. A Cemetery Association shall be established consisting of five members. The Mayor shall appoint, subject to council approval, five members, including the cemetery sexton and the maintenance person. In the event the sexton and the maintenance person are separate individuals, the Mayor shall then appoint three additional members to serve on the Association. In the event the sexton and the maintenance person are the same person, the Mayor shall then appoint four additional members to the Association. The members will serve staggered three- year terms. There will be no term limits. The Chairperson of the committee will be appointed by the entire committee, but one must be one of the three or four appointed members.

(Editor's Note: Council passed and approved Ordinance 601 on March 26, 2002, which repealed Section 23.01 and adopted a new Section 23.01.)

23.02 CEMETERY FINANCES. All cemetery finances will be handled by the City Council and it's designated representatives: the City Administrator and/or City Clerk.

23.03 INDEBTEDNESS. The Cemetery Association shall have no power or authority to create any indebtedness, which shall be binding on the city.

23.04 SEXTON.

1. The Sexton of the Riverview Cemetery will be hired or contracted and dismissed from his or her position only by the Mayor and City Council.

2. The Sexton may be either an employee of the City or may be a contracted position.

3. The Mayor and City Council will set the Sexton's salary or contract.

4. The Sexton's job description is in a separate location with those of other employees

or listed with the contract if a contracted position.

23.05 CEMETERY RECORDS. The Sexton shall keep a record showing the name of each person removed or buried, date of death, age, sex, and the lot on which buried. The sale and disposition of the cemetery lots shall be vested in the cemetery Sexton in accordance with city council resolutions. The Sexton shall keep a record of all lots sold. All burials and sales are to be passed on to the City Clerk and recorded again in City offices.

23.06 CEMETERY DESCRIPTION. The cemetery on the southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter of section nine (9), township ninety-nine (99), range forty-five (45), west of the fifth principal meridian, is hereby declared a public cemetery. The cemetery consists of approximately 30 acres and is located at the south end of Tama Street.

23.07 GIFTS, DONATIONS, ENDOWMENTS. The City may accept gifts, donations and endowments for the Riverview Cemetery and such gifts, donations and endowments shall be added to the Riverview Cemetery Perpetual Care Fund unless the donor specifies otherwise.

23.08 ADMINISTRATOR OF FUND. The City Council of the City of Rock Rapids shall be the administrator of the Riverview Cemetery Perpetual Care Fund.

23.09 CARE OF LOTS.

1. The City shall have full care of all graves within Riverview Cemetery.

2. There will be no planting of flowers, shrubs or trees. No permanent articles will be allowed without prior approval. No one may dig holes for containers. Memorial Day decorations may be placed on the grave the Friday prior and may remain for one week after. Christmas decorations and winter blankets must be removed by April 1 and not damage grass. Any other decorations that interfere with mowing or trimming will be removed on mowing day.

3. No litter of any kind shall be placed upon the cemetery grounds or driveways.

23.10 INTERMENTS.

1. All interments, including casket burials and cremation burials, shall comply with the laws of the State of Iowa and the rules and regulations of the Iowa Board of Health.

2. All caskets must be enclosed in a concrete vault or other concrete interment receptacle before actual burial.

23.11 FEES. The City Council of the City of Rock Rapids shall, from time to time, as deemed necessary by the City Council, fix a schedule of fees. The schedule of fees shall be set by resolution, and shall be placed on file in the office of the City Clerk, and shall be available for inspection by the general public.

23.12 CLERK DUTIES.

1. It shall be the duty of the City Clerk to collect all monies from the sale of burial lots, spaces, interment, monument location fees and from all other purposes mentioned herein.

2. The City Clerk shall deposit all monies collected to the credit of the cemetery fund.

3. The City Clerk shall have available for the City Council and the Cemetery Association a financial report of all such monies collected and deposited in the name of Riverview Cemetery.

4. The City Clerk shall record all interments on permanent cemetery records.

5. The City Clerk shall oversee that no burial lots or spaces can be repurchased for more than the original amount paid. Lots or spaces returned to the city from an individual party will receive only the original purchased amount. If original fee is unknown the fee will be $100.00.

23.13 MAINTENANCE CARE. Maintenance care is defined as the cutting of grass, trimming, weed control, and other related work as required.

23.14 MAINTENANCE PERSON.

1. The Maintenance Person of the Riverview Cemetery will be hired or contracted and dismissed from his or her position only by the Mayor and City Council.

2. The Maintenance Person may be either an employee of the City or may be a contracted position.

3. The Mayor and City Council will set the Maintenance Person's salary or contract.

4. The Maintenance Person's job description is in a separate location with those of other employees or listed with the contract if a contracted position.

23.15 PERPETUAL CARE FUND.

1. There is established a fund to be known as the Riverview Cemetery Perpetual Care Fund.

2. All monies received by the City for the perpetual care of cemetery lots and monuments shall be converted by the City Clerk into the fund.

3. The fund shall be invested in interest bearing instruments and the income arising therefrom shall be used only for the care of the lots and monuments.

23.16 OTHER REGULATIONS. The City Council of the City of Rock Rapids shall, from time to time, adopt other rules and regulations as deemed necessary by the City Council. Such other rules and regulations shall be set by resolution, and shall be placed on file in the office of the City Clerk, and shall be available for inspection by the general public.

ORDINANCE NO. 675

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE I, CHAPTER 5, ARTICLE 23, SECTION 23.15, CONCERNING PERPETUAL CARE CEMETERY FUND.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title I, Chapter 5, Article 23, Section 23.15 and adopting a new Title I, Chapter 5, Article 23, Section 23.15 in lieu thereof, concerning Perpetual Care Cemetery Fund.

23.15 Perpetual Care Cemetery Fund.

1. **Trusteeship.** Pursuant to section 5231.502 of the Code oflowa, the City of Rock Rapids hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Riverview Cemetery.
2. **Establishment of Trust Fund.** A perpetual trust is hereby established for Riverview Cemetery in accordance with Iowa Code chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the "perpetual care cemetery fund," which shall be funded by the deposit of an amount equal to or greater than twenty percent of the gross selling price, or $50.00, whichever is more, for each sale of interment space within the cemetery. The fund shall be administered in accordance with the purposes and provisions oflowa Code chapter 5231. The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.
3. **Sale of Interment Rights.** The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund.
4. **Perpetual Care Registry.** The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 25th day of July, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 3rd day of August, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 3rd day of August, 2016.

Jordan Kordahl, Clerk

CHAPTER 6: FISCAL MANAGEMENT

ARTICLE 24 – PURCHASING

3.01 **Bidding Requirements**

24.01 BIDDING REQUIREMENTS.

1. PUBLIC IMPROVEMENT BIDDING. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars ($100,000), or the adjusted competitive bid threshold established in Code of Iowa Section 314.1B, the City shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders. The notice to bidders shall be published at least once, not less than four and not more than forty-five days before the date for filing bids, in a newspaper published at least once weekly and having general circulation in the geographic area served by the governmental entity.
(Code of Iowa, Section 26.3)

2. COMPETITIVE QUOTATIONS FOR PUBLIC IMPROVEMENT CONTRACTS. Competitive quotations shall be required for a public improvement having an estimated total cost that exceeds thirty-six thousand dollars ($36,000), but is less than the competitive threshold of bid one-hundred thousand dollar ($100,000). The thresholds are subject to change of Code of Iowa, Chapter 314.
(Code of Iowa, Section 26.14)

3. LICENSED ENGINEER, LANDSCAPE ARCHITECT OR REGISTERED ARCHITECT. The City shall have an engineer licensed under Code of Iowa Chapter 542B, a landscape architect licensed under Code of Iowa Chapter 544B, or an architect registered under Code of Iowa Chapter 544 A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. The City shall ensure that a sufficient number of paper copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and contractor plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.
(Code of Iowa, Section 26.3)

4. EXEMPTIONS FROM COMPETITIVE BIDS & QUOTATIONS. Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to Code of Iowa sections 26.3 and 26.14.
(Code of Iowa, Section 26.3)

CHAPTER 7: CITY RECORDS

ARTICLE 25 – CUSTODY OF THE CITY'S PUBLIC RECORDS

25.01 Records – Custody & Confidentiality Rulings

25.02 Clerk's Duty – Information

25.03 Custodians Named For Specified Records

25.01 RECORDS – CUSTODY AND CONFIDENTIALITY RULINGS. In compliance with Chapter 22, Code of Iowa, the officers and employees bearing the titles named herein shall be in custody of the particular records or class of records assigned to the positions named by this resolution and are directed to familiarize themselves with the requirements of the law in Chapter 68A, as amended. Whenever there is a doubt concerning whether a record is an open or confidential public record the custodian thereof shall withhold the record and immediately ask for an opinion of the city attorney interpreting the law. Every effort shall be made to expedite a decision and all doubts should be resolved in favor of openness.

25.02 CLERK'S DUTY – INFORMATION. The city clerk shall obtain and place in the hands of each named custodian a copy of the public records, law and any interpretations available to the city. The clerk shall also keep himself informed of any amendments or new interpretations and distribute such agenda to the named custodians promptly upon receipt thereof.

25.03 CUSTODIANS NAMED FOR SPECIFIED RECORDS.

1. POSITIONS NAMED. The following city positions named shall be custodians of the specific records and related items assigned to each position:
   a. City Clerk.* Council minutes and proceedings and related papers, ordinance and resolution records, reports filed, surety bonds, deeds, abstracts for city-owned property, petitions, correspondence, special assessment schedules, bond register, all budget papers, accounts, receipts, invoices, purchase orders, warrants/ checks, utility accounting records not in hands of superintendents, personnel records not in hands of a personnel officer, warrant records, investment records, depository agreements

   b. City Attorney (solicitor).* Legal opinions, records of legal cases, investigations.

   c. City Administrator.* Study papers, correspondence log.

d. City Engineer (including any consultant). Plans, profiles, other engineering drawings, field notes.

e. Police Chief. Investigation, arrest and activity ("blotter") records, finger prints, MO's, traffic records.

f. Fire Chief. Inspection reports, incident records, correspondence, etc.

g. Building Officer (inspector). Plans, applications and permits pertaining to the office.

h. Cemetery sexton. Cemetery plats, records of burials, copies, deeds to cemetery lots.

i. Librarian. Library circulation and accession lists or records.

j. Zoning Administrator. Zoning correspondence, maps, plats, petitions, minutes of board of adjustment.

k. Planning Officer. Planning and Zoning Commission minutes, correspondence, logs, plats, studies.

2. CITY CLERK CUSTODIAN. The city clerk shall be custodian of any papers, records or documents that are named for a position where the position is vacant or does not exist and shall be custodian of any records not named until and unless the council amends the foregoing list.

*May

TITLE II – PUBLIC SERVICE AND PUBLIC HEALTH

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 1 – GENERAL PROVISIONS

1.01 Purpose
1.02 Definitions
1.03 Health Hazard
1.04 Fire Hazard
1.05 Open Burning
1.06 Littering Prohibited
1.07 Open Dumping Prohibited
1.08 Toxic & Hazardous Wastes
1.09 Waste Storage Containers
1.10 Storage of Yard Wastes
1.11 Sanitary Disposal Required of Owner
1.12 Prohibited Practices
1.13 Separation of Yard Waste Required

1.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid wastes in order to protect the health, safety, and welfare of the citizens of this city from the hazards which may result from the uncontrolled disposal of solid wastes.

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

1. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa.
(Code of Iowa, 455B.301(20))

   a. Garbage means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)

   b. Refuse means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
(IAC, 567-100.2)

   c. Rubbish means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind.
(IAC, 567-100.2)

2. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes.
(IAC, 567-20.2)

3. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(IAC, 567-20.2)

4. "Toxic and Hazardous Wastes" means waste materials including, but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials, and similar harmful wastes, which require special handling and careful disposal to conserve the environment and protect the public health and safety.
(IAC, 567-100.2)

5. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361(1))

6. "Rubble" means stone, brick, or similar inorganic material.
(IAC, 567-100.2)

7. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passage through a chimney or stack.
(IAC, 567-20.2)

8. "Backyard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 567-20.2)

9. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 567-100.2)

10. "Discard" means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361(2))

11. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
(IAC, 567-100.2)

12. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained,

or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

(Code of Iowa, Sec. 455B.301(18))

13. "Sanitary Landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.

(IAC, 567-100.2)

14. "Salvage Operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers.

(IAC, 567-20.2)

15. "Approved Incinerator" means equipment facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the city based on recommendations of the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).

16. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

1.03 HEALTH HAZARD. It shall be unlawful for any person to permit, to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

1.04 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

1.05 OPEN BURNING. No person shall allow, cause or permit open burning of combustible materials. The following shall be permitted exceptions upon authorization by city council:

(IAC, 567-23.2)

1. DISASTER RUBBISH. The open burning of rubbish, including landscape waste,

for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2(3a))

2. TREES & TREE TRIMMINGS. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.
(IAC, 567-23.2(3b))

3. FLARE STACKS. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the EPC of the IDNR.
(IAC, 567-23.2(3c))

4. LANDSCAPE WASTE. The disposal by open burning of landscape waste originating on the premises; however, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.
(IAC, 567-23.2(3d))

5. RECREATIONAL FIRES. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the EPC and the IDNR. Recreational fires shall include fires used for the purposes of cooking food, provision of heat, and ceremonial.
IAC, 567-23.2 (3e)

   a. The fire shall not be ignited more than 2 hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

6. TRAINING FIRES. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the Executive Director of the EPC of the IDNR receives notice in writing at least one (1) week before such action commences.
(IAC, 567-23.2(3g))

7. VARIANCE. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Executive Director of the EPC of the IDNR.
(IAC, 567-23.2(2))

1.06 LITTERING PROHIBITED. No person shall discard any litter on or in any water or land, except when and where authorized. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

1.07 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of IDNR, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

1.08 TOXIC AND HAZARDOUS WASTES. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2) (IAC, 567-102.14(2) and 400-27.14(2))

1.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit, or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. CONTAINER SPECIFICATION.

   a. Residential waste containers shall be made of a size, weight, and material as specified in city's collection contract.

   b. Every person owning, managing, operating, leasing, or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. LOCATION OF CONTAINERS. Residential solid-waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public- health personnel, and fire-inspection personnel.

3. NONCONFORMING CONTAINERS. Solid waste containers, which are not approved, will be collected together with their contents and disposed of after due notice to the owner.

4. TIME LIMIT. Containers, bags, packages, or other solid wastes placed at the curb line shall not be so placed more than twenty four (24) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line within twenty four (24) hours following collection.

1.10 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained so as to prevent dispersal of wastes placed therein, also tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed sixty-five (65) pounds.

1.11 SANITARY DISPOSAL REQUIRED OF OWNER. It shall be the duty of each owner to provide for the sanitary disposal of all refuse or solid waste accumulating on his premises before it becomes a nuisance. If such accumulation becomes a nuisance, the city may proceed to abate the nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title III, Article 10 Nuisance Abatement Procedures or by initiating proper action in district court.

(Code of Iowa, Sec. 657)

Editor's Note: Section 1.11 Sanitary Disposal Required by Owner was amended at time of 2016 Codification to include a "period of more than thirty (30) days.

1.12 SEPARATION OF YARD WASTE REQUIRED**.** All landscape waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, or disposed at a City designated landscape waste and tree disposal site (dump site) maintained by the City. As used in this section, "landscape wastes" means any debris such as any vegetable plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, shrubbery, weeds, grass, grass clippings, leaves and garden waste. Tree trimmings, braches, or shrubbery one (1) inch or greater in diameter shall be considered to large for composting and shall be disposed at the City designated landscape and tree disposal site, unless such wood is cut for firewood and neatly stacked in rear or side yard of the property. Any accumulation of landscape waste on the premises, other than in composting bins, for a period of thirty (30) days or more shall be deemed a nuisance and may be treated accordingly.

Editor's Note: Section 1.12 Separation of Yard Waste Required was amended at time of 2016 Codification.

1.13 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. UNLAWFUL USE OF CONTAINERS. Deposit refuse in any solid-waste containers other than his own without the written consent of the owner of such containers.

2. INTERFERE WITH COLLECTORS. Interfere in any manner with solid waste collection equipment or with solid-waste collectors in the lawful performance of their duties, whether such equipment or collectors be those of the city or those of any other authorized waste-collection service.

3. UNLAWFUL DISPOSAL. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

4. UNLAWFUL COLLECTION. Engage in the business of collecting, transporting, processing, or disposing of refuse within the city without a contract with the city, or possessing a city solid waste hauler permit.

5. INCINERATORS. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

6. SCAVENGING. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

   a. An exception is the City allows scavenging of unwanted items (not garbage) placed between the curb and sidewalk (parking area or terrace) during City designated "cleanup days". Scavenging in trashcans, garbage can, a dumpster, or garbage bag is prohibited.

Editor's Note: Section 1.13(6) was added at time of 2016 Codification.

CHAPTER 1: SOLID WASTE CONTROL

ARTICLE 2 – COLLECTION AND TRANSPORTATION OF SOLID WASTE

2.01 Definitions
2.02 Collection Service
2.03 Collection Vehicles
2.04 Loading
2.05 Frequency of Collection
2.06 Bulky Solid Waste
2.07 Tree Limbs & Brush
2.08 Right of Entry
2.09 Contract With Collector
2.10 Collection Fees
2.11 Combined Service Account
2.12 Exception For Residential Collection of Solid Waste

2.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.
   (IAC, 567-100.2)

2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means.
   (IAC, 567-100.2)

3. "Residential Premises." A single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of each such apartments or units which may be included in a given housing development.

4. "Dwelling Unit." 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.

5. "Property Served." Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided by this chapter.

6. "Collectors." Any person authorized by the city to gather solid waste from public and private places.

2.02 COLLECTION SERVICE. The City shall provide for the collection of refuse from

residential, commercial, industrial or institutional premises within their jurisdiction which are not exempted by law.

(Code of Iowa, Sec. 455.302)

2.03 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

2.04 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

2.05 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once a week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

2.06 BULKY SOLID WASTE. Bulky solid waste which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

2.07 TREE LIMBS AND BRUSH. Tree limbs of less than four inches in diameter and brush may be disposed at the city tree dump.

2.08 RIGHT OF ENTRY. Solid waste collectors are authorized to enter upon private property for the purpose of collecting refuse as required by this chapter. However, solid waste collectors shall not enter dwelling units or other residential buildings.

2.09 CONTRACT WITH COLLECTOR. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his own within the City without first obtaining from the City an annual contract in accordance to the following:

(Code of Iowa, Sec. 455B.302)

1. REQUIRED INFORMATION. The following information shall be required on the contract with the city:

   a. Name and address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers.

   b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

c. Collection program. A complete description of the frequency, routes and method of collection and transportation to be used.

d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. INSURANCE. No collector's contract shall be entered into unless the applicant shall file and maintain with the city, in addition to all other requirements, evidence of satisfactory public liability insurance. This insurance must cover all pertinent operations of the applicant related to the business, equipment and

vehicles to be operated in the following minimum amounts:

Bodily injury -	$100,000 per person
	$300,000 per occurrence
Property damage -	$50,000

Each insurance policy required shall include provisions requiring the insurance agent to notify the city of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. PERMIT FEE. A ten dollar ($10) fee shall be required of every solid waste hauler, whether or not covered by a city solid waste contract.

4. CONTRACT NEGOTIATED. If the council upon investigation finds the collector to be in order and determines that the collector will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the contract shall be negotiated to be effective for a period of at least one (1) year from the date approved.

5. PAYMENT TO COLLECTOR. The City shall pay the collector by the month the amount due for that month.

6. OWNER MAY TRANSPORT. Nothing within this chapter is to be construed as to prevent an owner from transporting solid waste accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.

7. GRADING OR EXCAVATION EXCEPTED. No contract or permit shall be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

2.10 COLLECTION FEES. The collection and disposal of refuse as provided by this chapter is declared to be a benefit to the property served and therefore, a mandatory fee shall be levied and collected in accordance to the following:
(Code of Iowa, Sec. 384.84(1))

13. SCHEDULE OF FEES MINIMUMS. The fee for refuse collection and disposal services used or available shall be determined by council resolution. Each time the garbage rate schedule changes by passage of a resolution, the new rates shall be published in the local newspaper within fifteen (15) days of the date the resolution is adopted.

Editor's Note: Section 2.10 Collection Fees was amended by adding subsection 1 Schedule of Fees Minimums at time of 2016 Codification.

2.11 COMBINED SERVICE ACCOUNT. The City may combine charges for solid waste collection with other city utility charges. If such a combined service account becomes delinquent, then all services may be discontinued after the required procedures have been followed.

2.12 EXCEPTION FOR RESIDENTIAL COLLECTION OF SOLID WASTE. Upon written

application submitted by a commercial customer and upon approval by the City Administrator, a person who resides full time on the same premises where there is commercial garbage collection and where a dumpster is currently in use on said premises, shall not be required to pay a monthly charge to the City for residential garbage collection. The City Administrator shall provide the collector with a copy of the application and approval."

Editor's Note: Ordinance 589 was passed and approved by City Council on April 10, 2001 and added a new section 2.12.

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 3 – PRIVATE SEWER SYSTEMS

3.01 Definitions
3.02 When Prohibited
3.03 Private System Required
3.04 Connection Required When Available
3.05 Private Systems Abandoned
3.06 Compliance With State Rules
3.07 Discharge to Natural Outlets Prohibited
3.08 Maintenance of Facilities
3.09 Disposal of Waste
3.10 Additional Requirements

3.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Private Sewage Disposal System" means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a dwelling or other facility serving the equivalent of fifteen (15) persons or less and including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.

2. "Reasonably Accessible" means a distance from a property to a sanitary sewer of 100 feet but the council may make a determination that up to 250 feet is practical for a connection to a public sewer system in specific circumstances.

3.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the council unless an exception is granted in writing.
(IAC, 567-69.3 (3)(a)(1))

3.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not reasonably accessible, every building wherein persons reside, congregate or are employed shall be provided with private sewage disposal system complying with state and local laws.
(IAC, 567-69.3(3)(a)(3))

3.04 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall be connected to the public sewage system.
(IAC, 567-69.3(3)(a)(2))

3.05 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer and the private sewage disposal facility shall be

abandoned and filled with suitable material.
(Code of Iowa, Sec. 364.12(3f))

3.06 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health.

3.07 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet or drain into the open.

(IAC, 567-69.3(3)I)

3.08 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all time and at no expense to the city.

3.09 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any place in the city except where may be designated by the council. The rate or charge for receiving such waste shall be determined by resolution of the council.

7.05 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his official capacity.

CHAPTER 2: SANITARY SEWER SYSTEMS

ARTICLE 4 – PUBLIC SEWER SYSTEMS

4.01 The Rock Rapids Municipal Utilities is responsible for regulation of the public sanitary sewer system and the establishment of sewer rates.

CHAPTER 3: WATER SERVICES

ARTICLE 5 – PUBLIC WATER SYSTEM

5.01 The Rock Rapids Municipal Utilities is responsible for regulation of the public water system and water meters and the establishment of water rates.

CHAPTER 4: STORM SEWER

ARTICLE 6 – STORM SEWER

6.01 Storm Water Drainage System
6.02 Revenue Bonds
6.03 Storm Water Discharge

6.01 STORM WATER DRAINAGE SYSTEM. The council may declare all or a certain portion of the city as a storm water drainage system district for the purpose of establishing, imposing, adjusting, and providing for the collection of rates as allowed by the Code of Iowa.

(Code of Iowa, Sec. 384.84)

6.02 REVENUE BONDS. The council may institute proceedings to issue revenue bonds for storm water drainage construction pursuant to the Code of Iowa.

(Code of Iowa, Sec. 384.84A)

6.03 STORM WATER DISCHARGE.

1. PURPOSE. The purpose of this section is to prohibit discharges into the sanitary sewer system and to provide for inspection of property to determine illegal connections to the sanitary sewer system and to provide a surcharge for non-compliance with inspection and connection requirements.

2. PROHIBITED CONNECTIONS TO SANITARY SEWER. Connections of a roof drain, downspout, foundation drain, area drain, submersible (sump) pump discharge line, drainage tile, and all other sources of storm, surface or subsurface water, either directly or indirectly, to a public sanitary sewer are hereby prohibited.

3. AUTHORIZED DISCHARGES. All surface water runoff or groundwater collected by a roof drain, downspout, foundation drain, area drain, sump pump discharge line, or drainage tile shall be discharged to an approved storm water collection system, an established ditch, drainage easement, storm drain, or public stream or dispersed entirely upon the grounds of the owner of the contributing property.

4. HAZARDOUS DISCHARGES PROHIBITED. Under no circumstances shall the discharge create a nuisance or a hazardous condition such as the following:

   a. Icing problems on roads or walkways.
   b. Creating a situation causing damages to roads or to property.
   c. Creating ponds of standing or stagnant water.

d. Causing water flows over adjoining properties.

5. EXCEPTIONS. If unpolluted water cannot be discharged as described in Subsection 3, such water may be discharged according to one of the following guidelines.

   a. Drainage systems in place as of June 30, 2011 that discharge to the street shall be allowed to continue to operate. If the City replaces or modifies the storm water collection system where the exempted drainage system is located, the discharge must be modified such that it complies with Subsection 3 above.

   b. In certain locations, where surface storm water discharge would create a hazardous discharge as described in Subsection 4, connection to the sanitary sewer may be maintained during the period from November 15th to March 15th subject to the following additional requirements.

      i. This exception is intended only for existing construction. New construction will not be allowed to participate in this exception; and
      ii. The Owner/Occupant must notify the city of the exception; and
      iii. The discharge must be modified to an authorized discharge upon change of ownership/occupancy.

6. INSPECTIONS. Property owners shall allow inspections to determine compliance with the requirements of this ordinance. Such inspections shall be performed either by a City Employee, Utility Employee, Licensed Plumber, or any other individual or firm authorized by the City.

7. SURCHARGE. Property owners shall be subject to a sewer surcharge of not more than $100.00 per month for the following conditions: (a) Non-compliance with this Ordinance; (b) Refusal to allow for inspection of premises.

8. COMPLIANCE. All connections shall be required to come into compliance with the terms of this ordinance upon change of ownership/occupancy, or within one year of initial inspection, whichever comes first.

9. ENFORCEMENT. Any such connections, as described in Subsection 2, made after June 30, 2011 shall be considered illegal and shall be subject to immediate removal by the owner of the premises so connected and at such owner's expense. Should the owner of such an illegal connection fail to remove the connection within sixty (60) days after notification by certified mail, the city may take any appropriate action to cause the connection to be removed.

(Editor's Note: Section 6.03 was added by Ordinance 648, approved by Council on June 13, 2011.)

CHAPTER 5: NON-PUBLIC WELL OR WATER SUPPLY SYSTEM

ARTICLE 7 – REGULATIONS

7.01 Non-Public Well or Water System

7.01 NON-PUBLIC WELL OR WATER SYSTEM. No non-public well or water supply system shall be installed where a public water supply system is reasonably accessible to the landowner. The determination of accessibility shall be made by the City Engineer. The foregoing restriction is adopted by the City for the purpose of protecting the value and desirability of the property within the City of Rock Rapids. This Ordinance is in the best interests of the citizens of the City of Rock Rapids and is enacted to prevent human exposure to petroleum contamination. Whenever the Mayor or other authorized municipal officer finds that any person has violated or attempted to violate the foregoing restriction, said officer shall proceed with the abatement procedures as provided under the Municipal Code of Rock Rapids, Iowa, the same as in the case of abating a nuisance. This provision shall not prohibit the City from exercising any other available remedies under law.

Editor's Note: Ordinance 613 was passed and approved by City Council on January 27, 2004 and created a new Chapter 6, Article 8, Section 8.01 pertaining to non-public well or water system and which was changed to Chapter 5, Article 7 at the time of the 2016 Codification.

CHAPTER 6: BURIAL OF REMAINS ON PRIVATE PROPERTY

ARTICLE 7 – BURIAL OF REMAINS ON PRIVATE PROPERTY

ORDINANCE NO. 736

AN ORDINANCE AMENDING TITLE II THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY ADDING A NEW CHAPTER 6, ARTICLE 7 CONCERNING BURIAL OF REMAINS ON PRIVATE PROPERTY.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa, is hereby amended by adding a new Title II, Chapter 6, Article 7, concerning Burial of Remains on Private Property, as follows:

ARTICLE 7 – BURIAL OF REMAINS ON PRIVATE PROPERTY

7.01 Definitions
7.02 Prohibition
7.04 Nuisance Declared
7.05 Removal and Costs

7.02 Cremated Remains 7.02 Penalty

7.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, below:

1. "Burial site" means any area, except a cemetery, that is used to inter or scatter remains.
[Iowa Code §523I.102(2)]

2. "Cemetery" means any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains. "Cemetery" does not include the following:
   a. A private burial site where use is restricted to members of a family, if the interment rights are conveyed without monetary payment, fee, charge, or other valuable form of compensation or consideration.
   b. A private burial site where use is restricted to a narrow segment of the public, if the interment rights are conveyed without monetary payment, fee, charge, or other valuable form of compensation or consideration.
   c. A pioneer cemetery.
   d. A cemetery under the jurisdiction and control of a cemetery commission pursuant to section 331.325, subsection 3, paragraph "c".
[Iowa Code §523I.102(2)(a-d)]

3. "Disinterment" means to remove human remains from their place of final disposition
[Iowa Code §523I.102(10)]

4. "Remains" means the body of a deceased human or a body part, or limb that has been removed from a living human, including a body, body part, or limb in any stage of decomposition, or cremated remains.
[Iowa Code §523I.102(44)]

7.02 PROHIBITION. No person shall bury, inter, entomb, or otherwise place human remains upon private property within the City except within:
1. A cemetery lawfully established and operated pursuant to Iowa law; or
2. A cemetery owned and or operated by a governmental entity, religious institution, or cemetery association authorized by law.

7.03 CREMATED REMAINS. Nothing in this Article shall prohibit the lawful scattering of cremated remains where otherwise permitted by Iowa law and with the consent of the property owner. In no event shall cremated remains be buried on private property.

7.04 NUISANCE DECLARED. Any burial, internment, or placement of human remains in violation of this Article shall be a public nuisance and may be abated by the City through any lawful means.

7.05 REMOVAL AND COSTS. The City may seek court-ordered dis-internment and removal of unlawfully buried human remains. Any costs incurred by the City associated with enforcement, removal, reinternment, testing, notice, legal proceedings, or remediation may be assessed against the responsible person or persons and, where authorized by law, against the property.

7.06 PENALTY. Any person violating this section commits a municipal infraction and shall be subject to the penalties provided for in the Municipal Code of Rock Rapids.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective from and after its final passage, approval, and publication as provided by law.

First Reading: June 8, 2026
Second Reading: June 22, 2026
Third Reading: waived – June 22, 2026

PASSED AND APPROVED by the Council this 22nd day of June, 2026.

By: Jason Chase, Mayor

ATTEST:

Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 1st day of July, 2026, in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 1st day of July, 2026.

Melissa Van Holland, Clerk

TITLE III – PUBLIC ORDER PROTECTION AND LAW ENFORCEMENT

CHAPTER 1: MISDEMEANORS

ARTICLE 1 – PUBLIC PEACE

1.01	**Purpose**	**1.09**	**Parades**
1.02	**Assault**		
1.03	**Affray**	**1.10**	**Noise Generally**
1.04	**Unlawful Assembly**	**1.11**	**Tire Noise**
1.05	**Disorderly Conduct**	**1.12**	**Loud, Unnecessary or Unusual Noise**
1.06	**Unlawful Assembly & Riot**	**1.13**	**Disorderly House**
1.07	**Failure to Disperse**	**1.14**	**Fraud**
1.08	**Harassment**	**1.15**	**Temporary Civil Disorder**

1.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against the public peace and providing for their abatement.

1.02 ASSAULT. No person shall, without justification, commit any of the following:

1. PAIN OR INJURY. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1 (1))

2. THREAT OF PAIN OR INJURY. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1 (2))

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.
(Code of Iowa, Sec. 708.1)

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

1.04 UNLAWFUL ASSEMBLY. An unlawful assembly is three (3) or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.

(Code of Iowa, Sec. 723.2)

1.05 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:

1. FIGHTING. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
(Code of Iowa, Sec. 723.4(1))

2. NOISE. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.
(Code of Iowa, Sec. 723.4(2))

3. ABUSIVE LANGUAGE. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
(Code of Iowa, Sec. 723.4(3))

4. DISRUPT LAWFUL ASSEMBLY. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
(Code of Iowa, Sec. 723.4(4))

5. FALSE REPORTS. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
(Code of Iowa, Sec. 723.4(5))

6. DISRESPECT OF FLAG. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense.
(Code of Iowa, Sec. 723.4(6))

7. OBSTRUCT USE OF STREETS. Without authority or justification, the person obstructs any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4(7))

8. FUNERAL OR MEMORIAL SERVICE. A person shall not do any of the following within five hundred feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred feet of a funeral procession or burial:

a. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.

b. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

c. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within sixty minutes preceding, during, and within sixty minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

1.06 UNLAWFUL ASSEMBLY AND RIOT. It is unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

1.07 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

1.08 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

   a. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
   (Code of Iowa, Sec. 708.7)

   b. Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
   (Code of Iowa, Sec. 708.7)

   c. Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.
   (Code of Iowa, Sec. 708.7)

   d. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.
   (Code of Iowa, Sec. 708.7)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.
(Code of Iowa, Sec. 708.7(2))

1.09 PARADES. No person shall conduct or cause any parade on any street except as provided in this section.

1. DEFINITION. "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.

2. PERMIT. No parade shall be conducted without a written permit obtained from the Mayor or Mayor Pro Tem in the Mayor's absence. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for

participants invited by the permittee to parade. Any denial of a permit may be appealed to the Council.

3. PARADE NOT A STREET OBSTRUCTION. Any parade authorized by a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.

4. CONTROL BY PEACE OFFICER AND FIREMEN. Parade participants shall be subject at all times to the lawful orders and directions of a peace officer and fire department members in the performance of their duties.

1.10 NOISE GENERALLY. It is a violation to disturb the peace with excessive, loud or unusual noise by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking device or noisemaker.

1.11 TIRE NOISE. It is unlawful to operate a motor vehicle in such a manner so as to disturb the peace and quiet of any person by causing excessive, loud or unusual noise to come from the tires of said vehicle.

1.12 LOUD, UNNECESSARY OR UNUSUAL NOISE: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, excessive offensive, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

1.13 DISORDERLY HOUSE.

1. Definition. The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent therefrom, in or upon which occurs any disorderly conduct as defined in Section 1.05 of this Article or any of the following prohibited activities:

   a. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Iowa Code, under which possession of such substance would be an offense;

b. Gambling in violation of Chapter 99B of the Iowa Code;

c. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Iowa Code;

d. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Iowa Code;

e. Engaging in a massage therapy business without a license.

2. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in this section. For purposes of this section, "keep" means ownership or having the control of a structure or a room therein or any part of the adjacent premises.

3. Frequenting or Being Found in a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in this section.

1.14 FRAUD. It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.

1.15 TEMPORARY CIVIL DISORDER. The following shall apply:

(Code of Iowa, Sec. 372.14(2))

1. DECLARATION. The Mayor may declare a state of civil disorder within the City or its parts if the Mayor has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.

2. TEMPORARY RESTRICTIONS. The Mayor may promulgate all or part of the following restrictions, which shall become effective after reasonable notice of their contents is given and the affected area of the City is specified.

a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor and beer.

b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.

c. Order the cessation of the sale or other distribution of explosives or flammables.

d. Order the closing of all or some public parks, public streets or other public places during specified hours.

e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.

f. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.

3. TERMINATION. Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the Mayor's declaration of civil disorder, or upon the Mayor's declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the Mayor may be extended by successive resolutions of the Council for additional time periods. The period of any one extension shall not exceed five (5) days.

CHAPTER 1: MISDEMEANORS

ARTICLE 2 – PUBLIC MORALS

2.01	**Purpose**	**2.04**	**Intoxicants & Intoxication**
2.02	**Prostitution**		
2.03	**Blasphemous or Obscene Language**	**2.05**	**Indecent Exposure**

2.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public morals and providing for their abatement.

2.02 PROSTITUTION. It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the City.

2.03 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

2.04 INTOXICANTS AND INTOXICATION. The following shall be unlawful:

1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away.

2. CONSUMPTION IN PUBLIC PLACES. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school- related function. A person shall not be intoxicated in a public place.

(Code of Iowa, Sec. 123.46)

3. SIMULATE INTOXICATION. A person shall not simulate intoxication in a public place.

(Code of Iowa, Sec. 123.46)

2.05 INDECENT EXPOSURE. No person shall expose those parts of the person's listed herein to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.

1. PROHIBITION. Exposure of the following in a public place is prohibited:

a. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant under the age of thirty-six (36) months.

b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

2. EXEMPTION. This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or other such places where such exposures occur incident to the prescribed use of those facilities, nor shall it apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theatre, concert hall or similar establishment which is primarily devoted to theatrical performances.

CHAPTER 1: MISDEMEANORS

~~ARTICLE 3 – MINORS~~

~~**3.01 Definitions**~~
~~**3.02 Minors in Taverns**~~
~~**3.03 Curfew**~~
~~**3.04 Supplying Alcohol to Minors**~~
~~**3.05 Possession of Tobacco Products By Minors**~~
~~**3.06 Contributing To Delinquency**~~

~~3.01 DEFINITIONS. The following terms shall have the meanings defined below:~~

~~1. "MINOR" shall mean a person less than eighteen (18) years of age.~~

~~2. "LEGAL AGE" shall be as set forth in section 123.3(19) and 123.47A of the Code of Iowa.~~

~~3.02 MINORS IN TAVERNS. It shall be unlawful for any person under legal age to enter, remain in, or frequent a business establishment holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods.~~

~~3.03 CURFEW. A curfew is established to regulate the hours any unemancipated person under the age of 17 years of age can be or remain upon the alleys, streets, other public places, and in places of business and amusement in this city. The following shall pertain to the curfew:~~

~~1. TIME LIMITS. It is unlawful for any unemancipated person under the age of 17 years of age to be or remain in or upon any of the alleys, streets or public places or places of business and amusement in the city between the hours of 11:00 p.m. and 6:00 a.m. Monday through Sunday.~~

~~2. EXCEPTIONS. The restriction provided by subsection 3.03(1) shall not apply to any unemancipated person under the age of 17 years of age who is accompanied by a guardian, parent or other person charged with the care and custody of such unemancipated person, or other responsible person over 18 years of age, nor shall the restriction apply to any unemancipated person under the age of 17 years of age who is traveling between his home or place or residence and the place where any approved place of employment, church, municipal or school function is being held.~~

~~3. RESPONSIBILITY OF ADULTS. It is unlawful for any parent, guardian or other person charged with the care and custody of any unemancipated person under the age of 17 years of age to allow or permit such unemancipated person to be in or upon any of the streets, alleys, places of business, or amusement or other public places within~~

~~the curfew hours set by subsection 1, except as otherwise provided in Subsection 2.~~

~~(Code of Iowa, Sec. 613.16)~~

4. RESPONSIBILITY OF BUSINESS ESTABLISHMENTS. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any unemancipated person under the age of 17 years of age to be in or upon the place of business or amusement operated by them within the curfew hours set by subsection 1, except as otherwise provided in subsection 2.

5. ENFORCEMENT. Any peace officer is empowered to arrest any unemancipated person under the age of 17 years of age who violates any of the provisions of this section. Upon arrest, the unemancipated person under the age of 17 years of age shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the unemancipated person. If any unemancipated person under the age of 17 years of age violates the provisions of this section more than two times within a twelve month period, the peace officer shall charge the unemancipated person under the age of 17 years of age with a simple misdemeanor and prosecute the charge before a magistrate having jurisdiction.

3.04 SUPPLYING ALCOHOL TO MINORS. It shall be unlawful for any person to sell, give or otherwise supply liquor, wine or beer to any person under legal age, or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person, age nineteen or twenty, within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to the person by a physician or dentist for medicinal purposes.

(Code of Iowa, Sec. 123.47)

3.05 POSSESSION OF TOBACCO PRODUCTS BY MINORS. It shall be unlawful for any person under eighteen years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2 (2 & 3))

3.06 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

ORDINANCE NO. 728

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY REPEALING TITLE III, CHAPTER 1, ARTICLE 3, AND ADOPTING A NEW TITLE III, CHAPTER 1, ARTICLE 3 IN LIEU THEREOF, CONCERNING MINORS AND LEGAL AGE.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa, is hereby amended by repealing Title III, Chapter 1, Article 3, and adopting a new Title III, Chapter 1, Article 3, in lieu thereof, concerning minors and legal age, as follows:

ARTICLE 3 – MINORS AND LEGAL AGE

3.01 Definitions

3.02 Curfew

3.03 Individuals Under Legal Age in Taverns

3.04 Supplying Alcohol to Individuals Under Legal Age

3.05 Possession of Tobacco, Vapor, or Alternative Nicotine Products by Individuals Under Legal Age

3.05 Penalties for Individuals Under Legal Age That Possess Tobacco, Vapor, or Alternative Nicotine Products

3.07 Contributing to Delinquency

3.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, below:

5. "Alternative Nicotine Product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative Nicotine Product" does not include Cigarettes, Tobacco Products, or Vapor Products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

[Code of Iowa, Sec. 453A.1(1)]

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

[Code of Iowa, Sec. 453A.1(4)]

1. "Delinquent Act" for purposes of this chapter means any violation of any state law or ordinance which would constitute a public offense if committed by an adult except any offense which by law is explicitly exempted by the Code of Rock Rapids or the Code of Iowa.
[*See* Code of Iowa, Sec. 232.2(13)]

2. "Emergency Errand" shall mean, but is not limited to, a fire, natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.

3. "Minor" shall mean an unemancipated person less than eighteen (18) years of age.

[*See* Code of Iowa, Sec. 232.2(5)]

4. "Legal Age" shall mean twenty-one (21) years of age or more.
[*See* Code of Iowa, Sec. 453A.2(1)]

5. "Responsible Adult" shall mean a parent, guardian, or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

6. "Tobacco Product" means cigars; little cigars as defined in Section 453A.42 of the Code; cheroots; stogies; periques; granulated; plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; or refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not mean cigarettes.
[Code of Iowa, Sec. 453A.1(28)]

7. "Vapor Product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.
[Code of Iowa, Sec. 453A.1(29)]

3.02 CURFEW. A curfew is established to regulate the hours any Minor can be or remain upon the alleys, streets, other public places, and in places of business and amusement in this City. The following shall pertain to the curfew:

1. TIME LIMITS. It is unlawful for any Minor to be or remain in or upon any of the alleys, streets or public places or places of business and amusement in the City between the hours of 11:00 p.m. and 6:00 a.m., Monday through Sunday.

2. EXCEPTIONS. The following are exceptions to the curfew:

   A. The Minor is accompanied by a Responsible Adult.
   B. The Minor is on the sidewalk or property where the Minor resides or on either side of the place where the Minor resides and the adult responsible for the Minor has given permission for the Minor to be there.
   C. The Minor is present at or is traveling between home and one of the following:
      1. Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end of work;
      2. Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
      3. Governmental or political activity or, if traveling within one hour after the end of the activity;
      4. School activity or, if traveling, within one hour after the end of the activity;
      5. Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling within one hour after the end of the activity.
   D. The minor is on an Emergency Errand for a responsible adult;
   E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

3. RESPONSIBILITY OF ADULTS. It is unlawful for any parent, guardian, or other responsible individual over eighteen (18) years of age who is charged with the care and custody of any Minor to allow or permit such Minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 1, except as otherwise provided in subsection 2.

   (Code of Iowa, Sec. 613.16)

4. RESPONSIBILITY OF BUSINESS ESTABLISHMENTS. It is unlawful for any person operating a place of business or amusement to allow or permit any Minor to be in or upon such person's place of business or amusement within the curfew hours set by subsection 1, except as otherwise provided in subsection 2.

ENFORCEMENT. Any peace officer is empowered to arrest any Minor who violates any of the provisions of this section 3.02. Upon arrest, the Minor shall be returned to the custody of the parent, guardian, or other responsible individual over eighteen (18) years of age who is charged with the care and custody of such Minor. If any Minor violates the provisions of this section 3.02 more than two (2) times

within a twelve

5. (12)-month period, the peace officer shall charge the Minor with a simple misdemeanor and prosecute the charge before a magistrate having jurisdiction.

3.03 INDIVIDUALS UNDER LEGAL AGE IN TAVERNS. It shall be unlawful for any individual under Legal Age to enter, remain in, or frequent a business establishment holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of such business establishment comes from the sale and serving of prepared foods.

3.04 SUPPLYING ALCOHOL TO PERSONS UNDER LEGAL AGE. It shall be unlawful for any person to sell, give or otherwise supply liquor, wine, or beer to any individual under Legal Age, or knowingly to permit any individual under Legal Age to consume alcoholic liquors, wines, or beers, except in the case of alcoholic liquor, wine, or beer given or dispensed to an individual who is under the legal age, within a private home and with the knowledge and consent of such individual's parent or guardian, for beverage or medicinal purposes, or as administered to such individual by a physician or dentist for medicinal purposes. This section shall not apply to any of the following:

1. A Landlord or manager of the property

2. A person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony or rite.

[Code of Iowa, Sec. 123.47]

3.05 POSSESSION OF TOBACCO, VAPOR, OR ALTERNATIVE NICOTINE PRODUCTS BY INDIVIDUALS UNDER LEGAL AGE. It shall be unlawful for any individual under Legal Age to smoke, use, possess, purchase, or attempt to purchase any Alternative Nicotine Product, Cigarette, Tobacco Product, or Vapor Product. Possession of any Alternative Nicotine Product, Cigarette, Tobacco Product, or Vapor Product by an individual under Legal Age shall not constitute a violation of this section 3.05 if said individual possesses the Alternative Nicotine Product, Cigarette, Tobacco Product, or Vapor Product as part of the individual's employment and said individual is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa and lawfully offers for sale or sells such Alternative Nicotine Product, Cigarette, Tobacco Product, or Vapor Product.

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

3.06 PENALTIES FOR INDIVIDUALS UNDER LEGAL AGE THAT POSSESS TOBACCO, VAPOR, OR ALTERNATIVE NICOTINE PRODUCTS. A person who violates section 3.05 of this Chapter is subject to the following penalties:

1. For a first offense, a civil penalty in the amount of seventy dollars ($70.00) and performance of eight hours of community work requirements, unless said work requirements are waived by the court.

2. For a second offense, a civil penalty in the amount of one hundred thirty-five dollars ($135.00) and performance of twelve hours or community work requirements.

1. For a third offense or subsequent offense, a civil penalty in the amount of three hundred twenty-five dollars ($325.00) and performance of sixteen hours of community work requirements.

Any civil penalty imposed under this section shall be retained by the city enforcing the violation.
[*See* Code of Iowa, Secs. 453A.3(2) & 805.8C(3)I]

3.07 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any Minor to commit any Delinquent Act. A violation of this section is a simple misdemeanor.
[Code of Iowa, Sec. 709A.1 & 709A.2]

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective August 6, 2025, after its final passage, approval, and publication as provided by law.

1st Reading: PASSED and APPROVED by at least ¾ of all the members of this Council this 28th day of July, 2025.

2nd and 3rd Readings: WAIVED by at least ¾ of all the members of this Council this 28th day of July, 2025

Ed Reck, Mayor Pro Tem

ATTEST:

Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 6th day of August, 2025, in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 6th day of August, 2025.

Melissa Van Holland, Clerk

ARTICLE 4 – PUBLIC HEALTH AND SAFETY

4.01 Purpose
4.02 Discharging Weapons.
4.03 Fireworks
4.04 False Alarms
4.05 Throwing and Shooting
4.06 Sale of Tainted Food
4.07 Abandoned Refrigerators
4.08 Antenna & Radio Wires
4.09 Barbed Wire and Electric Fence
4.10 Distributing Dangerous Substances

4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.

4.02 DISCHARGING WEAPONS.

1. It shall be unlawful for a person or corporation to discharge or fire any cannon, bomb, rifle, shotgun, revolver, pistol, gun, air rifles or air gun or a firearm of any kind, or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive within the city limits except by a police/peace officer in the line of duty. No person shall intentionally discharge a firearm in a reckless manner.

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

3. In the interest of public health and safety and at such times as approved by the Chief of Police or Mayor, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

4. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

4.03 FIREWORKS. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks without a permit from the city.

1. DEFINITION. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. The term *"fireworks"* does not include goldstar- producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.

   (Code of Iowa, Sec. 727.2(1))

2. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any fireworks, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of a fine of not less than two hundred fifty dollars. However, the council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the fireworks display will be handled by a competent operator, but no such permit shall be required for the display at incorporated county fairs, or at district fairs receiving state aid. Sales of fireworks for such display may be made for that purpose only.

3. REGULATIONS. The city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by the council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts:

a. Personal injury:	$ 250,000 per person
b. Property damage:	$ 50,000
c. Total exposure:	$ 1,000,000

4. OTHER PURPOSES EXEMPT. Nothing in section 4.03 shall be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the

ORDINANCE NO. 688

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03 BY REPEALING SECTION 11.10 AND ADDING A NEW SECTION IN SECTION 4.03 RELATING TO FIREWORKS.

WHEREAS, the General Assembly of the State of Iowa has taken measures to allow the sale and use of consumer fireworks in the State of Iowa during specific time frames and pursuant to applicable state licensure; and

WHEREAS, the new legislation provides for city councils, by ordinance, to prohibit or limit the use of consumer fireworks within their jurisdiction if determined a public safety risk or a nuisance to neighbors.

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Section 4.03, and adopting a new Section 4.03 in lieu thereof as follows:

4.03 FIREWORKS:

1. DEFINITION. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2, which definitions are incorporated herein by reference.

   (Code of Iowa, Sec. 727.2)

2. SALES – GENERAL REQUIREMENTS.

   A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Administrator:

      1) License: Proof of valid license issued from the state fire marshal.

      2) Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of $2,000,000.00.

   B. Dates of Sale: Consumer firework sales shall only be conducted in accordance with the dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Ordinance, or to sell fireworks outside of the dates specified.

      1) Approved consumer firework sales meeting requirements of the Code of the State of Iowa shall be allowed from any permanent structure or building June 1 until July 8 and from December 10 until January 3.

2) Approved consumer firework sales meeting the requirements of the Code of the Sate of Iowa shall be allowed in an approved temporary structure from June 13 until July 8.

C. Limitations on Sales.

1) Consumer firework sales shall only be allowed in the area zoned for commercial use pursuant to the City of Rock Rapids Zoning and Subdivision Ordinance.

2) No person shall sell a DOT 1.4 class consumer firework to the person under the age of 18.

3) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by any other substance.

3. DISCHARGING FIREWORKS – GENERAL REQUIREMENTS.

A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.

B. A person shall only discharge a consumer firework device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer firework devise assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer firework devise in a reckless manner or manner likely to cause death, injury, fire or property damage.

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

1) June 15 through July 8 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 11pm on July 4thonly.

2) December 10 through January 3 from the hours of 9 A.M. until 10 P.M.
Exception: discharge hours are extended to 12:30am on January 1.

F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

G. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

1) Personal Injury: $250,000.00 per person.
2) Property Damage: $50,000.00.
3) Total Exposure: $1,000,000.00.

4. VIOLATIONS. All violations of any provisions of this chapter are hereby declared a simple misdemeanor with a fine not to exceed $250.00. Violations of this chapter will also be reported to the state fire marshal.

5. EXCEPTIONS. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of state; or the sale or use of blank cartridges for a shown or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 22nd day of May, 2017

_____
Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 31st day of May, 2017, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 31st day of May, 2017.

Jordan Kordahl, City Clerk

ORDINANCE NO. 696

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03(3)I BY REPEALING SECTION 4.03(3)I AND ADDING A NEW SECTION IN SECTION 4.03(3)I RELATING TO FIREWORKS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title III, Chapter 4, Article 4, Section 4.03(3)I, and adopting a new Section 4.03(3)I in lieu thereof as follows:

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

1) July 1 through July 7 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 11:00 PM on July 4th only.

2) December 28 through January 3 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 12:30 AM on January 1st only.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 14th day of May, 2018.

_____
Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 23rd day of May, 2018, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 23rd day of May, 2018.

_____
Jordan Kordahl, City Clerk

ORDINANCE NO. 697

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE III, CHAPTER 1, ARTICLE 4, SECTION 4.03(3)I BY REPEALING SECTION 4.03(3)I AND ADDING A NEW SECTION IN SECTION 4.03(3)I RELATING TO FIREWORKS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title III, Chapter 4, Article 4, Section 4.03(3)I, and adopting a new Section 4.03(3)I in lieu thereof as follows:

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

1) June 29 through July 7 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 11:00 PM on July 4th only.

2) December 28 through January 3 from the hours of 9:00 AM until 10:00 PM.
Exception: discharge hours are extended to 12:30 AM on January 1st only.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 11th day of June, 2018.

_____
Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 20th day of June, 2018, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 20th day of June, 2018.

_____
Jordan Kordahl, City Clerk

Same are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

5. PROHIBITION. No person shall possess fireworks except as provided in this Chapter.

4.04 FALSE ALARMS. It is unlawful for a person to:

1. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4(5))

2. A person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the act did not occur.

(Code of Iowa 718.6(1))

3. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance.

(Code of Iowa 718.6(2))

4. A person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor, unless the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

4.05 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or across any street, highway, alley, sidewalk or public place.

4.06 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

4.07 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or structure, under his or their control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Iowa Code, Sec. 727.3)

4.08 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

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

4.09 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land is used as agricultural land.

10.10 DISTRIBUTING DANGEROUS SUBSTANCES. Any person who distributes samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance, commits a simple misdemeanor unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 5 – PUBLIC PROPERTY

5.01 Purpose
5.02 Defacing Public Grounds
5.03 Public Buildings
5.04 Damage to Public or Utility Property
5.05 Defacing Proclamations or Notices
5.06 Injury to Fire Apparatus
5.07 Destroying Park Equipment
5.08 Unauthorized Entry
5.09 Criminal Mischief
5.10 Obstructing Drainage
5.11 Sidewalks & Right-Of-Way
5.12 Removal of Hydrant Caps, Sewer Caps Or Manhole Covers

5.01 PURPOSE. The purpose of this article is to define and prohibit offenses against public property and provide for their abatement.

5.02 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, Sec. 364.1&364.12(2))

5.03 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

5.04 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any railway or apparatus belonging thereto; or any bridge or railroad; or place, or cause to be placed, any obstruction on any railway, or on any bridge or railroad; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric transmission or distribution, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

5.05 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

5.06 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

5.07 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, Sec. 716.1)

5.08 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry. For the purpose of this section, public buildings and enclosures shall include all city facilities including, but not limited to the following: swimming pool, municipal utility building, community building, fire station, maintenance buildings, shelter houses, rest rooms, animal pens and all other buildings and enclosures at city parks.

5.09 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of property is criminal mischief when done intentionally by one who has no right to so act.

5.10 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained.

5.11 SIDEWALKS AND RIGHT-OF-WAY. It shall be unlawful for a person to damage public right-of-way or sidewalks, dig into or in any manner break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

5.12 REMOVAL OF HYDRANT CAPS, SEWER CAPS OR MANHOLE COVERS. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

CHAPTER 1: MISDEMEANORS

ARTICLE 6 – PRIVATE PROPERTY

6.01 Trespassing
6.02 Damage to Property
6.03 Telephone or Communication Wire Tap
6.04 Theft

6.01 TRESPASSING. It is unlawful for a person to trespass onto the property of another. As used in this section, the term *"property"* shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one or more of the following acts:

1. ENTER PROPERTY WITHOUT PERMISSION. Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
   (Code of Iowa, Sec. 716.7)

2. VACATE PROPERTY WHEN REQUESTED. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
   (Code of Iowa, Sec. 716.7)

3. INTERFERE WITH LAWFUL USE OF PROPERTY. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
   (Code of Iowa, Sec. 716.7)

4. USE OF PROPERTY WITHOUT PERMISSION. Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
   (Code of Iowa, Sec. 716.7)

The term *"trespass"* shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person

retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This section does not apply to public utility property

where the person has been notified or requested by posted signage or other means to abstain from entering.

(Code of Iowa, Sec. 716.7(3))

6.02 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property.

(Code of Iowa, Sec. 716.1)

6.03 TELEPHONE OR COMMUNICATION WIRE TAP. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, commits a serious misdemeanor; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

(Code of Iowa, Sec. 727.8)

6.04 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof. It is punishable as a simple misdemeanor under the City Code when the reasonable dollar amount of the property stolen is in line with the present Iowa Code Sec. 714.2, as amended.

CHAPTER 1: MISDEMEANORS

ARTICLE 7 – EXECUTION OF PROCESS

7.01 Interference With Official Acts
7.02 Resisting Arrest
7.03 Refusing To Assist an Officer
7.04 Interference With City Officers
7.05 Harassment of Public Officers & Employees

7.01 INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under Chapter 147A, Code of Iowa, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under Chapter 147A Code of Iowa, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars ($250.00). However, if a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

(Code of Iowa, Sec. 719.1)

7.02 RESISTING ARREST. A person is not authorized to use force to resist an arrest, either of the person's self, or another which the person knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if the person believes that the arrest is unlawful or the arrest is in fact unlawful.

(Code of Iowa, Sec. 804.12)

7.03 REFUSING TO ASSIST AN OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. A person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested commits a simple misdemeanor.

(Code of Iowa, Sec. 719.2)

7.04 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any peace officer, fireman, officer, or City official in the discharge of his or her duty.

7.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. Any person who

willfully prevents or attempts to prevent any public officer or employee from performing that officer's or employee's duty is guilty of harassment of public officers and employees. (Code of Iowa, Sec. 718.4)

TITLE III

CHAPTER 1: MISDEMEANORS

ARTICLE 8 – Reserved for Future Use.

Article 8 is Reserved for Future Use.

CHAPTER 2: NUISANCES

ARTICLE 9 – GENERAL PROVISIONS

9.01	**Definition of Nuisance**	**9.03**	**Other Conditions Regulated**
9.02	**Nuisances Enumerated**	**9.04**	**Nuisances Prohibited**

9.01 DEFINITIONS.

1. NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.
(Code of Iowa, Sec. 657.1)

2. "PROPERTY OWNER" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.
(Code of Iowa, Sec. 364.12(1))

9.02 NUISANCES ENUMERATED**.** The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

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

(Editors Note: Subsection 9.02(01) was amended by Ordinance 723, approved by City Council on December 20, 2023)
(Code of Iowa, Sec. 657.2(1))

2. Filth or noisome substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
(Code of Iowa, Sec. 657.2(2))

3. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
(Code of Iowa, Sec. 657.2(3))

4. Water pollution. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
(Code of Iowa, Sec. 657.2(4))

5. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings, places or burying grounds.

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

6. House of ill fame. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by Code of Iowa Chapter 723A, or places resorted to by persons using controlled substances, as defined in Code of Iowa section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

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

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

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

8. Cotton-bearing trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

9. Storing of inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of the City, unless it be in a building of fireproof construction.

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

10. Air pollution. The emission of dense smoke, noxious fumes or fly ash.

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

11. Obstruction of drainage. Any article or substance placed upon any street, alley, sidewalk, public ground or in any ditch, waterway or gutter so as to obstruct the same.

12. Dutch elm disease. Trees infected with dutch elm disease.

(Code of Iowa, Sec. 657.2(12))

13. Obstruction of view. All trees, hedges, billboards, advertisement signs or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

14. Trash piles. Accumulation of rubbish or trash tending in nature to harbor or attract vermin, rodents, or other disease-carrying pests, animals or insects, or to spread or harbor disease, emit unpleasant odors or harmful gas or creating a hazard of fire.

15. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.

16. Ponding water. An accumulation of water until it becomes stagnant.

17. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

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

18. The open storage on private property which is residentially zoned of any two (2) or more vehicles parts including but not limited to bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, seats, windshields, or windows, wheels, batteries, or any other structural, mechanical or decorative vehicle parts.

19. Accumulations of refuse or the maintenance of a private dump in violation of city ordinances.

20. All buildings, walls and other structures which are structurally unsafe, constitute a fire hazard or are otherwise dangerous to human life, constituting a hazard to self-safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment.

21. Junked vehicles and machinery as defined under City Ordinances.

22. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing any such refrigerator, ice box or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

23. Poison. The deposit of any poisonous material or thing on any premises, so as to allow access to it by any animal or person.

24. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, or is not kept in good repair, or is capable of causing electric shocks to persons likely to come in contact with it, or which obstructs free ingress or egress from a required door, window, fire escape or other required exit-way.

25. Signs accessible to the general public containing statements, words or pictures of an obscene or pornographic character.

26. Residential or non-residential structures, the condition of which constitutes a hazard to safety or to health as determined by the building official or his or her designee.

27. Unoccupied buildings or sheds found to be frequently open or accessible and vacated for more than six months.

28. Discharge of water upon or under public streets or sidewalks by reason of faulty water service.

29. Noise Pollution. Any sound which disturbs human or which causes or tends to cause an adverse psychological or physiological effect on humans.

30. Litter. Any decomposable or non-decomposable solid or other waste material.

31. Dead growth of all weeds, grass, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard, or which otherwise constitutes a nuisance under this chapter. For purposes of this paragraph, all growths or weeds in excess of nine inches (9") in height shall be deemed to be a nuisance. Exempt from this paragraph are growths used primarily for educational and/or research purposes, so long as the growths are controlled. (See Title III, Chapter 4, Article 14 Weeds.)

32. Structures damaged by Fire or Decay. All buildings and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.

33. Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.

(Editor's Note: Subsections 9.01 (18) through (33) were added by Ordinance 629, approved by City Council on June 18, 2008). Ordinance 635 amended subsection 9.01(31), approved by City Council on September 17, 2008.)

34. Farm Animals & fowl. Except in areas zoned Agricultural and if the City's zoning ordinance allows for farm animals and fowl in agricultural zones, the keeping within the City limits of farm animals and fowl, including, but not limited to, ducks, geese, chickens, turkeys, cattle, goats, swine, sheep, buffalo, horses or ponies.

35. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.

36. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, cans, or containers.

37. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects.

38. Storing or permitting the storage of material, such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free standing material makes with the horizontal plane without slipping, sliding or collapse of the material.

39. This subsection shall not apply to accumulations or piles of snow, nor to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.

40. "Junk" meaning all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware; storing or permitting the open storage of used or unused or discarded building materials such as windows, doors, siding, shingles or other building materials for a period of thirty

(30) or more days;. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.

Editor's Note: Section 9.02 (40) was added at time of 2016 Codification.

41. No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a property unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:

a. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.

b. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a property in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.

Editor's Note: Section 9.02 (41) was added at time of 2016 Codification.

42. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any

construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location

exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Administrator and/or designee.

Editor's Note: Section 9.02 (42) was added at time of 2016 Codification.

43. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

Editor's Note: Section 9.02 (43) was added at time of 2016 Codification.

44. BUILDING MAINTENANCE. All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

Editor's Note: Section 9.02 (44) was added at time of 2016 Codification.

9.03 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this chapter:

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

2. REMOVAL OF STRUCTURES. The removal, repair or dismantling of a dangerous building or structure.
   (Code of Iowa, Sec. 364.12(3c))

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

4. DRAINAGE CONNECTIONS. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

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

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

7. MAINTENANCE. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fourteen (14) foot clearance above the street from trees extending over the streets and ten (10) feet clearance above sidewalks from trees, except as provided in Section 9.03(1) in this Article.

9.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter.
(Code of Iowa, Sec. 657.3)

CHAPTER 2: NUISANCES

ARTICLE 10 – ABATEMENT PROCEDURE

10.01 Nuisance Abatement
10.02 Notice to Abate
10.03 Method of Service
10.04 Request For Hearing
10.05 Abatement in Emergency
10.06 Abatement by City
10.07 Costs of Abatement
10.08 Failure to Abate
10.09 Condemnation of Nuisance
11.10 **Abatement Remedies and Penalties**

10.01 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists or a condition needs to be corrected, he/she shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice by certified mail, or personal service, or by ordinance a notice to abate the nuisance within a reasonable time after notice. The Mayor or other authorized officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 10.02 of this Article or the municipal infraction procedure referred to in Article 15 of this Title.

10.02 NOTICE TO ABATE. The notice to abate shall contain:
(Code of Iowa, Sec. 364.12(3h))

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

2. LOCATION. The location of the nuisance or condition.

3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.

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

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

10.03 METHOD OF SERVICE. The notice may be served by ordinance, certified mail, or

personal service to the property owner as shown by the records of the County Auditor. (Code of Iowa, Sec. 364.12(3)(h))

10.04 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The

hearing will be before the Council at a time and place fixed by the Council. At the conclusion of the hearing, the Council shall render a written decision as to whether a nuisance or prohibited condition exists. The findings of the Council shall be conclusive, and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

10.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency or danger exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 10.07 of this Article.

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

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

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

10.07 COSTS OF ABATEMENT. The following shall apply to abatement procedure:

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

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

2. INSTALLMENT PAYMENT. If the amount expended to abate the nuisance or condition exceeds $500, the City may permit the assessment to be paid in up to fifteen (15) annual installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

   (Code of Iowa, Sec. 364.13, 380.60 & 380.65)

Editor's Note: Section 10.07(2) Installment Payment was amended at time of 2016 Codification to reflect Code of Iowa.

3. The City may collect all associated abatement expenses in a Court of Small Claims.

4. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.

5. The City may utilize the Iowa Department of Administrative Services (DAS) to collect funds for abatement.

10.08 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances, is either subject to the standard penalty contained in Title 1, Chapter 1, Article 1 of this Code of Ordinances or ~~may~~ also be punished under the City's municipal infraction ordinance, as codified in this Code of Ordinances. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

10.09 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Code of Iowa Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

11.10 ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

2. If a prior public hearing before the City Council has not been held on the nuisance to be abated and before the assessment of any charges for work done or caused to be done by the City, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the City Council. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.

Editor's Note: Section 10.10 was added at time of 2016 Codification.

TITLE III

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 11 – GENERAL PROVISIONS

11.01 Definitions
11.02 Cruelty to Animals
11.03 Animal Contests
11.04 Animals Running At Large
11.05 Bothersome Animals
11.06 Keeping of Dangerous or Vicious Animals Prohibited
11.07 Confinement of Animals Suspected Of Rabies
11.08 Poisoned Meat
11.09 Dead Animals
11.10 Owner or Person in Charge of Animal to Clean up Droppings
11.11 Animals in Motor Vehicles; Rescue
11.12 Number of Domestic Animals
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11.14 Abandonment of Cats & Dogs
11.15 Impounding
11.16 Disposition of Animals
11.17 Owner's Duty
11.18 Actions of Dogs or Cats Constituting a Nuisance
11.19 License
11.20 Immunization
11.21 Kennel Dogs
11.22 Commercial Use Prohibited
11.23 Dogs & Cats Habitually At Large
11.24 Summons Issued
11.25 Livestock Neglect
11.26 Livestock Prohibited
11.27 Kill Dogs.
11.28 Penalty.

11.01 DEFINITIONS. For use in this Article, the following terms are defined:

1. "ANIMAL" shall mean all living creatures not human.

2. "AT LARGE" shall mean any animal found off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

3. "CAT" shall mean both male and female animals of the feline species whether altered or not.

4. "DANGEROUS ANIMAL" shall mean:

   a. "Dangerous Animal" shall mean any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and 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. The following animals are deemed to be dangerous animals per se:

      1. All poisonous animals including rear-fang snakes.

2. Alligators and crocodiles.
3. Apes (chimpanzees, gibbons, gorillas, orangutans and siamangs "Y".
4. Baboon.
5. Badgers, wolverines, weasels, skunks, mink, ferrets, martens, otters and other mustelids.

6. Bats.
7. Bears.
8. Bison.
9. Bobcats.
10. Cheetahs.
11. Constrictor snakes.
12. Coyotes.
13. Deer.
14. Emu.
15. Foxes.
16. Gamecocks and other fighting birds.
17. Gila monsters.
18. Hippopotamus
19. Hyenas.
20. Jaguars.
21. Leopards.
22. Lions.
23. Lynxes.
24. Monkeys.
25. Ostriches.
26. Piranha fish.
27. Pot-bellied pigs.
28. Pumas, also known as cougars, mountain lions and panthers.
29. Rhinoceroses.
30. Scorpions.
31. Sharks.
32. Snow Leopards.
33. Tigers.
33. Wolves.
34. Any cross breed of such animals which have similar characteristics of the animals specified above.
35. Any animals declared to be dangerous by the City Council.

5. "DOG" shall mean both male and female animals of the canine species whether altered or not.

6. DOMESTIC ANIMALS. A domestic animal is an animal that is typically accessory to occupancy in a principal dwelling such as a dog, cat, or rabbit, is tame or domesticated and is not considered dangerous by an ordinance of the city of Rock Rapids. Domestic animals of a smaller nature include gerbils, hamsters, guinea pigs, mice, birds, non venomous or non-constrictor snakes, ferrets and other similar animals maintained as pets and not for breeding purposes, inside a dwelling.

7. "LICENSED DOG OR CAT" shall mean any dog or cat bearing a currently valid license under Chapter 351, Code of Iowa, and Article 11 of the City Code.

8. "Livestock" Means An Animal Belonging To The Bovine, Caprine, Equine, Ovine Or Porcine Species, Ostriches, Rheas And Emus; Farm Deer As Defined In Section 170.1 Of The Code Of Iowa; Or Poultry.

(Code Of Iowa, Sec. 717.1)

Common names for "Livestock" are, but are not limited to: cows or cattle, sheep, swine, pigs, chickens, turkeys, horses, ducks, geese, or emus.

9. "OWNER" shall mean any person owning, keeping, sheltering, or harboring an animal.
(Code of Iowa, Sec. 351.2)

10. "VICIOUS ANIMAL" shall mean any animal, except a dangerous animal per se as listed above, that has attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal which shall have attacked or bitten any person without provocation; any animal that has chased, killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, City Council, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner. Refer to Chapter 3, Article 12 – Vicious Dogs in this municipal code for a definition and regulation of vicious dogs.

11.02 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either intentionally or negligently.
(Code of Iowa, Sec. 717.2 & 717.3)

11.03 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, farm deer, ostriches, rheas, emus or other creature, or to engage

in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, Sec. 717.3)

11.04 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs or cats whether licensed or unlicensed, cattle, horses, swine, sheep, farm deer, ostriches, rheas, emus or other similar animals or fowl to run at large within the corporate limits of the City.

All dogs and cats, regardless of age, must be leashed at all times unless confined by a tether within or on the owner's property. No dogs or cats may be tethered on or to public property, including public rights-of-ways, nor shall any dog or cat tethered on private property be able to enter onto public property or public right of way, including sidewalks. Dogs and cats shall not be tethered and left unattended when off the owner's property or on any front yard. If the owner is present and supervising the animal on the owner's premises an exception to the leash law is made. Unleashed pets accompanied by their owner while jogging, cycling, visiting parks or anywhere on public property are in violation of the law. Unleashed pets may be allowed at a designated city dog park.

If a dog or cat strays, it can be impounded and the owner or keeper can be cited for having an "Animal at Large". The citation is a summons to Court with the punishment and/or fine determined by the judge.

Any person who uses, keeps or harbors or owns any animals or domestic animals shall keep the same confined in an enclosed building, fenced enclosure or yard. Dogs or cats shall be allowed to be kept on a restraint consisting of a chain, rope or leash strong enough to adequately restrain such dog or cat

11.05 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine, sheep, turkeys, chickens or other animals which tend to disrupt the peace and good order of the community.

11.06 KEEPING OF DANGEROUS OR VICIOUS ANIMALS PROHIBITED. It shall be unlawful for any person to keep, shelter, or harbor any dangerous or vicious animal as a pet, or act as custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City of Rock Rapids, Iowa, except as, provided in Sections 11.06(1) of this Article. Refer to Chapter 3, Article 12 – Vicious Dogs in this municipal code for a definition, regulation and exceptions on vicious dogs.

1. DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 11.06 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:

a. The keeping of dangerous animals for exhibition to the public by a circus,

carnival, exhibit, which is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required federal or state licenses, or to retail establishments, zoological gardens, circuses and zoos, if.

i. The animals' location conforms to the provisions of the Zoning Ordinance of the City.

ii. All animals and animal quarters are kept in a clean and sanitary condition and so maintained so to eliminate objectionable odors.

iii. Animals are maintained in quarters so constructed as to prevent their escape.

iv. No person lives or resides within one hundred feet (100') of the quarters in which the animals are kept.

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

2. VIOLATIONS. Any violation of this Section 11.06 shall constitute a municipal infraction punishable by the penalties set forth in Title III, Article 15, of this Code of Ordinances.

a. In addition, any animal found to be in violation of this Section shall be immediately impounded and the owner shall either be served a summons to appear before a proper court to answer to charges made or be given seven (7) days to comply with the terms of this Section.

b. Upon proof of compliance, the impounded animal may be claimed by the owner after payment of impoundment fees and penalties. See Appendix A of the Rock Rapids Municipal Code for schedule of fees.

c. Any animal not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.

3. SEIZURE, IMPOUNDMENT AND DISPOSITION.

a. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, at the discretion of a peace officer, 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 or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

b. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the peace officer or his 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 or vicious animal in the City, the Mayor or his designee shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal.

c. The notice to remove an animal from the City or have it destroyed shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required when such animal has caused serious physical harm or death to any person, in which case the Mayor or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

d. The order to remove a dangerous animal or vicious animal issued by the Mayor or his designee may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal.

e. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The person filing the notice of appeal must be present at the hearing. Failure to attend such appeal hearing shall constitute a waiver of the right to appeal. The hearing may be continued for good cause. At the conclusion of such hearing, the Council may affirm or reverse the order of the Mayor or his designee. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

f. If the Council affirms the action of the Mayor or his designee, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person who filed the appeal. Such notice shall be given in writing and shall be served personally or by certified mail.

g. If the original order of the Mayor or his designee is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor or his designee is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor or his designee issued pursuant to this chapter and not appealed, or an order of the Council after appeal, constitutes a simple misdemeanor.

11.07 CONFINEMENT OF ANIMALS SUSPECTED OF RABIES. When a local board of health receives information that any person has been bitten by an animal or that 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 such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

11.08 POISONED MEAT. No person shall knowingly expose any poisoned meat or other poisoned substances on public or private property where the same may be taken by any human being or domestic animal.

11.09 DEAD ANIMALS**.** The owner of any dead animal within the City shall properly bury or otherwise properly dispose of the same within twenty-four (24) hours.

11.10 OWNER OR PERSON IN CHARGE OF ANIMAL TO CLEAN UP DROPPINGS. It shall be unlawful for any owner or person in charge of a dog, cat, horse or other animal to fail to clean up and/or remove as soon as possible any excrement or droppings deposited by said dog, cat, horse or other animal on any real estate whether privately or publicly owned."

(Ordinance 631, passed July 16, 2008)

11.11 ANIMALS IN MOTOR VEHICLES; RESCUE. No person shall leave an animal unattended in, or tethered to, a standing or parked motor vehicle, in a manner that endangers the health or safety of the animal.

The following persons may use reasonable means, including reasonable force to remove an animal from a motor vehicle when there is an apparent violation of this section.

(1) peace officer
(2) fire department personnel

The person rescuing the animal shall notify the Mayor or City Clerk and animal shall be taken to a veterinarian for treatment, if necessary. The cost of such treatment shall be paid by the City and the City shall claim reimbursement from the person judged to be

responsible for leaving the animal unattended.

11.12 NUMBER OF DOMESTIC ANIMALS. The total number of domestic animals older than three months shall not exceed five (5) per residence or place of business (excluding bona pet stores, animal grooming shop, licensed kennel, educational institute, circus, carnival or veterinary hospital treating such animals). A dog or canine, or a cat or feline, or rabbit is considered full-grown at the age of twelve (12) weeks of age. There is no limit to the number of smaller animals that may be kept in the dwelling unit as long as they do not become a nuisance to other persons or properties.

Editor's Note: Section 11.12 Number of Domestic Animals was amended at time of 2016 Codification.

11.13 ANIMAL NEGLECT**.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

11.14 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

11.15 IMPOUNDING. Any licensed, unlicensed, or unvaccinated dog or cat found at large shall be seized and impounded, or the owner may be served a summons to appear before a proper court to answer charges made thereunder. Any person found violating the provisions of this section shall be liable for any fines, cost of securing and impounding any such animal including cost of feed and keep, the actual cost of transporting and boarding, the costs of keeping the animal's vaccinations current, and any other penalties prescribed in this code. Upon payment of the before-mentioned, the owner may claim any impounded animal.

11.16 DISPOSITION OF ANIMALS**.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

11.17 OWNER'S DUTY. It is 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 health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

11.18 ACTIONS OF DOGS OR CATS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a dog or cat to allow or permit such dog or cat to perform the following:

1. OTHER PREMISES. To pass upon the premises of another thereby causing damage to, or interference with, the premises.

2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, meowing or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

3. CAUSE DAMAGE. To cause any damage or defilement to the public or private property.

4. MOLEST PERSONS. To molest or harm any person on public or private property.

5. MOLEST ANIMALS. To molest, attack, or kill wildlife, birds, or domestic animals on public or private property.

6. ACCUMULATION OF ANIMAL WASTE. The keeping of pet animals on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to the health of the animal or adjacent property owners. Any pen, yard, pasture or place in which animals are kept or confined must be kept sanitary by not allowing any filth, manure, excrement or other offensive matter to accumulate in such quantities as to create an offensive or unsanitary condition to exist. Wastes on owner, keeper, or harbor's property shall be cleaned up and properly disposed of at least once every seventy-two (72) hours.

7. To run at large, whether the cat or dog is licensed or unlicensed.

8. Damages, soils, defiles or defecates on public or private property other than the owner's or on public walks and recreation areas unless such waste is immediately

removed and properly disposed of by the owner.

9. Causes unsanitary, dangerous or offensive conditions.

11.19 LICENSE. A city council may provide for the issuance of licenses for dogs. If the council should require licenses for dogs, then such licenses shall be obtained from the city clerk. The council may set a license fee to be paid to the city clerk. Any license issued by the city clerk shall be in the form of a license tag bearing a license number and the year issued, and shall be fastened to a collar or harness which shall be worn by the dog for which the license was issued.

11.20 IMMUNIZATION. All dogs or cats six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog or cat when not confined.

(Code of Iowa, Sec. 351.33)

11.21 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article if the kennel is licensed under chapter 162, Code of Iowa. Licensed kennels and location of such kennels are subject to the City's zoning ordinance.

11.22 COMMERCIAL USE PROHIBITED. No persons shall keep animals covered by this section for commercial purposes, except on premises where such commercial use is permitted under the City's zoning ordinances or exclusively within the owner's residence. The following facts shall be considered evidence of commercial activity:

1. The advertising of animals for sale.

2. The continuing periodic sale of animals.

3. Keeping animals in excess of the numerical limits established under Section 11.12 in this Article.

4. Licensing, registration or certification of the keeper of such animals as a "dealer."

5. The holding of an Iowa sales tax permit related to the sale of animals.

6. Reporting activities in connection with such animals as a business on any legally required document, report, or tax return.

7. Any other factors that indicate commercial activity.

8. This Section does not apply to veterinary offices or persons wishing to re-home any presently owned animals.

11.23 DOGS & CATS HABITUALLY AT LARGE. It shall be unlawful for any person to keep within the City any dog or cat for which the owner has been fined three times within a twelve (12) month period under this Chapter.

11.24 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a municipal infraction and a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

11.25 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

11.26 LIVESTOCK PROHIBITED. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

11.27 KILL DOGS. It shall be lawful for any person to kill a dog when such dog is caught in the act of chasing, maiming or killing any domestic animal or when such dog is attacking or attempting to bite a person.

11.28 PENALTY. Unless another penalty is expressly provided in this Article, any person convicted of a simple misdemeanor shall be subject to the Standard Penalty referenced in Title 1, Article 1 of this Code of Ordinances. The City may also seek a civil penalty. Seeking a civil penalty does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include, but it not limited to, an order for abatement or injunctive relief.

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 12 – VICIOUS DOGS

12.01	**Definition**	**12.04**	**Insurance**
12.02	**Keeping Of Vicious Dogs**		
12.03	**Seizure, Impoundment And Disposition**	**12.05**	**Violations And Penalties**

12.01. DEFINITION. For the purpose of this Article, a "vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or

2. A dog which has attacked or bitten any person (without provocation) or when propensity to attack or bite persons exists and such propensity in known to the owner, or ought reasonably to be known to the owner thereof; or

3. Any dog of that breed known variously as:

   A. The Bull Terrier breed of dog;
   B. The Staffordshire Bull Terrier breed of dog;
   C. The American Pit Bull Terrier breed of dog;
   D. The American Staffordshire Terrier breed of dog;
   E. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
   F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

12.02. KEEPING OF VICIOUS DOGS. Notwithstanding any other provisions of this Article, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined upon the premises of such person and shall not permit the dogs to go beyond the premises unless the dog is confined. A vicious dog is unconfined unless the following conditions are met:

1. Leash and Muzzle: No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash not longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be

muzzled

by a muzzling devise sufficient to prevent the dog from biting persons or other animals.

2. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure must have secured sides and a secure top attached to the sides. All structures to confine vicious dogs must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

No vicious dog may be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

12.03. SEIZURE, IMPOUNDMENT AND DISPOSITION. Unconfined vicious dogs shall be seized and impounded in accordance with the following:

1. The law enforcement officers, in their discretion or upon receipt of a complaint alleging that a particular dog is unconfined and vicious as defined herein, may initiate proceedings to declare such dog as a vicious dog. A hearing on the matter shall be conducted by the City Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of being unconfined and vicious. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

2. If after a hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the law enforcement officers are authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of said Order, the law enforcement officers shall cause the animal to be destroyed.

3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.

4. Any dog found at large which displays tendencies may be processed as a vicious dog pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case, the law enforcement officers may immediately destroy it, or unless its ownership is not ascertainable, in which case it may be destroyed after three (3) days impoundment.

5. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

12.04. INSURANCE. The owner of any vicious dog must provide to the City Clerk proof of public liability insurance in a single accident amount of $50,000 for bodily injury to or death of any person or persons or for any damages to property owned by any such persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (10) days written notice is first given to the Clerk.

12.05. VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this Article shall, upon conviction, be guilty of a simple misdemeanor. Should the defendant refuse to remove the dog from the City, the magistrate shall find the defendant (owner) in contempt and order the immediate confiscation (impoundment) of the dog. Each day that a violation of this Article continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Article.

Editor's Note: Article 12 was established by Ordinance 632 was passed and approved by City Council on August 11, 2008

CHAPTER 3: ANIMAL CONTROL AND PROTECTION

ARTICLE 13 – RESERVED FOR FUTURE USE

CHAPTER 4: WEEDS

ARTICLE 14 – GENERAL PROVISIONS

14.01	**Purpose**	**14.06**	**Noxious Weeds**
14.02	**Definitions**		
14.03	**Ground Cover Required**	**14.07**	**Notice to Abate**
14.04	**Cutting Specifications & Standards of Practice**	**14.08**	**Municipal Infraction Abatement Procedure**
14.05	**Uniform Height Specifications**	**14.09**	**Mowing And Removal**

14.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

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

1. "Curb," "curb line" or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.

2. "Cut," or "mow" means to mechanically maintain the growth of grass, weeds or brush at a uniform height.

3. "Owner" means a person owning private property in the City and any person occupying private property in the City.

4. "Parking" means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

14.03 GROUND COVER REQUIRED. Property in a residential area shall be seeded, sodded or otherwise planted with a ground cover not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

14.04 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 14.05 of this Chapter.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the

curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

14.05 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

1. Residential Areas – not to exceed nine inches (9").

2. Business and Industrial Area – not to exceed nine inches (9").

3. Agricultural Areas – no height restrictions.

4. New Residential Subdivision – The owner/developer of a residential subdivision in the process of construction or development may qualify for a special exception to the nine-inch (9") height limitation, subject to receipt and approval, by the City, of a written application and to the following conditions:

   a. Written application must describe seeding and maintenance plan;
   b. Exception applies only to a well-maintained cover crop but not to weeds, which must be controlled to maximum height limitation equal to that specified for Residential Areas as described above.;
   c. Exception expires on December 31 of each year, with new application required for each year that the special exception is requested;
   d. Exceptions are subject to approval on a case-by-case basis.

14.06 NOXIOUS WEEDS.

1. Every owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.

2. Noxious weeds include any weed growth or plant determined as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

14.07 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within five (5) days initiate abatement procedures as outlined in Title III, Chapter 2, Article 10 of this Code of Ordinances.

14.08 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in this Article, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Title III, Article 15 of this Code of Ordinances.

14.09 MOWING AND REMOVAL. In addition to the foregoing provisions, the City has the right, to mow grass and weeds as well as remove brush from private property when such grass and weed or brush exceed the heights specified in Section 14.05 of this Article. The cost thereof shall be the responsibility of the record title owner of the property served, and said cost may either be certified over to the County Treasurer for collection in the same manner as real estate taxes or may be collected via filing of a small claim, municipal infraction, or complaint with the County Magistrate Court. When said services are performed by the City, the minimum charge shall be set by council resolution.

TITLE III

CHAPTER 5: MUNICIPAL INFRACTIONS

ARTICLE 15 – MUNICIPAL INFRACTIONS

15.01 Definitions
15.02 Penalties
15.03 Civil Citations
15.04 Environmental Violation
15.05 Criminal Penalties
15.06 Prohibition Against Further Violations

15.01 DEFINITIONS.

1. Municipal Infraction: Any violation of the City Code of Rock Rapids, Iowa, is a municipal infraction, EXCEPT any violation which is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law, or any violation which is a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa.

2. Officer: Any employee or person authorized to enforce the ordinances and the City Code of the City of Rock Rapids, Iowa.

3. Repeat Offense: Any recurring violation of the same section of the ordinances or the City Code of Rock Rapids, Iowa.

(Code of Iowa Sec. 364.22)

15.02 PENALTIES.

1. CIVIL PENALTIES. A municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

Schedule of Civil Penalties

First Offense – Not less than $250.00 and not to exceed $750.00
Each Repeat Offense - Not less than $500.00 and not to exceed $1,000.00

However, a municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R § 403.8 by an industrial user may be punishable by a civil penalty of not more than $1,000.00 for each day a violation exists or continues.

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

3. A municipal violation classified as an environmental violation is punishable by a

penalty of not more than one thousand dollars ($1,000.00) for each occurrence.

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

a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

c. The violation does not continue in existence for more than eight (8) hours.

4. Seeking a civil penalty as authorized in the above provisions does not preclude the city from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22)

15.03 CIVIL CITATIONS.

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

2. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 1.305, or by certified mail to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 1.310 and subject to the conditions of Iowa Rule of Civil Procedure 1.311.

3. A copy of the citation shall be retained by the issuing officer, and one original copy shall be provided to the Clerk of the district court.

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

a. The name and address of the defendant.

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

c. The location and time of the infraction.

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

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

f. The time and place of court appearance.

g. The penalty for failure to appear in court.

h. The legal description of the affected property, if applicable.

(Code of Iowa, Sec. 364.22)

15.04 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in connection with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provision of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or the following specific violations:

(Code of Iowa, Sec. 364.22 (1))

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. § 403.8.

2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in the industrial production or manufacturing of grain products of if such discharge occurs from September 15 to January 15.

15.05 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if the criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22(8))

15.06 PROHIBITION AGAINST FURTHER VIOLATIONS. A person who commits an infraction of a City ordinance subject to the provisions of this chapter may be ordered by the Court to cease further violations of the same provisions of the ordinance. Failure of the person to adhere to this order will result in contempt proceedings being initiated by the

City.

TITLE III

TITLE IV – TRAFFIC AND STREETS

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE 1 – GENERAL PROVISIONS

1.01	**Definitions**	**1.06**	**Habitual Traffic Violators**
1.02	**Administration & Enforcement**		
1.03	**Traffic Accidents**	**1.07**	**Power to Direct Traffic**
1.04	**Files Maintained**	**1.08**	**Peace Officer's Authority**
1.05	**Annual Safety Report**	**1.09**	**Obedience to Peace Officers**

1.01 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "PARK" OR "PARKING" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "STAND" OR "STANDING" shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.

3. "STOP" shall mean when required, the complete cessation of movement.

4. "STOP" OR "STOPPING" shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

5. "BUSINESS DISTRICT "shall mean the territory described by the following parts of streets:

From the Rock River to Boone Street.

6. "RESIDENCE DISTRICT" shall mean the territory contiguous to and including a highway, street or avenue not comprising a business, suburban or school district, where forty (40) percent or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business not included in a business or school district.

7. “PRIVATE PROPERTY” shall mean all property other than a “public way” as that term is defined.

8. “PUBLIC WAY” shall mean all public streets, alleys, sidewalks and parking lots.

9. "ROLLER SKATES AND SKATE BOARDS" shall mean all devices which incorporate wheels or rollers, which are designed or intended to bear and carry the weight of a person, which have no motive power and which are intended to be moved or compelled by the physical efforts of the user or by gravity. Such devices include shoe roller skates, clamp-on roller skates, skate boards and roller blades, but do not include bicycles or wheelchairs.

10. "SUBURBAN DISTRICT" shall mean all other parts of a city not included in the business, school, or residential districts.

1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by a peace officer.

1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:

1. REPORT. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation.

   a. REPORT. A copy of this report shall be filed with the City for the confidential use of the peace officers and shall be subject to the provisions of the Code of Iowa.
   (Code of Iowa, Sec. 321. 271 & 321.273)

2. INVESTIGATION. A peace officer shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

3. STUDIES. Whenever the accidents at any particular location become numerous, the police chief shall conduct studies of such accidents and propose remedial measures.

1.04 FILES MAINTAINED. The police chief or contracted law enforcement shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three-year period. Such reports shall be filed alphabetically under the name of the driver concerned.

1.05 ANNUAL SAFETY REPORTS. The police chief or contracted law enforcement shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data

including plans and recommendations for future traffic safety activities.

1.06 HABITUAL TRAFFIC VIOLATORS. The City's contracted law enforcement agency shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.

(Code of Iowa, Sec. 321.201 & 321.215)

1.07 POWER TO DIRECT TRAFFIC. A peace officer, and any officer of the Fire Department when at the scene of a fire or emergency or assisting law enforcement at the location of a traffic accident or when assisting peace officers, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

1.08 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

(Code of Iowa, Sec. 321.492)

1.09 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE 2 – REGULATIONS AND VIOLATIONS

2.01 Violation of State Regulations
2.02 Clinging To Vehicles
2.03 Vehicles on Sidewalks
2.04 Tampering With Vehicle
2.05 Squealing Tires
2.06 Mufflers
2.07 Play Streets
2.08 Quite Zones
2.09 Engine or Compression Brakes Or Jakebraking
2.10 Funeral or Other Processions
2.11 School Buses
2.12 Reserved for Future Use.
2.13 Reserved for Future Use
2.14 Unattended Vehicle

2.01 VIOLATION OF STATE REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code of Iowa are adopted reference:

1. Section 321.17 – Misdemeanor to violate registration provisions.

2. Section 321.20B – Proof of security against liability; driving without liability coverage.

3. Section 321.32 – Registration card, carried and exhibited.

4. Section 321.37 – Display of plates.

5. Section 321.38 – Plates, method of attaching, imitations prohibited.

6. Section 321.79 – Intent to injure.

7. Section 321.91 – Penalty for abandonment.

8. Section 321.98 – Operation without registration.

9. Section 321.99 – Fraudulent use of registration.

10. Section 321.174 – Operators licensed.

11. Section 321.174A – Operation of motor vehicles with expired license.

12. Section 321.180 – Instruction permits.

13. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.

14. Section 321.193 – Restricted licenses.

15. Section 321.194 – Special minor's licenses.

16. Section 321.216 – Unlawful use of license and nonoperator's identification card.

17. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

18. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.

19. Section 321.218 – Operating without valid driver's license or when disqualified.

20. Section 321.219 – Permitting unauthorized minor to drive.

21. Section 321.220 – Permitting unauthorized person to drive.

22. Section 321.221 – Employing unlicensed chauffeur.

23. Section 321.222 – Renting motor vehicle to another.

24. Section 321.223 – License inspected.

25. Section 321.224 – Record kept.

26. Section 321.232 – Radar jamming devices; penalty.

27. Section 321.235A – Electric personal assistive mobility devices.

28. Section 321.256 – Obedience to official traffic-control devices.

29. Section 321.257 – Official traffic control signal.

30. Section 321.259 – Unauthorized signs, signals or markings.

31. Section 321.260 – Interference with devices, signs or signals; unlawful possession – traffic signal preemption devices.

32. Section 321.262 – Damage to vehicle.

33. Section 321.263 – Information and aid.

34. Section 321.264 – Striking unattended vehicle.

35. Section 321.265 – Striking fixtures upon a highway.

36. Section 321.275 – Operation of motorcycles and motorized bicycles.

37. Section 321.278 – Drag racing prohibited.

38. Section 321.284 – Open containers in motor vehicles – drivers.

39. Section 321.284A – Open containers in motor vehicles – passengers.

40. Section 321.288 – Control of vehicle; reduced speed.

41. Section 321.295 – Limitation on bridge or elevated structures.

42. Section 321.297 – Driving on right-hand side of roadways; exceptions.

43. Section 321.298 – Meeting and turning to right.

44. Section 321.299 – Overtaking a vehicle.

45. Section 321.302 – Overtaking and otherwise.

46. Section 321.303 – Limitations on overtaking on the left. (Unsafe Passing)

47. Section 321.304 – Prohibited passing.

48. Section 321.306 – Roadways laned for traffic.

49. Section 321.307 – Following too closely.

50. Section 321.308 – Motor trucks and towed vehicles; distance requirements.

51. Section 321.309 – Towing; convoys; drawbars.

52. Section 321.310 – Towing four-wheel trailers.

53. Section 321.311 – Turning at intersections.

54. Section 321.312 – Turning on curve or crest of grade.

55. Section 321.313 – Starting parked vehicle.

56. Section 321.314 – When signal required.

57. Section 321.315 – Signal continuous.

58. Section 321.316 – Stopping.

59. Section 321.317 – Signals by hand and arm or signal device.

60. Section 321.318 – Method of giving hand and arm signals.

61. Section 321.319 – Entering intersections from different highways.

62. Section 321.320 – Left turns; yielding.

63. Section 321.321 – Entering through highways.

64. Section 321.322 – Vehicles entering stop or yield intersection.

65. Section 321.323 – Moving vehicle backward on highway.

66. Section 321.323A – Approaching certain stationary vehicles.

67. Section 321.324 – Operation on approach of emergency vehicles.

68. Section 321.324A – Funeral processions.

69. Section 321.325 – Pedestrians subject to signals.

70. Section 321.326 – Pedestrians on left.

71. Section 321.327 – Yield to pedestrians in crosswalks.

72. Section 321.328 – Pedestrian failing to use crosswalk.

73. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.

74. Section 321.330 – Use of crosswalks.

75. Section 321.331 – Pedestrians soliciting rides.

76. Section 321.332 – White canes restricted to blind persons.

77. Section 321.333 – Duty of drivers.

78. Section 321.340 – Driving through safety zone.

79. Section 321.341 – Obedience to signal of train.

80. Section 321.342 – Stop at certain railroad crossings; posting warning.

81. Section 321.343 – Certain vehicles must stop.

82. Section 321.344 – Heavy equipment at crossing.

83. Section 321.344B – Immediate safety threat; penalty.

84. Section 321.354 – Stopping on traveled way.

85. Section 321.358 – Stopping, standing, or parking where prohibited.

86. Section 321.359 – Moving other vehicle.

87. Section 321.360 – Parking prohibited in front of certain buildings (i.e. Theaters, hotels and auditoriums).

88. Section 321.362 – Unattended motor vehicle. (Parking without stopping engine and setting brake).

89. Section 321.363 – Obstruction to driver's view.

90. Section 321.364 – Preventing contamination of food by hazardous material.

91. Section 321.365 – Coasting prohibited.

92. Section 321.366 – Acts prohibited on fully controlled-access facilities.

93. Section 321.367 – Following fire apparatus.

94. Section 321.368 – Crossing fire hose.

95. Section 321.369 – Putting debris on highway.

96. Section 321.370 – Removing injurious material.

97. Section 321.371 – Clearing up wrecks.

98. Section 321.372 – School buses.

99. Section 321.381 – Movement of unsafe or improperly equipped vehicles.

100. Section 321.381A – Operation of low-speed vehicles.

101. Section 321.382 – Upgrade pulls; minimum speed.

102. Section 321.383 – Exceptions; slow vehicles identified.

103. Section 321.384 – When lighted lamps required. (Failure to use headlamp when required).

104. Section 321.385 – Head lamps on motor vehicles.

105. Section 321.386 – Head lamps on motorcycles and motorized bicycles.

106. Section 321.387 – Rear lamps.

107. Section 321.388 – Illuminating plates. (Improper registration plate lamp)

108. Section 321.389 – Reflector requirement. (Improper rear reflector)

109. Section 321.390 – Reflector requirements.

110. Section 321.392 – Clearance and identification lights.

111. Section 321.393 – Color and mounting.

112. Section 321.394 – Lamp or flag on projecting load.

113. Section 321.395 – Lamps on parked vehicles.

114. Section 321.398 – Lamps on other vehicles and equipment.

115. Section 321.402 – Spot lamps.

116. Section 321.403 – Auxiliary driving lamps.

117. Section 321.404 – Signal lamps and signal devices.

118. Section 321.404A – Light-restricting devices prohibited.

119. Section 321.405 – Self-illumination.

120. Section 321.406 – Cowl lamps.

121. Section 321.408 – Back-up lamps.

122. Section 321.409 – Mandatory lighting equipment.

123. Section 321.415 – Required usage of lighting devices. (Failure to Dim)

124. Section 321.417 – Single-beam road-lighting equipment.

125. Section 321.418 – Alternate road-lighting equipment.

126. Section 321.419 – Number of driving lamps required or permitted.

127. Section 321.420 – Number of lamps lighted.

128. Section 321.421 – Special restrictions on lamps.

129. Section 321.422 – Red light in front.

130. Section 321.423 – Flashing lights.

131. Section 321.430 – Brake, hitch and control requirements.

132. Section 321.431 – Performance ability.

133. Section 321.432 – Horns and warning devices.

134. Section 321.433 – Sirens, whistles and bells prohibited.

135. Section 321.434 – Bicycle sirens or whistles.

136. Section 321.436 – Mufflers, prevention of noise.

137. Section 321.437 – Mirrors.

138. Section 321.438 – Windshields and windows.

139. Section 321.439 – Windshield wipers.

140. Section 321.440 – Restrictions as to tire equipment.

141. Section 321.441 – Metal tires prohibited.

142. Section 321.442 – Projections on wheels.

143. Section 321.444 – Safety glass.

144. Section 321.445 – Safety belts and safety harnesses; use required.

145. Section 321.446 – Child restraint devices.

146. Section 321.449 – Motor carrier safety regulations.

147. Section 321.450 – Hazardous materials transportation.

148. Section 321.454 – Width of vehicles.

149. Section 321.455 – Projecting loads on passenger vehicles.

150. Section 321.456 – Height of vehicles; permits.

151. Section 321.457 – Maximum length.

152. Section 321.458 – Loading beyond front.

153. Section 321.459 – Excessive weight – dual axels (each over 2000 lb. over).

154. Section 321.460 – Spilling loads on highways.

155. Section 321.461 – Trailers and towed vehicles.

156. Section 321.462 – Drawbars and safety chains.

157. Section 321.463 – Maximum gross weight.

158. Section 321.465 – Weighing vehicles and removal of excess.

161. Section 321.466 – Increased loading capacity; re-registration.

162. Section 321.276 – Use of Electronic Communication Device

163. Section 321.277 – Reckless Driving

164. Section 321.277A – Careless Driving

Subsection 2.01(162, 163, & 164) was added by Ordinance 735, approved by Council May 11, 2026.

2.02 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or him or herself to any vehicle upon a roadway.

2.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

2.04 TAMPERING WITH VEHICLE. Any person who either individually, or in association

with one or more other persons, willfully 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 is guilty of a simple misdemeanor punishable as provided in the Code of Iowa.

(Code of Iowa, Sec. 321.482)

2.05 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

ORDINANCE NO. 695

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 1, ARTICLE 2, SECTION 2.09 BY REPEALING SECTION 2.09 AND ADDING A NEW SECTION IN SECTION 2.09 RELATING TO ENGINE OR COMPRESSION BRAKES OR JAKEBRAKING.

WHEREAS, the City Council wants to clarify what is "jakebraking" and to stipulate a penalty to such offences;

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Section 2.09 and adopting a new Section 2.09 in lieu thereof as follows:

2.09 ENGINE OR COMPRESSION BRAKES OR JAKEBRAKING. The following shall apply to engine or compression brakes or jakebraking:

1. It shall be unlawful for any person in any part of the City of Rock Rapids to make, or cause to be made, loud or disturbing noises with any mechanical devices operated by any engine brake, compressed air, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle and used for the purpose of assisting braking and commonly referred to as jakebraking. The City shall cause notices to be posted, or signs erected indicating prohibition.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute a prima facie violation of this section.

3. The scheduled fine for a violation of this section shall be Thirty Dollars ($30.00).

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council this 30th day of April, 2018.

_____
Jason Chase, Mayor

ATTEST: _____
Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 9th day of May, 2018, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 9th day of May, 2018.

_____
Jordan Kordahl, City Clerk

2.06 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.

(Code of Iowa, Sec. 321.436)

2.07 PLAY STREETS. The Council may declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, Sec. 321.255)

2.08 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

2.09 ENGINE OR COMPRESSION BRAKES OR JAKEBRAKING. It shall be unlawful for any person in any part of the City of Rock Rapids to make, or cause to be made, load or disturbing noises with any mechanical devices operated by any engine brake, compressed air, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle and used for the purpose of assisting braking and commonly referred to as jakebraking. The City shall cause notices to be posted, or signs erected indicating prohibition.

The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

2.10 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other processions:

(Code of Iowa, Sec. 321.236(3))

1. IDENTIFIED. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the City's contracting law enforcement agency.

2. MANNER OF DRIVING. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and safe.

3. INTERRUPTING PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by traffic control signals or peace officers.

2.11 SCHOOL BUSES. The following shall apply to school buses:

1. SIGNALS. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the City, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.
(Code of Iowa, Sec. 321.372(1))

2. LIGHTS ON. The driver of a school bus shall, while carrying passengers, have its headlights turned on.
(Code of Iowa, Sec. 321.372(1))

3. DISCHARGING PUPILS. All pupils shall be received and discharged from the right front entrance of every school bus, and if the pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.
(Code of Iowa, Sec. 321.372(2))

4. PASSING PROHIBITED. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.
(Code of Iowa, Sec. 321.372(3))

5. STOP WHEN MEETING. The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution.

(Code of Iowa, Sec. 321.372(3))

6. MULTI-LANE ROADS. The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, Sec. 321.372(4))

2.12 Reserved for Future Use.

2.13 Reserved for Future Use.

2.14 UNATTENDED VEHICLE.

1. No "reefer", or refrigeration unit of a semi or semi-trailer, or a vehicle with refrigeration shall be left unattended and running during daylight hours, nor shall any reefer or refrigeration unit on a vehicle be left running from the hours of sunset to sunrise.

CHAPTER 1: TRAFFIC CODE

ARTICLE 3 – SPEED REGULATIONS

3.01	**General**	**3.05**	**Parks, Cemeteries & Parking Lots**
3.02	**Minimum Speed**		
3.03	**Business District**	**3.06**	**Special Speed Restrictions**
3.04	**Residence Or School District**	**3.07**	**Special Speed Zones**

3.01 GENERAL. Every driver of a motor vehicle on a street 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 a vehicle on any street at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

3.02 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

3.03 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, Sec. 321.285(1))

3.04 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, Sec. 321.285(2))

3.05 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, Sec. 321.236(5))

3.06 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa Uniform Traffic Devices Manual, the Council, upon the basis of an engineering and traffic investigation, finds that the general speed limits set out above are greater or less than is reasonable or safe under the conditions found to exist at the particular intersections or parts of the City street system and therefore declares the maximum speed limits to be as set out in section 3.07 at the places named.

(Code of Iowa, Sec. 321.290)

3.07 SPECIAL SPEED ZONES. A speed in excess of the limits set out miles per hour shall be unlawful on any of the following designated streets or parts thereof:

1. SPECIAL 30 MPH SPEED ZONES. A speed in excess of thirty (30) miles per hour shall be unlawful on any of the following designated streets or parts thereof:

   a. 1st AVE. Starting 165 feet west of the intersection of 1st Avenue and Union Street – 1,715 feet east.

   b. S. UNION ST. Starting at the intersection of 1st Avenue and Union Street – South to S. 8th Avenue

2. SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated streets or parts thereof:

   a. S. EAST ST. Starting 430 feet south of the intersection of San Fernando Drive – 800 feet south.

   b. N. EAST ST. Starting 800 feet north of the intersection of N. 2nd Ave. East - 800 feet north.

   c. N. BOONE ST. Starting 1140 feet north of the intersection of N. 4th Avenue and N. Boone Street – 800 feet north.

   d. N. UNION ST. From the north city limits for a distance of 2,410 feet to the north edge of the residential district.

   e. MILL POND RD. Starting 1,400 feet east of the intersection of S. Tama Street and Mill Pond Road – 800 feet south.

   f. 1st AVE. Starting 165 feet west of the intersection of 1st Avenue and Union Street – 1,440 feet west.

   g. N. 2nd AVE. EAST. Starting 370 feet west of the intersection of N. 2nd Avenue East and Smith Street – 1,320 feet east.

3. SPECIAL 40 MPH SPEED ZONES. A speed in excess of forty (40) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

   a. S. UNION ST. Starting at the intersection of S. 8th Avenue and S. Union Street - south to S. 10th Avenue.

4. SPECIAL 45 MPH SPEED ZONES. A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

   a. S. EAST ST. Starting 1,230 feet south of the intersection of S. East Street and San Fernando Drive – 800 feet south.

   b. N. EAST ST. Starting 1,600 feet north of the intersection of N. 2nd Avenue and East Street – 800 feet north.

   c. N. BOONE ST. Starting 1,940 feet north of the intersection of N. 4th Avenue and N. Boone Street – 800 feet north.

   d. 1st AVE. Starting 1,605 feet west of the intersection of 1st Avenue and Union Street – west to corporate limits.

   e. N. 2nd AVE. EAST Starting 45 feet east of the intersection of N. 2nd Avenue east and N. Pearl Street – 1,295 feet east.

5. SPECIAL 50 MPH SPEED ZONES. A speed in excess of fifty (50) miles per hour shall be unlawful on any of the following designated streets or parts thereof:

   a. S. UNION ST. Starting at the intersection of S. 10th Avenue and S. Union Street to 1,000 feet south of the intersection of S. 12th Avenue and S. Union Street.

6. SPECIAL 55 MPH SPEED ZONES. A speed in excess of fifty-five (55) miles per hour shall be unlawful on any of the following designated streets or parts thereof:

   a. S. EAST ST. Starting 2,030 feet south of the intersection of San Fernando Drive and S. East Street – south to corporate limits.

   b. N. EAST ST. Starting 1,600 feet north of the intersection of N. 2nd Ave East and East Street. – north to corporate limits.

   c. S. 12th AVE From the intersection of S. 12th Avenue and S. Union Street – west to corporate limits.

   d. N. 2nd AVE. EAST Starting 340 feet east of the intersection of N. 2nd Avenue East

and N. East Street – east to corporate limits.

e. S. UNION ST. Starting 1,000 south of the intersection of S. 12th Avenue and S. Union Street – south to corporate limits.

3.08 AUTHORIZED EMERGENCY VEHICLES.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle, may:

   a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

   b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

3. The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:

   a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

   b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a fire department vehicle, police vehicle or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of Iowa Code 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "b" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of ail persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

(Code of Iowa, Sec. 321.231)

CHAPTER 1: TRAFFIC CODE

ARTICLE 4 – TURNING REGULATIONS

4.01 Authority To Mark
4.02 Obedience To No-Turn Signs
4.03 Signal Requirements
4.04 "U" Turns
4.05. Right Turn on Red Signal Prohibited
4.06 Left Turn for Parking

4.01 AUTHORITY TO MARK. The City Council or its designee may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.311 & 321.2 55)

4.02 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning when the speed limit is forty-five (45) miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa.

(Code of Iowa, Sec. 321.315)

4.04 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection provided, however, that "U" turns are prohibited at intersections where there are automatic traffic signals. "U" turns shall be permitted at the following locations in the business district:

(Code of Iowa, Sec. 321.255 & 321.236(9))

1. North Story Street and North Fourth Avenue.

4.05 RIGHT TURN ON RED SIGNAL PROHIBITED. Vehicular traffic facing a steady red signal shall not proceed or make a right turn at the following locations when appropriate signs are in place.

(Code of Iowa, 1977, Sec. 321.257 (3))

1. Story Street. Vehicles traveling north or south on Story Street shall not turn right on red at First Avenue.

4.06 LEFT TURN FOR PARKING. No person shall left hand turn, crossing the centerline of the street, purpose of parking on any street where angle or diagonal parking is allowed.

CHAPTER 1: TRAFFIC CODE

ARTICLE 5 – PARKING REGULATIONS

5.01 Parking Prohibited
5.02 Parking Adjacent to Curb
5.03 Park Adjacent to Curb: One-Way Streets
5.04 Angle Parking
5.05 Angle Parking Locations
5.06 Parking Signs Required
5.07 School Loading Zone
5.08 Truck Parking Limited
5.09 Reserved for Future Use
5.10 Reserved for Future Use
5.11 Reserved for Future Use
5.12 Vehicle Unattended
5.13 Parking For Certain Purposes Illegal
5.14 Metered Parking Zones
5.15 Handicapped Parking Spaces
5.16 Persons with Disabilities Parking
5.17 No Parking Zones
5.18 All Night Parking Prohibited
5.19 Parking on Private Property
5.20 Vehicles on Private Property

5.01 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. CROSSWALK. On or within ten (10) feet of a crosswalk at an intersection.
   (Code of Iowa, Sec. 321.236(1) & 321.358(5))

2. CENTER PARKING. On the center parkway or dividing area of any divided street.

   (Code of Iowa, Sec. 321.236(1))

3. MAILBOXES. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
   (Code of Iowa, Sec. 321.236(1))

4. SIDEWALKS. On or across a sidewalk.
   (Code of Iowa, Sec. 321.358(1))

5. DRIVEWAY. In front of a public or private driveway.
   (Code of Iowa, Sec. 321.358(2))

6. INTERSECTION. Within an intersection of any street.
   (Code of Iowa, Sec. 321.358(3))

7. FIRE HYDRANT. Within five (5) feet of a fire hydrant.
   (Code of Iowa, Sec. 321.358(4))

8. STOP SIGN OR SIGNAL. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358(6))

9. FIRE STATION. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358(9))

10. EXCAVATIONS. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358(10))

11. DOUBLE PARKING. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358(11))

12. HAZARDOUS LOCATIONS. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the police chief may cause curbings to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358(13))

13. THEATERS, HOTELS, AND HOSPITALS. A space of fifty (50) feet is reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)

14. PUBLIC ALLEY. In any public alley within the fire limits of this city.
(Code of Iowa, Sec. 321.236(1))

15. PRIVATE ALLEY. In any private alley within the fire limits of this city in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.
(Code of Iowa, Sec. 321.236(1))

16. STATE HIGHWAY INTERSECTING STREETS. On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet of any State Highway.

17. TERRACES. Except during emergency snow removal.

18. IN MORE THAN ONE SPACE. In any designated parking place so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such spaces.

19. RAMPS. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358(15))

5.02 PARKING ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

5.03 PARK ADJACENT TO CURB: ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

5.04 ANGLE PARKING. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within an angle parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

5.05 ANGLE PARKING LOCATIONS. Angle parking shall be permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Story Street, on the east and west sides, from South Third Avenue to North Second Avenue.

2. South Marshall Street, on the east & west sides, from South Second Avenue to First Avenue.

3. North Marshall Street, on the west side, from First Avenue to a point one hundred (100) feet North thereof.

4. North Marshall Street; on the east side, from First Avenue to a point one hundred fifty (150) feet North thereof.

5. South Second Avenue, on the north and south sides, from South Marshall Street to South Story Street.

6. South Third Avenue, on the north and south sides, from South Greene Street to South Boone Street.

7. South Third Avenue, on the north side, from South Story Street to South Marshall Street.

8. South Marshall Street, on the west side, from Second Avenue to South Third Avenue.

9. South Sixth Avenue, on the north side, from Union Street to South Adams Street.

10. Upon that portion of any street (terrace area) where the curb has been removed for the purpose of providing parking of street.

11. South Second Avenue, on the north side, from South Story Street to a point five hundred ten (510) feet West thereof.

Editor's Note: Ordinance 653 replaced 5.05(5) with a new subsection and added a new subsection 5.05(11).

5.06 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the municipal code, any parking time limit is imposed or parking is prohibited on designated erected appropriate signs giving notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense, except where there is a parking ban of uniform application relating to snow removal. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.358(14))

5.07 SCHOOL LOADING ZONE. No person, except drivers of authorized school buses, shall park a vehicle in any of the following designated locations between the hours of 2:00 p.m. and 4:00 p.m.

(Code of Iowa, Sec. 321.236(1))

1. South Story Street on the west side from South Twelfth Avenue to a point three hundred nine-five feet north thereof Monday through Friday.

5.08 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236 (11))

1. BUSINESS DISTRICT. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the streets in the business district or on any of the following designated streets. When actually receiving or delivering merchandise or cargo such vehicle shall be parked in a manner which will not interfere with other traffic.

   A. South Second Avenue on the south side from South Marshall Street to South Tama Street.

   B. South Second Avenue East on the south side from South Tama Street to South Benton Street.

   C. South Marshall Street on the east side from South Second Avenue to South Third Avenue.

   D. First Avenue on the north and south sides from Tama Street to Boone Street.

   E. First Avenue on the south side from South Boone Street to South Greene Street.

   F. Angle Parking. On any streets where angle parking is permitted.

2. ALL NIGHT. No such vehicle shall be left unattended or parked upon any street or alley for a period of time longer than one (1) hour, during the time from one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise.

3. NOISE. No such vehicle shall be left standing or parked upon any street, alley, public

or private parking lot, or drive of any service station between the hours of nine

(9) o'clock p.m. and seven (7) o'clock a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible

sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

4. LIVESTOCK. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

5.09 Reserved for Future Use.

5.10 Reserved for Future Use.

5.11 Reserved for Future Use.

5.12 VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as provided in this chapter shall be attached to the vehicle in a conspicuous place.

5.13 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

(Code of Iowa, Sec. 321.236(1))

1. DISPLAY SALE VEHICLE. Displaying such vehicle for sale.

2. MAINTENANCE. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.

3. ADVERTISING. Displaying advertising.

4. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.

5. STORAGE. Storage or as junk or dead storage for more than seventy-two (72) hours.

6. RECREATIONAL VEHICLES. Parking for more than seventy-two (72) hours.

5.14 METERED PARKING ZONES. When parking meters are erected adjacent to a space marked for parking and giving notice thereof, such space shall be a metered parking zone.

The following shall apply to metered parking:

1. PARKING TIME PERIOD. No person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters upon the deposit of a coin of United States currency of the denomination designated on said meters on any day except Sundays and full legal holidays.

5.15 HANDICAPPED PARKING SPACES. The city council shall create handicapped parking spaces in the number and in the dimension as required by federal and Iowa statutes or regulations. The following are designated parking spaces for use by the handicapped:

1. North Marshall Street. The third parking space located north of the northwest corner of First Avenue and North Marshall Street.

2. North Story Street. The sixth parking space located north of the northwest corner of First Avenue and North Story Street.

3. South Story Street. The first parking space located north of the northwest corner of South Second Avenue and South Story Street.

4. South Greene Street. The first parking space located south of the southeast corner of First Avenue and South Greene Street.

5. South Third Avenue. The parking space commencing one hundred eight feet east of the southeast corner of Adams Street and South Third Avenue.

6. South Third Avenue. The parking space on the southeast corner of Marshall Street and South Third Avenue.

7. South Greene Street. Two parking spaces commencing from a point from a point 20' north of the northeast corner of the intersection of South Greene Street and South Second Avenue.

8. Municipal Housing Parking Lot. The second parking space north of the most westerly corner of the parking lot located at Westwind Villa south of Dickinson Street.

9. South Marshall Street. The eleventh parking space north of the northeast corner of the intersection of South Second Avenue and South Marshall Street.

10. First Avenue. The first parking space on the northeast corner of the west 25' of block 13, lot 17, original town.

11. South Marshall Street. The first parking space located south of the southwest corner

of First Avenue and South Marshall Street.

12. South Carroll Street. Seven parking spaces commencing from a point fifty-three feet south of the southeast corner of the intersection of South Carroll Street and South Third Avenue.

13. South Story Street. Two parking spaces at the South entrance to the Central Lyon Elementary School Building, Street Address of 1105 South Story, with one handicapped parking space located directly north and one handicapped parking space located directly south of the extension of the sidewalk which runs from said south entrance of the Central Lyon Elementary School Building east to South Story Street.

14. South Seventh Avenue. Two handicapped parking spaces at South Seventh Avenue located between South Story Street and South Boone Street in front of the east entrance to the Central Lyon High School, street address of 400 South Seventh Avenue with one handicapped parking space located directly east and one handicapped parking space located directly west of an extension of the sidewalk running from the east entrance of the Central Lyon High School building north to South Seventh Avenue.

15. First Avenue. Two handicapped parking spaces on the south side of First Avenue with the location of these spaces described as follows: Commencing 53 feet east of the east intersection line of First Avenue and North Boone Street on the south side of First Avenue, continuing west 46 feet to a point 99 feet east of the intersection line of First Avenue and North Boone Street.

16. South Marshall Street. Two handicapped parking spaces shall be located on the west side of south Marshall Street identified as the 4th and 5th parking spaces north of the northwest corner of intersection of south 3rd Avenue and south Marshall Street.

17. SOUTH SIDE FIRST AVENUE. A handicapped parking space shall be located on the south side of First Avenue with said space described as follows: Commencing 53 feet east of the east intersection line of First Avenue and north Boone Street on the south side of First Avenue, continuing east 46 feet to a point 99 feet east of the intersection line of First Avenue and north Boone Street."

18. WEST SIDE OF MARSHALL STREET. One handicapped parking space shall be located on the west side of South Marshall Street described as the first parking space north of a point 163 feet south of the Southwest Corner of the intersection of First Avenue and South Marshall Street.

Editor's Note: Subsection 5.15(16) was added by Ordinance 592, approved by Council on July 24, 2001
Subsection 5.15(17) was added by Ordinance 598, approved by Council on November 27, 2001
Subsection 5.15(18) was added by Ordinance 604, approved by Council April 9, 2002.

5.16 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-

street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

a. Use by motor vehicle not displaying a handicapped parking permit.

b. Use by a motor vehicle displaying a handicapped permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonpoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly persons being so transported in a vehicle displaying a removable placard in accordance with section 321L.2(1b) of the Iowa Code;

c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

d. Scheduled Violation. A violation of this subsection 2 is a scheduled violation and subject to a fine of Two Hundred Dollars ($200.00).

(Code of Iowa, Sec. 805.8A(1c))

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

a. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.

b. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.

c. For a parking violation under section 321L.2A of the Code of Iowa, subsection 2, the scheduled fine is twenty dollars ($20.00).

(Code of Iowa, Sec. 805.8A(1b)

5.17 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following

specifically designated no parking zones except when necessary to avoid conflict with other traffic or officer or traffic or in compliance with the direction of a peace officer or control signal.

(Code of Iowa, Sec. 321.236 (11))

1. First Avenue on the north side from Boone Street to Greene Street.

2. First Avenue on the north and south sides from Greene Street to the West Corporate Limits.

3. First Avenue East on the north and south sides from Tama Street to the East end of Rock River Bridge.

4. North Second Avenue on the south side from North Union Street to North Story Street.

5. North Second Avenue East on the north and south sides from Rock River Bridge to the East Corporate Limits.

6. South Third Avenue on the north side from South Greene Street to South Union Street.

7. South Sixth Avenue on the south side from South Adams Street to South Union Street.

8. South Eighth Avenue on the north and south sides from South Boone Street to a point ninety (90) feet west thereof.

9. South Ninth Avenue on the south side from South Boone Street to South Greene Street.

10. South Boone Street on the east side from South Seventh Avenue to South Ninth Avenue.

11. South Carroll Street on the west side from First Avenue to South Twelfth Avenue.

12. South Greene Street on the west side from First Avenue to South Second Avenue and from South Third Avenue to South Eighth Avenue.

13. South Greene Street on the west side from South Ninth Avenue to a point one hundred eighty-nine (189) feet thereof.

14. South Greene Street on the east side from Tenth Avenue to South Twelfth Avenue.

15. South Tama Street on the west side from Fourth Avenue to South Sixth Avenue.

16. Union Street on the east and west sides from First Avenue to South Corporate Limits.

17. South Fifth Avenue on the south side from South Boone Street to a point one hundred sixty (160) feet east thereof.

18. North Union Street from First Avenue to North Second Avenue.

19. North Boone Street on the east side from First Avenue to a point one hundred forty-two (142) feet north thereof.

20. South Story Street on the west side from South Twelfth Avenue to a point three hundred ninety-five (395) feet north thereof from 2:00 p.m. to 3:30 p.m. Monday through Friday.

21. South Second Avenue on the south side from a point two hundred fifty feet west of the west line of the intersection of South Story Street and South Second Avenue, thence continuing west from said point a distance of one hundred ten feet.

22. No parking shall be permitted on the east and west sides of North East Street from the intersection of Iowa Highway No. 9 southerly to the intersection of First Avenue East

23. No parking shall be permitted on the north side of South Fourth Avenue from Tama Street to Highway 75/Union Street.

24. (a) No parking shall be permitted on the north and south sides of South Eighth Avenue from the east boundary of the intersection of South Eighth Avenue and South Greene Street to a point twenty feet (20') east from said intersection from 8:00 A.M. to 5:00 P.M. Monday through Friday.

    (b) No parking shall be permitted on the east side of south Greene Street from the south boundary of the intersection of South Greene Street and South Eighth Avenue to a point fifty-one feet (51') south from said intersection from 8:00 A.M. to 5:00 P.M. Monday through Friday.

25 No parking shall be permitted on the north side of North 4th Avenue from Story Street (the east entrance of the Pool Parking Lot) to Boone Street (the west entrance of the Pool Parking Lot).

26 No parking shall be permitted on the west side of Story Street from North 4th Avenue to a point one hundred (100) feet south thereof.

ORDINANCE NO. 690

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 1, ARTICLE 5, BY ADDING ONE NEW SECTION 5.17(28) CONCERNING NO PARKING ZONES.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title IV, Chapter 1, Article 5, Section 5.17(28) as follows:

TITLE IV, Chapter 1, Article 5, Section 5.17(28).

"No parking shall be permitted on the south side of South 12th Avenue from South Story Street to South Greene Street."

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 14th day of August, 2017.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 23rd day of August, 2017 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 23rd day of August, 2017.

_____
Jordan Kordahl, Clerk

27 No parking shall be permitted on the south side of North 4th Avenue from Story Street to a point fifty (50) feet west thereof.

28 No parking shall be permitted on the south side of South 12th Avenue from South Story Street to South Greene Street.

29 No Parking shall be permitted on the north side of South Fifth Avenue from Highway 75 / Union Street to Benton Street

30 No Parking shall be permitted on the north side of North Second Avenue from the eastside of Marshall Street to a point one hundred fifty feet west.

31 No parking shall be permitted on the north side of Tenth Avenue from Highway 75 / Union Street to a point of four hundred sixty-five feet west of Marion Street.

32 No parking shall be permitted on the south side of Tenth Avenue from Highway 75 / Union Street to a point of three hundred fifty feet west of Marion Street.

33 No parking shall be permitted on South Greene St on the west side from South Eighth Avenue to South Ninth Avenue.

Editor's Note: Subsection 5.17(23) was added by Ordinance 595, approved by Council on September 5, 2001. Subsection 5.17(24) was added by Ordinance 606, approved by Council on May 14, 2002. Subsections 5.17(25-27) was added by Ordinance 638, approved by Council on November 24, 2008 Subsection 5.17(28) was added by Ordinance 690, approved by Council on August 14, 2017. Subsection 5.17 (29&30) was added by Ordinance 722, approved by Council on November 22, 2023 Subsection 5.17 (31&32) was added by Ordinance 730, approved by Council on October 22, 2025 Subsection 5.17 (33) was added by Ordinance 733, approved by Council on January 21, 2026

5.18 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets for a period of time longer than thirty (30) minutes between the hours of two (2) o'clock a.m. and six (6) o'clock a.m. of any day.

(Code of Iowa, Sec. 321.236 (11))

1. First Avenue from Tama Street to Boone Street.

2. First Avenue from Boone Street to Greene Street on the south side.

3. Marshall Street from North Second Avenue to South Third Avenue.

4. Story Street from North Second Avenue to South Third Avenue.

5. Boone Street from First Avenue to North Second Avenue.

6. South Second Avenue from South Tama Street to a point one hundred fifty (150) feet east of South Greene Street.

7. North Second Avenue from North Boone Street to North Marshall Street.

8. South Third Avenue from South Marshall Street South to South Boone Street.

9. South Tama Street from First Avenue to South Second Avenue.

5.19 PARKING ON PRIVATE PROPERTY. If is unlawful for any person to park a motor vehicle on private property not his own without the consent of the owner of the property, his agent or other person in charge thereof.

5.20 VEHICLES ON PRIVATE PROPERTY. Section 5.19 prohibiting the unlawful parking of a vehicle on private property, in addition to any other remedy available, may be enforced as follows:

1. REMOVAL – IMPOUNDING. When any vehicle is found parked in violation of Section 6.19 the police are authorized to remove, or have removed, at the request of the owner, his agent, or other person in charge or when signs are erected and the vehicle is known to be parked illegally on the private property and have the vehicle towed to an authorized place of storage. The person responsible for the vehicle shall pay the reasonable cost of towing and storage.

2. PENALTY. In addition to the remedy of removal of the vehicle which is parked in violation of Section 5.19, the police shall issue a parking ticket, payable at the city clerk's office before the motor vehicle may be released by the person in charge of the storage of the impounded vehicle. The clerk shall provide the necessary form or use a receipted copy of the parking ticket to authorize such release. The fee in satisfaction of penalty shall be five (5) dollars.

3. ALTERNATE PROCEDURE. The police may, in the alternative, when conditions warrant, only attach or give a parking ticket if the violation has not extended over four (4) hours, or likely to so extend for such a period, and not cause the vehicle to be removed if the use of the property by the owner, his agent or other person in charge thereof is not prevented.

4. MISDEMEANOR. The violation of Section 5.19 shall be deemed a misdemeanor if the fine is not paid within three (3) days. The violation of the alternate procedure set out in Section 5.20(3) shall be deemed a misdemeanor if the fine is not paid within five (5) days, Nonpayment of fines within the above described time limits shall be cause for the police to write a summons to the violator to appear in the appropriate court.

CHAPTER 1: TRAFFIC CODE

ARTICLE 6 – STOP AND YIELD

6.01 Vehicles Entering Stop Intersection
6.02 Through Street Stops
6.03 Stop Intersections
6.04 Official Traffic Controls
6.05 Stop When Traffic is Obstructed
6.06 Stop Before Crossing Sidewalk
6.07 School Stops
6.08 Vehicles Entering Yield Intersection
6.09 Special Yield Required
6.10 Yield To Pedestrians in Crosswalks

6.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway 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.

(Code of Iowa, 321.322(1))

6.02 THROUGH STREET STOPS. Every driver of a vehicle shall stop, unless a yield is permitted by this article, before entering an intersection with the following designated through streets:

(Code of Iowa, Sec. 321.345 & 321.350)

1. First Avenue or Main Street from the West Corporate Limits to Tama Street.
2. First Avenue East from Tama Street to the East end of the Rock River Bridge.
3. North Second Avenue East from the East end of the Rock River Bridge to the East Corporate Limits.
4. South Union Street from First Avenue to the South Corporate Limits.
5. South Carroll Street from First Avenue to South 15th Avenue.
6. East Street from North Second Avenue East to the South Corporate Limits.

6.03 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:

1. Park Street. Vehicles traveling south on Park Street shall stop at North Fourth Avenue.

2. North Story Street. Vehicles traveling south on North Story street shall stop at North Fourth Avenue.

3. South Boone Street. Vehicles traveling north on South Boone Street shall stop at South Seventh Avenue.

4. North Second Avenue. Vehicles traveling west on North Second Avenue shall stop at North Union Street.

5. South Boone Street. Vehicles traveling north on South Boone Street shall stop at South Third Avenue.

6. North Second Avenue. Vehicles traveling east on North Second Avenue shall stop at North Story Street.

7. South Second Avenue and South Greene Street. Vehicles Traveling north and south on South Greene Street and east and west on South Second Avenue shall stop at the intersection of South Second Avenue and South Greene Street.

8. South Third Avenue and South Marshall Street. Vehicles traveling north and south on South Marshall Street and east and west on South Third Avenue shall stop at the intersection of South Third Avenue and South Marshall Street.

9. South Seventh Avenue and South Greene Street. Vehicles traveling north and south on South Greene Street and east and west on South Seventh Avenue shall stop at the intersection of South Seventh Avenue and South Greene Street.

10. South 12th Avenue and South Carroll Street. Vehicles traveling north and south on South Carroll Street and east and west on South 12th Avenue shall stop at the intersection of South Carroll Street and South 12th Avenue.

11. South 12th Avenue and South Tama Street. Vehicles traveling north and south on South Tama Street and east on South 12th Avenue shall stop at the intersection of South 12th Avenue and South Tama Street.

12. South 9th Avenue and South Tama Street. Vehicles traveling north and south on South Tama Street and east on South 9th Avenue shall stop at the intersection of South 9th Avenue and South Tama Street.

ORDINANCE NO. 676

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 1, ARTICLE 6, BY ADDING NEW SECTIONS 6.03(14) AND 6.03(15) CONCERNING STOP INTERSECTIONS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title IV, Chapter 1, Article 6, Section 6.03(14) as follows:

TITLE IV, Chapter 1, Article 6, Section 6.03(14).

"South 2nd Avenue and South Story Street. Vehicles traveling north and south on South Story Street and east and west on South 2nd Avenue shall stop at the intersection of South 2nd Avenue and South Story Street."

Section 2. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title IV, Chapter 1, Article 6, Section 6.03(15) as follows:

TITLE IV, Chapter 1, Article 6, Section 6.03(15).

"First Avenue East. Vehicles traveling east and west on First Avenue East shall stop at South Lincoln Street."

Section 3. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 26th day of September, 2016.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 5th day of October, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 5th day of October, 2016.

_____
Jordan Kordahl, Clerk

ORDINANCE NO. 698

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 1, ARTICLE 6, BY ADDING A NEW SECTION 6.03(16) CONCERNING STOP INTERSECTIONS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title IV, Chapter 1, Article 6, Section 6.03(16) as follows:

TITLE IV, Chapter 1, Article 6, Section 6.03(16).

"North 2nd Avenue and North Story Street. Vehicles traveling west on North 2nd Avenue shall stop at the intersection North 2nd Avenue and North Story Street."

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 9th day of July, 2018.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 18th day of July, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 18th day of July, 2018.

_____
Jordan Kordahl, Clerk

13. South 2nd Avenue and South Marshall Street. Vehicles traveling north and south on South Marshall Street and east and west on South 2nd Avenue shall stop at the intersection of South 2nd Avenue and South Marshall Street

Editor's Note: Subsection 6.03(12) was added by Ordinance 625, approved by Council on August 14, 2007. Subsection 6.03(13) was added by Ordinance 627, approved by Council on April 14, 2008

6.04 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic – control signals at the following intersections:

1. Intersection of First Avenue and Story Street.

2. Intersection of First Avenue and Union Street.

6.05 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating.

6.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area, and thereafter he shall proceed into the sidewalk area only when he can do so without danger to pedestrian traffic and he shall yield the right of way to any vehicular traffic on the street into which his vehicle is entering.

(Code of Iowa, Sec. 321.353)

6.07 SCHOOL STOPS. At school crossing zones approved by the council, every driver of a vehicle approaching said zone shall bring his vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until he shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

6.08 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions, and if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, Sec. 321.322(2)))

6.09 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

1. South Second Avenue. Vehicles traveling on South Second Avenue shall yield at South Adams Street.

2. South Bradley Street. Vehicles traveling South on South Bradley Street shall yield at South Third Avenue.

3. South Third Avenue. Vehicles traveling on South Third Avenue shall yield at South Greene Street.

4. North Fourth Avenue. Vehicles traveling west on North Fourth Avenue shall yield at North Boone Street.

5. North Second Avenue. Vehicles traveling on North Second Avenue shall yield at North Boone Street.

6. South Tama Street. Vehicles traveling west on Mill Pond Road shall yield at South Tama Street.

7. South Second Avenue. Vehicles traveling east on South Third Avenue shall yield at South Tama Street.

8. South Third Avenue. Vehicles traveling east on South Third Avenue shall yield at South Tama Street.

9. South Fourth Avenue. Vehicles traveling east on South Fourth Avenue shall yield at South Tama Street.

10. South Fifth Avenue. Vehicles traveling east on South Fifth Avenue shall yield at South Tama Street.

11. South Sixth Avenue. Vehicles traveling east on South Sixth Avenue shall yield at South Tama Street.

12. South Ninth Avenue. Vehicles traveling east on South Ninth Avenue shall yield at South Tama Street.

13. South Tenth Avenue. Vehicles traveling east on South Tenth Avenue shall yield at South Tama Street.

14. South Greene Street. Vehicles traveling south on South Greene Street shall yield at South Twelfth Avenue.

15. South Story Street. Vehicles traveling south on South Story Street shall yield at South Twelfth Avenue.

16. South Marshall Street. Vehicles traveling south on South Marshall Street shall yield at South Twelfth Avenue.

17. Briar Lane. Vehicles traveling east on Briar Lane shall yield at South Tama Street.

18. Old Mill Lane. Vehicles traveling east on Old Mill Lane shall yield at South Tama Street.

19. South Second Avenue, East. Vehicles traveling west on South Second Avenue, East shall yield at South Tama Street.

20. South Third Avenue, East. Vehicles traveling west on South Third Avenue, East shall yield at South Tama Street.

21. South Fourth Avenue, East. Vehicles traveling west on South Fourth Avenue, East shall yield at South Tama Street.

22. South Fifth Avenue, East. Vehicles traveling west on South Fifth Avenue, East shall yield at South Tama Street.

23. South Sixth Avenue, East**.** Vehicles traveling west on South Sixth Avenue, East shall yield at South Tama Street.

24. South Seventh Avenue. Vehicles traveling east on South Seventh Avenue shall yield at South Marshall Street.

25. O'Leary Lane. Vehicles traveling east on O'Leary Lane shall yield at South Green Street.

26. S 4th Ave. Vehicles traveling east and west on South 4th Ave shall yield at South

Dickinson Street **Editor's Note: Subsection 6.09(26) was added by Ordinance 721, approved by Council on July 19, 2023.**

27. Cedar Lane. Vehicles traveling east on Cedar Lane shall yield at South Tama St. **Editor's Note: Subsection 6.09(27) was added by Ordinance 734, approved by Council on April 13, 2026.**

28. 15th Ave. Vehicles traveling east on 15th Ave shall yield at South Tama St. **Editor's Note: Subsection 6.09(28) was added by Ordinance 734, approved by Council on April 13, 2026.**

6.10 YIELD TO PEDESTRIANS IN 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 stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

CHAPTER 1: TRAFFIC CODE

ARTICLE 7 – ONE WAY STREETS

7.01 One Way Traffic Required **7.02 Authority To Restrict Direction Of Movement**

7.01 ONE WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction when appropriate signs are in place. (Code of Iowa, 1981, Sec. 321.236(4))

1. All alleys in Blocks 12, 13, 14, and 15, Original Town, shall be south bound.

2. All alleys in Blocks 2, 3 and 4, Original Town, shall be north bound.

3. Park Street, from its beginning at the intersection of North Second Avenue and North Marshall Street, to its intersection with North Fourth Avenue, except that recreational vehicles may enter at North Fourth Avenue and cautiously proceed in the opposed direction to the camp site areas.

7.02 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT. The police chief is authorized to determine and recommend to the council certain streets, or specified lanes upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall upon authority given by ordinance place and maintain appropriate markings, signs, barriers or other devices to give notice.

1. ERECT SIGNS. The police chief may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

2. VIOLATION. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

3. STREETS LISTED. The following streets may have variable lanes or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

"None"

CHAPTER 1: TRAFFIC CODE

ARTICLE 8 – TRAFFIC CONTROL DEVICES

8.01 Installation
8.02 Crosswalks
8.03 Traffic Lanes
8.04 Standards
8.05 Compliance
8.06 Moving or Damaging Device

8.01 INSTALLATION. The Council shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this City to make effective its provisions; emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic code of this City or under state law, or to guide or warn traffic. The Council shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254, 321.236(2) & 321.255)

8.02 CROSSWALKS. The Mayor or his designee is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13(4), 321.236(2) & 321.255)

8.03 TRAFFIC LANES. The Council or its designee is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 321.255 & 372.13(4))

8.04 STANDARDS. Traffic control devices shall comply with standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

8.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

8.06 MOVING OR DAMAGING DEVICE. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City.

CHAPTER 1: TRAFFIC CODE

ARTICLE 9 – LOAD AND WEIGHT REQUIREMENTS

9.01 Temporary Embargo **9.03 Truck Routes**
9.02 Permits For Excess Size And Weight

9.01 TEMPORARY EMBARGO. If the Council by resolution declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.

(Code of Iowa, Sec. 321.471 & 321.472)

9.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The City Clerk or Clerk's designee may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by state law or City ordinance over those streets named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

9.03 TRUCK ROUTES. The following shall apply to the movement of trucks upon City streets:

1. THROUGH TRUCKS. Every motor vehicle weighing six (6) tons or more, when loaded or empty, having no fixed terminal within the city or making no scheduled or definite stops within the city for the purpose of loading or unloading shall travel over or upon the following streets within the city and none other:

   A. Union Street from South Corporate Limits to North Corporate Limits.

   B. First Avenue from West Corporate Limits to Tama Street.

   C. First Avenue East from Tama Street to East end of the Rock River Bridge.

   D. North Second Avenue East from East end of the Rock River Bridge to East Corporate Limits.

   E. East Street from South Corporate Limits to North Corporate Limits.

F. Boone Street from First Avenue to North Corporate Limits.

G. Twelfth Avenue from Union Street to West Corporate Limits.

H. South Third Avenue from Union Street to Tama Street.

I. Tama Street from First Avenue to South Third Avenue.

2. TRUCKS WITH SCHEDULED STOPS. Any motor vehicle weighing six (6) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the city for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

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

(Code of Iowa, Sec. 321.472)

CHAPTER 1: TRAFFIC CODE

ARTICLE 10 – PEDESTRIANS

10.01 Use Sidewalks
10.02 Walking In Street
10.03 Pedestrian Crossing
10.04 Hitch Hiking

10.01 USE SIDEWALKS. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

10.02 WALKING IN STREET. Where sidewalks are not provided, pedestrians shall at all times when walking on or along a street, walk on the left side of the street, or facing traffic on one-way streets.

(Code of Iowa, Sec. 321.326)

10.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

10.04 HITCH HIKING. No person shall stand in the travelled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE 11 – BICYCLES

11.01 Effect Of Regulations
11.02 Traffic Code Applicable
11.03 Riding on Bicycles
11.04 Riding on Roadways & Bicycle Paths
11.05 Riding on Sidewalks
11.06 Speed
11.07 Emerging From Alley or Driveway
11.08 Parking
11.09 Carrying Articles
11.10 Equipment on Bicycles
11.11 Rental Agencies

11.01 EFFECT OF REGULATIONS. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
(Code of Iowa, Sec. 321.236(10))

11.02 TRAFFIC CODE APPLICABLE. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.
(Code of Iowa, Sec. 321.234)

11.03 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

11.04 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. The following shall also apply:

1. NOT MORE THAN TWO ABREAST. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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

11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a

business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to

any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(Code of Iowa, Sec. 321.236(10))

11.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

11.07 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of- way to all vehicles approaching on said roadway.

11.08 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building, in such a manner as to afford the least obstruction to pedestrian traffic.

11.09 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

11.10 EQUIPMENT ON BICYCLES. No person shall operate a bicycle unless it is equipped with the following equipment:

1. LAMP. A bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a red reflector on the rear of a type which shall be visible from at least three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of three hundred (300) feet to the rear may be used in addition to the red reflector.

2. BRAKE. A brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

11.11 RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and an indicia is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this article.

TITLE IV

CHAPTER 1: TRAFFIC CODE

ARTICLE 12 – ENFORCEMENT

12.01 Arrest or Citation
12.02 Parking Violations
12.03 Presumption In Reference to Illegal Parking
12.04 Impounding Vehicles

12.01 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. IMMEDIATE ARREST. Immediately arrest such person and take him before a local magistrate.

2. ISSUE CITATION. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the city law enforcement agency.

(Code of Iowa, Sec. 805.6 & 321.485)

12.02 PARKING VIOLATIONS. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine in accordance with the following schedule, payable at the office of the city clerk.

1. Overtime parking – First offense $25.00

2. Overtime parking – Second and successive offenses within the same month $25.00

3. Parking in violation of the ban on overnight parking under Title 4, Chapter 1, Article 5. ..... $25.00

4. For any other violation described in this chapter $25.00

Editor's Note: Section 12.02 Parking Violations fines were changed at time of updating the City Code in 2016.

12.03 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that the particular vehicle described in the information was parked in violation of this chapter, and the defendant named in the information was the registered owner at the time in question.

12.04 IMPOUNDING VEHICLES. A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

1. DISABLED VEHICLE. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
   (Code of Iowa, Sec. 321.236(1))

2. ILLEGALLY PARKED VEHICLE. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
   (Code of Iowa, Sec. 321.236(1))

3. PARKED OVER SEVENTY- TWO HOUR PERIOD. When any vehicle is left parked upon a street for a continuous period of seventy-two (72) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle.
   (Code of Iowa, Sec. 321.236(1))

4. COSTS. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.
   (Code of Iowa, Sec. 321.236(1))

5. PARKING DURING SNOW REMOVAL OPERATIONS. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street, alley or city owned off-street parking areas during snow removal operations between the hours of 2:00 A.M. and 6:00 A.M. from November 1st to April 1st.

TITLE IV

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 13 – STREET AND ALLEY REGULATIONS

13.01 Obstructing or Defacing Streets
13.02 Injuring New Pavement
13.03 Placing Debris on Streets
13.04 Removal of Warning Devices
13.05 Use of Street Area
13.06 Dumping of Snow
13.07 Traveling on Barricaded Street Prohibited
13.08 Playing In Streets
13.09 Washing Vehicle on Streets Prohibited
13.10 Use of Streets For Business Purposes
13.11 Operation of Golf Carts on City Streets
13.12 Burning Prohibited
13.13 Maintenance of Parking or Terra
13.14 Failure to Maintain Parking or Terrace
13.15 Driveway Culverts
13.16 Discharging Water Onto Streets
13.17 Sign Post
13.18 Building Material

13.01 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner.

(Code of Iowa, Sec. 716.6)

13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

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

13.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

13.04 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed for the purpose of guarding or enclosing unsafe or dangerous places in a highway, street, alley, avenue or bridge without the consent of the person in control.

(Code of Iowa, Sec. 716.6)

13.05 USE OF STREET AREA. No person shall hereafter construct, keep or maintain any opening, areaway, stairway, coal hole, gasoline tank or pump, loading platform, gates or doors, or any rooms or excavations over or under any part of any public street, alley, or other public property, without the consent of the council, and such consent shall only be given upon written application therefor accompanied by such plan or description as the council may require of the nature and kind of space which is desired to be kept or

maintained and the purpose and use to be made thereof.

13.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition, except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time, and except that nothing shall be deemed to prohibit the shoveling of snow from the sidewalks in the central business district into the street.

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

13.07 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street or public way temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

13.08 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by authority of the police chief for such purposes.

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

13.09 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when much work is done for hire or as a business. This shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when it is lawfully parked in the street.

13.10 USE OF STREETS FOR BUSINESS PURPOSES. Except during snow removal operations as provided by city code, it shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street, without permission of the council.

~~13.11 OPERATION OF GOLF CARTS ON CITY STREETS. Upon approval of a written application, a person with a valid motor vehicle license may operate a golf cart upon the city streets within the corporate limits of the city. A golf cart shall not be operated upon a city street which is a primary road extension through the city, but shall be allowed to cross a city street which is a primary road extension through the city as long as such operation can be performed safely. A golf cart shall be equipped with a slow moving vehicle sign and a bicycle safety flag and only operated on city streets between sunrise and sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet all other safety requirements. Said Ordinance is enacted to implement Iowa Code Section 321.247.~~

ORDINANCE NO. 739

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY AMENDING TITLE IV, CHAPTER 2, ARTICLE 13, SUBSECTION 13.11 CONCERNING OPERATION OF GOLF CARTS ON CITY STREETS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. Title IV, Chapter 2, Article 13, Subsection 13.11 concerning Operation of Golf Carts on City Streets of the Municipal Code of Rock Rapids, Iowa, is hereby deleted in its entirety and replaced as follows

13.11 OPERATION OF GOLF CARTS ON CITY STREETS.

(1) Upon approval of a written application, a person with a valid motor vehicle license may operate a golf cart upon the city streets within the corporate limits of the city. A golf cart shall not be operated upon a city street which is a primary road extension through the city, but shall be allowed to cross a city street which is a primary road extension through the city as long as such operation can be performed safely. A golf cart shall be equipped with a slow moving vehicle sign and a bicycle safety flag and only operated on city streets between sunrise and sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet all other safety requirements. A person who violates this Subsection commits a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A, subsection 3. Said Ordinance is enacted to implement Iowa Code Section 321.247 and hereby incorporates Iowa Code Sections 321.247 and 805.8A, subsection 3 by reference.

(2) Upon approval of a written application, the city shall issue a permit sticker for display on the permitted golf cart. A golf cart shall at all times display the permit sticker obtained from the City of Rock Rapids on the upper left corner of the driver's side windshield of the golf cart, or if not equipped with a windshield, on the left front bumper of the golf cart. All approvals granted pursuant to the requirements contained herein and permit stickers issued as a result thereof expire on December 31 of the year in which the approval was granted. All approvals must be renewed by January 31 of the following year, and a new permit sticker issued, in order to remain valid. Persons who fail to comply with the provisions set forth in this Subsection shall be guilty of a simple misdemeanor and subject to a scheduled fine of $65.00 for each offense committed in violation hereof. The scheduled fine so imposed is in addition to any applicable surcharges and court costs assessed by the Court.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective from and after its final passage,

approval, and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of August, 2026.

_____
By: Jason Chase, Mayor
ATTEST:

_____
Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of September, 2026, in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of September, 2026.

Melissa Van Holland, Clerk

13.12 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street.

13.13 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lilies upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

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

13.14 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the city may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 1977. Sec. 364.12 (2e))

13.15 DRIVEWAY CULVERTS. The city shall, at its own expense, install any culvert deemed necessary under any driveway or any other access to private property, except that the property owner shall reimburse the city for the actual cost of the culvert pipe. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event he fails to do so, the city shall have the right to make the repairs. If the property owner fails to reimburse the city for the cost of said repairs or the cost of the original culvert pipe, the cost shall be certified to the county treasurer and specially assessed against the property as by law provided.

13.16 DISCHARGING WATER ONTO STREETS. No person shall cause or permit any water spout, trough, gutter or balcony extending from any building owned or leased to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted under the sidewalk in accordance with plans of the street commissioner or city engineer, and under his direction.

13.17 SIGN POST. No person shall erect or maintain any sign post, mail box, or other post or pole for any purpose on any street or alley right-of-way, except by permission of the council.

13.18 BUILDING MATERIAL. No person shall place or deposit any building material in any street without a written permit from the mayor, subject to revocation by the council, to use part of the street, in front of or adjacent to the lot whereon a building is to be erected, for depositing thereon the materials for such building, but all material shall be placed in such a manner as not to obstruct the gutters of the street. The person occupying a portion of the street shall at all times enclose or guard the same in such a

manner as to protect persons and animals from injury thereby, and with warning lights placed and burning through the entire night.

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 14 - NAMING OF STREETS

14.01 Naming New Streets
14.02 Recording Street Names
14.03 Official Street Name Map
14.04 Revision Of Street Name Map
14.05 Changing Name Of Street

14.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. EXTENSION OF EXISTING STREET. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.

2. ORDINANCE. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

3. STREET COMMISSION. Proposed street names shall be referred to the Council for review and recommendation before placing on plats or presentation of a street name ordinance, or placing on the official map.

14.02 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the county recorder and County Auditor.

(Code of Iowa, Sec. 354.26)

14.03 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this article. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 14.03 of Title IV of the Municipal Code of Rock Rapids, Iowa.

14.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On June 1996, by official action of the City Council, the following change(s) were made in the Official Street Name Map: “City of Rock Rapids, Iowa” which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

14.05 CHANGING NAME OF STREET. The Council may by ordinance change the name of a street.

(Code of Iowa, Sec. 592.7)

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 15 - VACATION AND DISPOSAL

15.01 Power to Vacate
15.02 Notice of Vacation Hearing
15.03 Findings Required
15.04 Disposal of Streets Or Alleys
15.05 Disposal By Gift Limited

15.01 POWER TO VACATE. When in the judgment of the Council it would be in the best interest of the City to vacate a street or alley, or portion of a street or alley, they may do so in accordance with the provisions of this article.
(Code of Iowa, Sec. 364.12(2a))

15.02 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing, at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days nor less than 10 days prior to the date set for the hearing.

15.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley shall be vacated unless the Council finds that:

1. PUBLIC USE. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. ABUTTING PROPERTY. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.
(Code of Iowa, Sec. 364.15)

15.04 DISPOSAL OF STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion of a street or alley, they may do so by resolution following notice and hearing.
(Code of Iowa, Sec. 364.7)

15.05 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose.
(Code of Iowa, Sec. 364.7(3))

15.06 ALLEYS VACATED.

1. The 20-foot alley running east and west through Block Seven (7), of Moon's Addition to the city of Rock Rapids, Lyon County, Iowa, is hereby vacated.

2. "The East Seven Feet (E.7') of the West Twenty Feet (W.20') of the North Seventy-seven Feet (N.77') of Lot One (1), in Block Five (5), of Bradley's Addition to the Town of Rock Rapids, Lyon County, Iowa, which constitutes the East Seven Feet (E.7') of the alley conveyed to the City of Rock Rapids by Deed filed April 11th, 1950."

3. The Twenty Foot Alley running North and South, lying West of Lots Four (4), Five (5), and Six (6), and East of Lots Seven (7), Eight (8), and Nine (9), in Block Forty (40) of Smith's Addition to the Town (now City) of Rock Rapids, Lyon County, Iowa, is hereby vacated.

Editor's Note: A new Section 15.06(1) was added by Ordinance 597, approved by Council on October 31, 2001.
A new Section 15.06(2) was added by Ordinance 611, approved by Council on June 24, 2003.
A new Section 15.06(3) was added by Ordinance 618, approved by Council on August 10, 2004.

ORDINANCE NO. 692

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, BY AMENDING TITLE IV, CHAPTER 2, ARTICLE 15, SECTION 15.06 BY ADDING SECTION 15.06 (4) VACATING A PORTION OF AN ALLEY.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title IV, Chapter 2, Article 15, Section 15.06 (4) as follows:

15.06 ALLEYS VACATED.

4. The South 120 feet of the Twenty-Foot Alley running North and South, lying West of Lots Five (5) and Six (6) and East of Lots Seven (7) and Eight (8) in Block Eight (8) of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa, is hereby vacated."

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 8th day of January, 2018.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 17th day of January, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 17th day of January, 2018.

_____
Jordan Kordahl, Clerk

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 16 - STREET GRADES

16.01 Purpose
16.02 Definitions
16.03 Paving Material
16.04 Commercial Alleys
16.05 Residential Alleys
16.06 Improvement Costs - Commercial Alleys
16.07 Improvement Costs - Residential Alleys
16.08 Application to Improve
16.09 Maintenance - Commercial Alley
16.10 Maintenance - Residential Alleys
16.11 Maintenance - Unimproved Alleys
16.12 Alleys Not Maintained
16.13 Dust Treatment
16.14 Exception to Alley Improvement & Maintenance

16.01 PURPOSE. The purpose of this article is to establish policy relative to improving and maintaining public alleys.

16.02 DEFINITIONS. For use in this article, the following terms are defined:

1. "ALLEY": shall mean a public right-of-way, other than a street, thirty (30) feet or less in width affording secondary means of access to abutting property.

2. "COMMERCIAL ALLEY": shall mean any of the following alleys, to the exclusion of all other alleys:

   The seven (7) alleys running north-south located in block Two (2), Block Three (3), Block Four (4), Block Twelve (12), Block Thirteen (13), Block Fourteen (14), and Block Fifteen (15), Original Town, Rock Rapids, Lyon County Iowa.

3. "RESIDENTIAL ALLEY": shall mean any alley which is not a commercial alley.

4. "ALLEY LINE": shall mean the place where the public right-of-way meets the private property line.

5. "CITY ENGINEER": shall mean any individual or appointed, approved or hired by the city council who has been issued a properly executed certificate of registration entitling him to practice as an engineer in the State of Iowa.

6. "IMPROVED ALLEY": shall mean any alley or part thereof which has been paved with six (6) inch thick Portland cement concrete as approved by the council. A residential alley in the same block may be partially improved and partially unimproved.

16.03 PAVING MATERIAL. All alleys that are improved must be paved with six (6) inch thick Portland cement concrete. Asphaltic concrete paving will not be permitted.

16.04 COMMERCIAL ALLEYS. All commercial alleys shall be paved from alley line to alley line with proper expansion joints, as determined by the city engineer, placed at the alley line when said improvement is to abut any building wall or foundation, sidewalk, driveway, or similar object restricting the normal expansion of the alley paving.

16.05 RESIDENTIAL ALLEYS. Only twelve (12) feet of a residential alley shall be improved (six feet on either side of the center line). An abutting property owner may construct a six (6) inch Portland cement concrete slab or an approach from the edge of the alley paving to the alley line provided proper expansion joints are placed as required by the city engineer. Any residential alley less than sixteen (16) feet in width shall not be improved.

16.06 IMPROVEMENT COSTS - COMMERCIAL ALLEYS. The cost of construction or reconstruction of commercial alleys shall be assessed in full to the abutting property owners. The city will establish the grade, design the improvement, and construct any underground storm water drainage pipe or structures, but concrete removal and replacement as well as necessary grading and adjustment of existing facilities will be the responsibility of the abutting property owner. The entire length of a commercial alley must be constructed or reconstructed at the same time, as opposed to any segment thereof unless the reconstruction is determined to be a repair.

16.07 IMPROVEMENT COSTS - RESIDENTIAL ALLEYS. The cost of construction or reconstruction of residential alleys shall be assessed in full to the abutting property owners. The city will establish the grade and design the improvement. The costs associated with establishing the grade will be paid by the city and design costs will be the responsibility of the property owner. Concrete removal, concrete placement, grading, and adjustment or relocation of any existing facilities will be the responsibility of the abutting property owner, under the direction of the city engineer. However, the city will assume all costs of construction of any underground storm water drainage pipe or structures required.

16.08 APPLICATION TO IMPROVE. Application for improvement of any alley or part thereof shall be submitted to the council. Said application shall be referred to the city engineer for review and comment. The council shall order plans and specifications prepared for projects deemed feasible and all Improvements shall be installed under the supervision of the city engineer.

An application may be submitted by an individual property owner to improve the residential alley abutting his property; by the owners of sixty (60) percent or more of the property abutting an alley or the application may originate with the city council.

16.09 MAINTENANCE - COMMERCIAL ALLEY. The city will maintain all commercial alleys, said maintenance to include the following:

1. Patching of holes and filling of cracks with approved material.

2. Sweeping with mechanical sweeper.

3. Removal of snow accumulations.

16.10 MAINTENANCE - RESIDENTIAL ALLEYS. The city will maintain improved residential alleys as follows:

1. Patching of holes and filling of cracks with approved material.

2. Sweeping with mechanical sweeper where entire length of alley is improved.

3. Plow snow with v-plow.

16.11 MAINTENANCE - UNIMPROVED ALLEYS. The city will maintain unimproved alleys as follows:

1. Grade alley once each year, if needed.

2. Gravel alley once each year, if needed.

3. Plow snow with v-plow.

16.12 ALLEYS NOT MAINTAINED. The city will not maintain any public alley ten (10) feet or less in width.

16.13 DUST TREATMENT. The city will not provide nor apply any oil, water, chemical, or other substance for the purpose of attempting to temporarily control dust in any unimproved alley. A property owner may not apply oil, water, or chemical dust control agents without the approval of the city administrator. Seal coat, chip seal or similar temporary surfaces will not be allowed to be placed on any unimproved alleys.

16.14 EXCEPTION TO ALLEY IMPROVEMENT AND MAINTENANCE. The alley running north and south through Block 22, Town of Rock Rapids, Lyon County, Iowa, may be improved in total or in part with asphaltic concrete paving. The maintenance for that portion of said alley so improved, which shall consist of patching of holes and filling of cracks with approved material, shall be the responsibility of the abutting property owner."

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 17 - DRIVEWAYS

17.01 Definitions
17.02 Permit
17.03 Permit Required
17.04 Where Applicable
17.05 Plan Filed
17.06 Relocation of Utilities
17.07 Limitation on Number, Size, Width & Location of Driveways
17.08 Driveways In Residential Districts To Be Paved
17.09 Sidewalk Incorporated Into Driveway
17.10 Curbing Required
17.11 Curbing Along Driveways
17.12 Cutting of Curbs
17.13 End of Drive Defined
17.14 Sidewalk Grades
17.15 Excavation, Trenching & Backfilling
17.16 Safety Barricading
17.17 Excavation & Trenching
17.18 Backfilling
17.19 Completion By City
17.20 Cash Bond For Cutting Pavement
17.21 Excavations Near Streets
17.22 Removing Earth
17.23 Restoring Excavations of Street Cuts
17.24 Established Grades
17.25 Records Maintained
17.26 Inspection & Approval
17.27 Rules

17.01 DEFINITIONS. For use in this article the following terms are defined:

1. "DRIVEWAY" shall mean that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

2. "PAVING" shall include any kind of hard surfacing including, but not limited to, portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. "Paving" shall not include surfacing with oil, unstabilized gravel, oil and gravel, or chloride.

17.02 PERMIT. A written permit shall be obtained from zoning officer before any person shall construct or repair a driveway.

1. APPLICATION. A written application for the permit shall be filed with the city clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. No other plan shall be followed except by written permission of the board of adjustments who may allow amendments to the application or permit which do not conflict with this article.

2. ISSUANCE. The city clerk shall issue the permit, bearing his signature and the date of issuance, if the proposed plan meets all of the requirements of this article, if the fee required under this article has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk

for public travel or drainage, or create any defect.

3. FEE. The applicant shall pay a fee of $2.00 per $1,000.00 value of the project, with a minimum fee of $10.00 and a maximum fee of $500.00. However, there is a flat fee of $10.00 for a sidewalk.

4. EXPIRATION. Each permit shall expire within two (2) years under the condition the project starts within six (6) months from the date of issuance, if not constructed within that time.

5. REVOCATION. The city administrator may at any time revoke the permit for any violation of this article and may require that the work be stopped.

17.03 PERMIT REQUIRED. No curb shall be cut or changed and no parking or public property shall be used for a driveway or parking without first obtaining a permit therefor from the city. No such permit shall be granted until the permit has been approved by an authorized officer and unless application therefor conforms to this division and to all other ordinances of the city.

17.04 WHERE APPLICABLE. The provisions of this article shall be applicable to all future driveways into filling stations, parking lots, drive-in service, or other businesses which are used by customers or the public in general, and residential homes; and to all existing drives from and after September 5, 1973.

17.05 PLAN FILED. Before any permit required by this article shall be granted, the applicant therefor shall file with the authorized city officer a plat and plan of the area to be improved which plan shall be drawn accurately to scale of not less than one-eighth (1/8) inch to one (1) foot, and with all principal driveways shown.

17.06 RELOCATION OF UTILITIES. Wherever there may be encountered in the street or parking, any cables, service poles, water mains, valve or curb stop boxes, manholes, drain inlets, or other utilities, the applicant for the permit required shall obtain the written permission of an authorized city officer for any change necessary therein and the reasonable expenses and cost of all such changes shall be paid by the applicant.

17.07 LIMITATION ON NUMBER, SIZE, WIDTH AND LOCATION OF DRIVEWAYS. There shall be not more than two (2) driveways on any one (1) street frontage of one hundred fifty (150) feet or less, nor more than three (3) driveways for any one (1) street frontage of over one hundred fifty (150) feet, for any gasoline filling stations, parking lot, drive-in-service, or other business which invites the use of the driveway by its customers or members of the public generally. No driveway for any such business shall be less than twenty (20) feet, nor more than twenty-five (25) feet in width measured at the curb. Where there are two (2) or three (3) driveways on one (1) street frontage, there shall be a safety zone between such driveways of not less than ten (10) feet measured at the property line. No residential driveway shall be less than twelve (12) feet at the property line. For a one or two stall garage, or for driveway or parking area only with no garage,

no residential driveway shall be more than twenty-five (25) feet wide at the property line plus up to three (3) feet of flare on each side. For a three or more stall garage, no residential driveway shall be more than forty-two (42) feet wide at the property line including any and all flares. Applications for residential driveways that exceed the maximum allowable width shall be subject to approval by the City Council.

In no event shall the curb for a driveway be cut except in front of the property for which the driveway is to be used and no driveway shall be within five (5) feet of any intersection. sidewalk or crosswalk at the property line.

Editor's Note: Section 17.07 Limitation On Number, Size, Width And Location Of Driveways was amended at time of 2016 Codification.

17.08 DRIVEWAYS IN RESIDENTIAL DISTRICTS TO BE PAVED. All driveways in the residential districts of the city shall be paved from gutter to walk, with Portland cement concrete.

17.09 SIDEWALK INCORPORATED INTO DRIVEWAY. The cross slope of any sidewalk is to be constructed to less than a two percent slope or less than one quarter inch per foot and no grade of walk shall be changed so as to make the walk less than six (6) inches above the adjacent gutter. The surface of such walk shall be of a rough finish so as to prevent slipping.

Editor's Note: Section 17.09 Sidewalk Incorporated Into Driveway was amended at time of 2016 Codification.

17.10 CURBING REQUIRED. Except for the street access driveway permitted in this article, wherever the property adjoining a public sidewalk is used for a driveway paralleling the sidewalk or for parking of vehicles adjacent to the walk, there shall be installed upon the property six (6) inches inside the property line, a reinforced concrete curbing at least six (6) inches high and six (6) inches wide, so as to prevent the driving or stopping of vehicles upon the sidewalk.

17.11 CURBING ALONG DRIVEWAYS. Driveways shall be bounded on each side by a tapered curb with a face varying from the established height of the curb to zero, prior to meeting the sidewalk.

17.12 CUTTING OF CURBS. Existing curb shall either be removed at the nearest joint or cut with a concrete saw when constructing a driveway.

17.13 END OF DRIVE DEFINED. Driveways shall end at the curb line.

17.14 SIDEWALK GRADES. Sidewalk grades will not be changed except as approved by the City.

17.15 EXCAVATION, TRENCHING, AND BACKFILLING. Excavation, trenching and backfilling for service pipes from the public water or sewer main to the street property line, shall be in accordance with the requirements of the state plumbing code, except as hereinafter provided.

17.16 SAFETY BARRICADING. All excavations in streets shall be dug so as to occasion the least possible inconvenience to the public and to provide for passage of water along the gutter. All such excavations shall be properly barricaded at all times and warning lights shall be placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise.

17.17 EXCAVATION AND TRENCHING. The trench walls shall be as nearly vertical as possible. Where soil conditions normally prevent this, sheeting, shoring, and bracing shall be used to kneed the walls vertical and the width of the trench as narrow as practicable. Under all paved areas, including sidewalks and drives, the pavement and its base shall be removed by neatly cutting with saws or jack hammers so that the width and length of the pavement and base removed is two (2) feet wider and longer than the trench width and length.

17.18 BACKFILLING. The trench shall not be backfilled until the city has inspected and approved the service pipe installations. Upon approval, selected backfill material, at the proper moisture content, shall be placed around the pipe in six (6) inch lifts and thoroughly compacted with approved mechanical tampers until the top of the pipe is covered with eighteen (18) inches of compacted dirt. No frozen material, except approved fill gravel, will be permitted for backfill trenches. The remainder of the backfill material, free from boulders larger than six (6) inches, wood, or organic material, shall be placed in uniform layers of not more than twelve (12) inches thickness and thoroughly compacted with approved mechanical tampers until the trench has been filled to the bottom of the pavement base. The base shall be replaced to its full length, width, and thickness with Portland cement concrete having a twenty-eight (28) day compressive strength of not less than three thousand (3,000) pounds per square inch. The pavement surface, where one existed prior to the opening of the trench shall be replaced with Iowa Department of Transportation Type A or Type B asphaltic concrete or Portland cement concrete to the city's satisfaction. The plumber must maintain the affected area in good repair to the satisfaction of the city council for one year after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the city.

17.19 COMPLETION BY CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or sewer service pipe connected with the sanitary sewer system, or should the work be improperly done, the city shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the

plumber is assessed, he must pay the costs before he can receive another permit, and the plumber's bond shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

17.20 CASH BOND FOR CUTTING PAVEMENT. Before a permit shall be granted for any work which involves the cutting of street pavement whether it be asphaltic concrete or Portland cement concrete, the applicant shall give to the clerk a cash bond of fifty (50) dollars. If replacement of the street as provided for in the next succeeding section is completed to the city's satisfaction, said cash bond shall be returned to the applicant. If such replacement does not meet the city's approval, the cash bond provided for herein shall be forfeited to the city in addition to any other penalties, fines or fees provided for in this article.

17.21 EXCAVATIONS NEAR STREETS. No person shall make any excavation in any street, alley or public place or within ten (10) feet of any sidewalk, street, alley, or public place and not secure the excavation by an enclosure at least four (4) feet high, substantially built and with warning lights placed and burning during the entire night.

17.22 REMOVING EARTH. No person shall remove or cause to be removed any dirt, sand, stone, rock, tree, shrub, plank, sidewalk or fence from any street, alley, highway, lot or ground belonging to the municipality without permission from the council.

17.23 RESTORING EXCAVATIONS OF STREET CUTS. No person shall dig into, or in any manner break any sidewalk, curb, pavement, street, alley, or public ground without placing the same in as good condition as found.

17.24 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

17.25 RECORDS MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning grades upon request.

17.26 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the superintendent of public works within thirty (30) days after completion of the work. The superintendent of public works shall keep a record of such approvals in his office. If he refuses to approve the work, it must be corrected immediately so that it will meet with his approval. If the work has been done improperly, the superintendent of public works shall have the right to finish or correct the work, and the council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

17.27 RULES. The council may provide by resolution such further rules as necessary to clarify and implement the requirements of this article.

ORDINANCE NO. 694

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE IV, CHAPTER 2, ARTICLE 18, SECTION 18.01 AND ADOPTING A NEW TITLE IV, CHAPTER 2, ARTICLE 18, SECTION 18.01 IN LIEU THEREOF, CONCERNING SNOW REMOVAL.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title IV, Chapter 2, Article 18, Section 18.01 and adopting a new Title IV, Chapter 2, Article 18, Section 18.01 in lieu thereof, concerning Snow Removal, as follows:

18.01 SNOW REMOVAL. The following restrictions shall apply during snow removal operations:

1. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street (except as provided in Subsection 2), alley or city owned off-street parking areas during snow removal operations between the hours of 12:00 AM and 6:00 AM.

2. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on the following public streets during snow removal operations between the hours of 2:00 AM and 6:00 AM:

   a. Story Street, from North Second Avenue to South Third Avenue;

   b. Marshall Street, from North Second Avenue to South Second Avenue;

   c. First Avenue, from Greene Street to Tama Street;

   d. South Second Avenue, from a point three hundred (300) feet west of Story Street to Marshall Street.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective July 1st, 2018 after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 12th day of March, 2018.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 21st day of March, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 21st day of March, 2018.

_____
Jordan Kordahl, Clerk

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 18 - SNOW REMOVAL AND STREET CLEANING

18.01 Snow Removal
18.02 Street Cleaning
18.03 Special Penalty

18.01 SNOW REMOVAL. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street, alley or city owned off-street parking areas during snow removal operations between the hours of 2:00 A.M. and 6:00 A.M. from November 1st to April 1st.

18.02 STREET CLEANING. To facilitate street cleaning, special and temporary no parking areas will be established at the direction of the police chief by placement of temporary "NO PARKING, STREET CLEANING" sings along the street. These signs shall be placed at least two (2) hours before work is to begin and shall not be enforced for one hour after they are placed.

18.03 SPECIAL PENALTY. Any person who violates or fails to comply with the provisions of this article shall be guilty of a simple misdemeanor and shall be fined in accordance with the amount set forth in the Rock Rapids Traffic Code for parking violations.

ORDINANCE NO. 710

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE IV, CHAPTER 2, ARTICLE 18, SECTION 18.01 AND ADOPTING A NEW TITLE IV, CHAPTER 2, ARTICLE 18, SECTION 18.01 IN LIEU THEREOF, CONCERNING SNOW REMOVAL.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title IV, Chapter 2, Article 18, Section 18.01 and adopting a new Title IV, Chapter 2, Article 18, Section 18.01 in lieu thereof, concerning Snow Removal, as follows:

18.01 SNOW REMOVAL. The following restrictions shall apply during snow removal operations:

1. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on any public street (except as provided in Subsection 2), alley or city owned off-street parking areas during any precipitation activity, including snowing, drifting or freezing rain, between the hours of 12:00 AM and 6:00 AM.

2. It shall be unlawful to park, abandon or leave unattended any vehicle, trailer or similar apparatus, on the following public streets during snow removal operations between the hours of 2:00 AM and 6:00 AM:

    a. Story Street, from North Second Avenue to South Third Avenue;

    b. Marshall Street, from North Second Avenue to South Second Avenue;

    c. First Avenue, from Greene Street to Tama Street;

    d. South Second Avenue, from a point three hundred (300) feet west of Story Street to Marshall Street.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective July 1st, 2020 after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council this 8th day of June, 2020.

Jason Chase, Mayor

ATTEST:

Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 17th day of June, 2020 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 17th day of June, 2020.

Jordan Kordahl, Clerk

CHAPTER 2: STREETS AND ALLEYS

ARTICLE 19 - BUILDING NUMBERING

19.01 Definitions
19.02 Owner Requirements
19.03 Issue Numbers
19.04 Enforcement

19.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building on any lot or subdivision.

2. "OWNER" shall mean the owner of the principal building.

19.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. OBTAIN BUILDING NUMBER. The owner shall obtain the assigned number to the owner's principal building from the Clerk.
(Code of Iowa, Sec. 364.12(3d))

2. DISPLAY BUILDING NUMBER. The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12(3d))

3. FAILURE TO COMPLY. If an owner refuses to number a building as provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12(3h))

19.03 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map, in accordance with the following provisions, and filing it in his office.

1. BASE LINES. First Avenue constitutes the base line for the numbering system as applied to streets running east and west. Tama Street constitutes the base line for the numbering system as applied to streets running north and south.

2. DIAGONAL AND CURVED STREETS. Diagonal and curved streets are classified as east and west or north and south streets depending in which classification their general alignment most nearly conforms.

3. EVEN NUMBERS. Even numbers shall be assigned to principal buildings fronting on the west side of streets running north and south and on the south side of streets running east and west.

4. ODD NUMBERS. Odd numbers shall be assigned to principal buildings fronting on the east side of streets running north and south and on the north side of streets running east and west.

5. ASSIGNMENT OF NUMBERS TO PROPERTIES. Each principal building shall be assigned a number in accordance with the provisions of this section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided.

19.04 ISSUE NUMBERS. The clerk shall issue the assigned number in accordance with the numbering map to owners upon their request.

19.05 ENFORCEMENT. The clerk shall be responsible for enforcing the provisions of this article.

CHAPTER 2: STREETS AND SIDEWALKS

ARTICLE 20 - STREET AND SIDEWALK GRADES

20.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby, confirmed, ratified and established as official grades.

20.02 RECORD MAINTAINED. The clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE

Chapter 33 of the Rock Rapids Revised Ordinances of 1970 as adopted by Ordinance No. 354 entitled "Grades - Streets and Alleys" and amendments thereto have not been included as a part of this code, but have been specifically saved from repeal and are in full force and effect. The following ordinances have been adopted amending Chapter 33 of Ordinance No. 354.

ORDINANCE NO.	ADOPTED
399	March 11, 1974
454	October 25, 1977
500	April 13, 1982
539	May 11, 1993
550	January 14, 1995

ORDINANCE NO. 709

AN ORDINANCE ESTABLISHING STREET GRADES ON CERTAIN STREETS AND AVENUES IN THE CITY OF ROCK RAPIDS, IOWA.

Section 1 - Datum Plane
Section 2 - Elevations
Section 3 - Intermediate Grades
Section 4 - Repealing Conflicting Ordinances
Section 5 - Effective Time

Be it ordained by the Council of the City of Rock Rapids, Iowa:

Section 1 - All grades are established and reckoned in feet and decimals of feet above an imaginary plane known as the datum plane.

The datum plane is one thousand three hundred fifty-eight and thirty-one hundredths feet (1358.31') below the top of a steel rod driven into the ground and encased in a 5" PVC pipe with a logo cap surrounded by concrete; identified as PID OQ0942, at the airport in Rock Rapids, Iowa.

Section 2 - That the following elevations above the datum plane of Rock Rapids, Iowa, be the established grades for the centerline of streets and avenues at the points designed above said datum plane.

South Second Avenue: from 32' west of the west curb line of Union Street (IA Highway 75) to 18' east of the east curb line of Fairlamb Street.

Location	North Gutter Elevation	Centerline Elevation	South Gutter Elevation
Sta. 1+33.46		1392.26	
Sta. 2+25	1391.58	1391.85	1391.58
Sta. 2+75	1391.22	1391.49	1391.22
Sta. 4+00	1390.00	1390.27	1390.00
Sta. 5+00	1387.60	1387.87	1387.60
Sta. 6+75	1380.91	1381.18	1380.91
Sta. 7+25	1379.33	1379.60	1379.33
Sta. 9+00	1374.92	1375.19	1374.92
Sta. 9+50	1373.64	1373.91	1373.64
Sta. 10+75	1370.38	1370.65	1370.38
Sta. 11+25	1369.20	1369.47	1369.20
Sta. 11+75	1368.15	1368.42	1368.15
Sta. 12+25	1366.72	1366.99	1366.72
Sta. 14+00	1360.38	1360.65	1360.38
Sta. 14+50	1359.09	1359.36	1359.09
Sta. 15+38.03		1357.99	

Dickinson Street: from north curb line of South Second Avenue to a point 100' south of the south curb line of Main Street (US Hwy 9 and US Hwy 75).

Location	West Gutter Elevation	Centerline Elevation	East Gutter Elevation
Sta. 20+76		1388.71	
Sta. 20+90.6	1389.12	1389.38	1389.12
Sta. 21+00	1389.24	1389.51	1389.24
Sta. 22+00	1389.74	1389.01	1389.74
Sta. 23+17		1386.67	

Bradley Street: from north curb line of South Second Avenue to a point 43' south of the south curb line of Main Street (US Hwy 9 and US Hwy 75).

Location	West Gutter Elevation	Centerline Elevation	East Gutter Elevation

Sta. 34+00		1367.54	
Sta. 34+14.8	1367.91	1368.16	1367.95
Sta. 35+00	1345.68	1368.95	1345.68
Sta. 35+75	1346.38	1368.65	1346.38
Sta. 36+98.4		1366.34	

Section 3 - The intermediate grades between the grade points, established in Section 2 hereof, shall be straight lines except at the intersections of abutting grades, where smooth parabolic easement curves shall be used.

Section 4 - All existing ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed.

Section 5 - This ordinance shall be in effect on and after its passage by the City Council of Rock Rapids, Iowa, and publication in the official newspaper of said City.

PASSED AND APPROVED by the City Council this 13th day of April, 2020.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 22nd day of April, 2020 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 22nd day of April, 2020.

_____
Jordan Kordahl, Clerk

ORDINANCE NO. 699

AN ORDINANCE ESTABLISHING STREET GRADES ON CERTAIN STREETS AND AVENUES IN THE CITY OF ROCK RAPIDS, IOWA.

Section 1 - Datum Plane
Section 2 - Elevations
Section 3 - Intermediate Grades
Section 4 - Repealing Conflicting Ordinances
Section 5 - Effective Time

Be it ordained by the Council of the City of Rock Rapids, Iowa:

Section 1 - All grades are established and reckoned in feet and decimals of feet above an imaginary plane known as the datum plane.

The datum plane is one thousand three hundred fifty-eight and thirty-one hundredths feet (1358.31') below the top of a steel rod driven into the ground and encased in a 5" PVC pipe with a logo cap surrounded by concrete; identified as PID OQ0942, at the airport in Rock Rapids, IA.

Section 2 - That the following elevations above the datum plane of Rock Rapids, Iowa, be the established grades for the centerline of streets and avenues at the points designed above said datum plane.

South Story Street from Highway 9 to South Third Avenue.

Location	West Gutter Elevation	Centerline Elevation	East Gutter Elevation
Sta. 0+80		1346.37	
Sta. 1+00	1345.38	1346.10	1345.38
Sta. 2+25	1346.19	1346.92	1346.19
Sta. 2+75	1346.05	1346.77	1346.05
Sta. 3+12.5	1346.24	1346.96	1346.24
Sta. 3+75	1346.78	1347.50	1346.78
Sta. 4+50	1347.82	1348.01	1347.63
Sta. 4+75	1347.71	1347.89	1347.39
Sta. 5+00	1347.44	1347.90	1347.22
Sta. 5+50	1347.00	1347.80	1347.22
Sta. 6+00	1347.25	1347.95	1347.22
Sta. 6+75	1346.83	1347.91	1347.34
Sta. 7+50	1346.93	1347.90	1347.72
Sta. 7+75	1346.83	1347.50	1347.84
Sta. 8+01.8		1346.91	

Section 3 - The intermediate grades between the grade points, established in Section 2 hereof, shall be straight lines except at the intersections of abutting grades, where smooth parabolic easement curves shall be used.

Section 4 - All existing ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed.

Section 5 - This ordinance shall be in effect on and after its passage by the City Council of Rock Rapids, Iowa, and publication in the official newspaper of said City.

PASSED AND APPROVED by the Council this 27th day of August, 2018.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 5th day of September, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 5th day of September, 2018.

_____
Jordan Kordahl, Clerk

CHAPTER 2: STREETS AND SIDEWALKS

ARTICLE 21 - CONTROLLED ACCESS FACILITIES

21.01 Exercise Of Police Power
21.02 Definition
21.03 Right Of Access Limited
21.04 Access Controls Imposed
21.05 Unlawful Use Of Controlled Access Facility
21.06 Permitted Access Points

21.01 EXERCISE OF POLICE POWER. This article shall be deemed an exercise of the police power of the city under Chapter 306A, Code of Iowa, 1977, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306 A.1)

21.02 DEFINITION. The term "controlled access facility" shall mean a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or 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.

(Code of Iowa, Sec. 306A.2)

21.03 RIGHT OF ACCESS LIMITED. No person shall have any right of ingress or egress to, from or across any controlled-access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by ordinance.

(Code of Iowa, Sec. 306A.4)

21.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled-access facilities within the City of Rock Rapids, described as follows:

(Code of Iowa, 1977, Sec. 306A.3)

1. Project No. F-420(8). On the Primary Road System extension improvement, Project No. F-420(8), Primary Road No. U.S. 75, within the City of Rock Rapids, described as follows: From station 238+92.5 to Station 308+59. 0 and such parts of Primary Road No. 75 as may hereafter be included in any further extension of the corporate limits, regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-420 (8), on file in the office of the clerk.

21.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It shall be unlawful for any person to:

(Code of Iowa, 1977, Sec. 306A.3)

1. CROSS DIVIDING LINE. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled-access facilities.

2. TURNS. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.

3. USE OF LANES. 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. ENTER FACILITY. 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 or dividing section or dividing line which separate such service road from the controlled-access facility property.

21.06 PERMITTED ACCESS POINTS. Points of access are hereby permitted as follows:

(Code of Iowa, Sec. 306A.4)

1. Project No. F-420 (8). The compiled list furnished by the Iowa Department of Transportation of drives and entrances provided for access under the improvement specified as Project No. F-420 (8) is hereby recorded as follows:

Station	Side of Street	Drive or entrance width	Use of drive or entrance
251+09	west (1t.)	22 ft.	farm entrance
262+15	west (lt.)	26 ft.	farm entrance
263+10	west (1t.)	23 ft.	farm entrance
Parts of area from station 284+90, right, to station 88+12, right, combined drive or drives to serve Pontiac acreage and Phillips service station and cafe and parking lot, east side.			
87+57	west (1t.)	14 ft.	farm entrance
306+63	east (rt.)	21 ft.	commercial
307+35	east (rt.)	27 ft.	commercial

I

Parts of area from station 307+07, left, to station 308+59, left, combined drive or drives to serve as motel and cafe entrance, west side.

CHAPTER 3: SIDEWALKS

ARTICLE 22 - SIDEWALK REGULATIONS

22.01 Purpose
22.02 Definitions
22.03 Responsibility For Maintenance
22.04 Standard Sidewalk Specifications
22.05 Sidewalk Grades
22.06 Permits For Construction Or Removal
22.07 Inspection of Private Work; Remedies
22.08 Barricades & Signal Lights
22.09 Interference With Sidewalk Improvements
22.10 Ordering New Sidewalks
22.11 Repairing Defective Sidewalks
22.12 Cleaning Snow, Ice &Accumulations
22.13 Notice of Assessment of Repair or Cleaning Cost
22.14 Hearing & Assessment
22.15 Billing & Certifying To County
22.16 Liability of Abutting Owners
22.17 Failure to Repair or Barricade
22.18 Awnings
22.19 Overhanging Growths
22.20 Fires on Sidewalk
22.21 Fuel on Sidewalk
22.22 Defacing
22.23 Debris on Sidewalks
22.24 Merchandise Display
22.25 Sales Stands
22.26 Sidewalk Cafes

22.01 PURPOSE. The purpose of this chapter is to place the responsibility for the maintenance, repair, replacement or reconstruction. of sidewalks upon the abutting property owner so as to assure safe passage by citizens and minimize the liability of the city.

22.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "SIDEWALK" shall mean all permanent public walks in business, residential or suburban areas.

2. "DEFECTIVE SIDEWALK": shall mean any public sidewalk exhibiting one or more of the following characteristics.

   A. Vertical Separation. Vertical separations equal to three-fourths (3/4) inch or more.

   B. Horizontal Separation. Horizontal separations equal to one-half (1/2) inch or more.

   C. Holes. Holes or depressions equal to three-fourths (3/4) inch or more in depth and at least four inches in diameter.

   D. Spalling. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.

E. Cracks. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one (1) square foot.

F. Missing Area. A sidewalk with any part thereof missing to the full depth.

G. Slope. A sidewalk with a cross slope of less than one-eighth (1/8) inch per Foot or more than one (1) inch per foot.

3. "SIDEWALK IMPROVEMENTS": shall mean the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

4. "Owner": shall mean the person owning the fee title and the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, if any.

5. "City Engineer": shall mean the city engineer or the officer designated by the city council to perform the duties prescribed for the engineer.

22.03 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.
(Code of Iowa, Sec. 364.12(2c))

22.04 STANDARD SIDEWALK SPECIFICATIONS. The city engineer shall prepare standard plans and specifications for the construction of sidewalks and driving crossings in the same, which upon approval of the council shall be on file in the office of the clerk. All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the city, shall be performed under the supervision and inspection of the city engineer or his duly authorized agent, and in accordance with the plans and specifications prepared by his office and approved by the city council.

22.05 SIDEWALK GRADES. All sidewalk grades shall be the grade of the top of the surface of the walk at the edge of the walk nearest to the property line (back of walk). All sidewalks and terraces between the sidewalks and curbs shall have a uniform grade of not less than one-eighth (1/8) of an inch to the foot from the inside of the walk sloping downward to the top of the curb, unless otherwise ordered by resolution of the council. The construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalk will be at the established grade.

22.06 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements whether ordered by the city council or not, unless such person shall obtain a permit from the city clerk and shall agree in writing that he will, in making the sidewalk improvements comply with the ordinances of the city and with the

specifications for sidewalks approved by the City council and on file in the office of the clerk and that the work shall be done under the direction and supervision of the city engineer and subject to the approval of that officer or his duly authorized agent. He shall also agree to hold the city free from all liability for damages on account of injuries received by anyone through the negligence of such person or his agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises. All such permits shall be issued without charge and a copy, thereof, together with the written agreement above referred to, shall be filed and preserved in the office of the city clerk. Before granting any permit to make sidewalk improvements, the city, clerk shall determine the propriety of the same and shall state in all permits issued when the work is to be commenced and when the sidewalk work is to be completed. The time of completion for the sidewalk improvements may be extended by the city clerk when in his judgment it is deemed necessary. All permits for council ordered sidewalk improvements shall be issued in compliance with the resolution of the council ordering the improvement. All permits for sidewalk improvements not ordered by resolution of the city council shall be issued in compliance with this chapter. The city clerk may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

22.07 INSPECTION OF PRIVATE WORK; REMEDIES. All sidewalk improvements shall be done under the direction and supervision of the city engineer or other duly authorized officer, and subject to the inspection and approval of the engineer or his agent. Whenever any sidewalk improvements are made which do not conform to the provisions of this chapter and with the specifications herein referred to, or where any sidewalk improvements are made without obtaining a permit as required by this chapter, or the work is not performed within the time stated in the permit**,** the city engineer or his duly authorized agent, shall serve upon the property owner or his agent, and upon the contractor doing the work, a notice to obtain a permit, if not already obtained or, if the sidewalk is in the course of construction', to stop until a permit is obtained or work is corrected in compliance with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed sidewalk improvement within five (5) days from the receipt of said permit, in the proper manner and of proper materials as required by the specifications herein referred to. In case any owner shall fail to do so, the officer authorized by the council or his duly authorized agent shall cause the sidewalk to be constructed, reconstructed or repaired in a proper manner and of proper materials. There shall be returned to the council an itemized and verified statement of expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of lot, or parcel of ground abutting the sidewalk on which such work has been performed. The cost thereof shall be assessed. to the property fronting thereon.

22.08 BARRICADES AND SIGNAL LIGHTS. Whenever any material of any kind shall be deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the constructor or the owner, agent or lessee of the property in front of or along with such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved signal lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or any failure to comply with provisions hereof.

22.09 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

22.10 ORDERING NEW SIDEWALKS. The council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement, petition the council therefore, new permanent sidewalks shall not be made unless three-fourths (3/4) of all the new members of the council, by resolution, order the making thereof, all in accordance with State law for special assessments.

22.11 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days notice from the city, to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks in the street right-of-way abutting his property. If, upon the expiration of thirty (30) days as provided in said notice, the required work has not been done or is not in the process of completion, the officer authorized by the council may proceed to repair, replace or reconstruct said sidewalks, or cause the same to be repaired, replaced or reconstructed. There shall be returned to the council an itemized and verified statement of expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of lot, or parcel of ground abutting the sidewalk on which such work has been performed. The cost thereof shall be assessed to the property fronting thereon.

(Code of Iowa, Sec 364.12 (12c))

22.12 CLEANING SNOW, ICE AND ACCUMULATIONS. It shall be the duty of the abutting property owner to keep his sidewalk clean by removing, or causing to be removed, all snow, ice, or accumulations. If the owner fails to so clean or remove such materials within twenty-four (24) hours after they have been deposited on said sidewalk, the officer authorized by the council may remove, or cause to be removed, all snow, ice, or accumulations such as mud, sand, or other debris from abutting property, from all sidewalks, without notice to the property owner, when knowledge of such condition comes to his attention, and he shall return to the council an itemized and verified statement of expenditures of labor and materials used in making such removal, and the description of the lot or parcel of ground abutting on which such snow, ice or other accumulation has been removed, and the cost thereof shall be assessed to the property fronting thereon.

22.13 NOTICE OF ASSESSMENT OF REPAIR OR CLEANING COST. Upon the filing of the verified statement, the clerk shall cause a notice of such facts to be given to the owner of the abutting property provided either by personal service or by mailing a notice to the last known address of the owner. The notice shall contain a statement of the character of the work performed; a description of the property affected; the amount returned against such lot or parcel of ground; and that the person may pay the amount assessed by a certain date without interest or penalty. The notice shall also indicate that the person may object to such assessment and the notice shall state the place and time at which council will hear such objections. The time set for hearing shall be not less than ten (10) days after the service or mailing of said notice.

22.14 HEARING AND ASSESSMENT. At the time and place designated in such notice, the council shall meet, hear and consider all objections to the whole or any part of such assessment, and shall correct all errors or omissions therein, and after such consideration, the council shall adopt the corrected list as the amounts to be assessed against the property therein described.

22.15 BILLING AND CERTIFYING TO COUNTY. If, after the adopting by the council of the final assessment against each lot, part of lot, or parcel of land, any assessment or any part thereof shall remain unpaid for over thirty (30) days after council determination of correct charges, the clerk shall certify to the county auditor as a special tax against the lot, part of lot, or parcel of ground all unpaid amount, which shall constitute a lien and to be collected by the county treasurer in the same manner as all other taxes. Any assessment which exceeds one hundred (100) dollars may be paid in installments as set by council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments tinder Chapter 384, Division IV, Code of Iowa. No interest shall be charged for assessments, or part thereof, paid within thirty (30) days of the time that the council determined the final amounts.

22.16 LIABILITY OF ABUTTING OWNERS. In the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of him by this chapter and in the event an action is brought against the city for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the city may notify in writing the said abutting owner that it claims the injury was caused by his negligence and/or his failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

(Code of Iowa, Sec. 364.14)

22.17 FAILURE TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or their contractor or agent to notify the city immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

22.18 AWNINGS. No person shall erect or maintain awnings, unless all parts of the same be at least seven (7) feet above the upper surface of the sidewalk and the roof or covering made of duck, canvas, or other suitable material, supported by iron frames or brackets firmly and securely fastened to the building without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

22.19 OVERHANGING GROWTHS. No person shall permit any weeds, thistles, brush or plants to overhang or encroach on any sidewalks adjoining his property.

22.20 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

22.21 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

22.22 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

22.23 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter,

offal, or any other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.

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

22.24 MERCHANDISE DISPLAY. It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to a building in the business district be occupied for such purposes, except, special promotions approved by council resolution.

22.25 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the mayor.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 3, ARTICLE 22, ADDING A NEW SECTION - SECTION 22.26 SIDEWALK CAFÉS.

WHEREAS, the City has determined it is in the best interest of the businesses and public to allow outdoor sidewalk cafés in certain areas with appropriate restrictions.

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended adopting a new Section 22.26 as follows:

22.26. SIDEWALK CAFÉS. The purpose of this section is to set forth the conditions and requirements under which a sidewalk café, as defined, may be permitted to operate by sidewalk café permit on a public sidewalk within the city.

1. "Sidewalk café" is any group of tables and/or chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk for use in connection with ordering, purchasing and consuming food and beverages sold to the public from, or in, an adjoining indoor restaurant and/or bar. For the purposes of this section, an indoor business selling food or alcohol for consumption on the premises shall be considered an adjoining indoor restaurant and/or bar. This provision shall not include areas not located on the public sidewalk.

2. Where permissible. A sidewalk café shall be permitted as follows: A. In zoning

districts which allow indoor restaurants, and

B. Adjacent to an indoor restaurant and/or bar, which shall be construed being immediately contiguous to and abutting the indoor restaurant on the public sidewalk; or being offset from the indoor restaurant, where at least a four-foot clear path of pedestrian travel exists between the indoor restaurant and the sidewalk café; and

C. Where the café's operation is incidental to and a part of the operation of its adjacent indoor restaurant and/or bar; and

D. Provided the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant, and all other applicable provisions of this subsection are fulfilled.

3. Restrictions on smoking and alcoholic beverages. Permittees shall enforce the following prohibitions or restrictions:

A. Smoking tobacco or using an electronic smoking device at a sidewalk café is prohibited.

B. Alcoholic beverages may be served at sidewalk café s pursuant to a valid liquor control license, and in accordance with state and local alcoholic beverage control laws, provided the following additional requirements are met:

i. Patron entrance to and egress from the sidewalk café shall be controlled by staff of the establishment, who shall continuously monitor the sidewalk café during times alcoholic beverages are being sold or consumed;

ii. No alcoholic beverages may be sold or served to outside patrons later than 11:00 p.m.;

C. Patrons shall not be permitted to consume any alcoholic beverages within the sidewalk café that were not purchased on the premises;

D. If the sidewalk café is an offset sidewalk café per subsection (2)(b), the establishment shall ensure that no patron loiters in the clear path of pedestrian travel while in possession of an alcoholic beverage. Patrons may be in possession of an alcoholic beverage in the clear path of pedestrian travel only for the purpose of moving to the sidewalk café from the adjoining indoor restaurant or vice versa; and

E. Alcoholic beverages shall not be served or dispensed at the sidewalk café of any establishment where minors are prohibited, except that establishments permitted to have minors on the premises only during certain hours of the day may serve alcohol at their sidewalk café only during those hours. An establishment which is not permitted to have minors on the premises at any time may request, and the city council may grant, an exception to this requirement on a case-by-case basis. The city council shall consider the site conditions, the compliance history of the establishment and its staff, staff training, and any other factors it deems relevant to ensuring the safe and responsible use of city sidewalks. The city council may impose special conditions in addition to those indicated in this section on any sidewalk café granted an exception to dispense alcohol.

4. Number of sidewalk cafés. An indoor restaurant shall be permitted to operate only one sidewalk café, and each sidewalk café shall be confined to a single location on the sidewalk. The city may limit the number of permits issued for sidewalk cafés if necessary to maintain adequate pedestrian flow and access to buildings, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose.

5. Sidewalk clearances. There shall be a minimum of four feet of sidewalk width clear of obstructions. No part of the sidewalk café or its accessory elements shall obstruct any entrance to or exit from any adjacent structure. No sidewalk café shall be situated within eight feet of any designated bus stop, or within 20 feet of a street intersection, or within eight feet of a fire hydrant or fire sprinkler post indicator valve.

6. Tables and chairs, location and requirements of furniture. All tables and chairs comprising a sidewalk café shall be set within the area designated on the sidewalk café permit application and it shall be the responsibility of the permit holder to ensure tables, chairs,

and other sidewalk café furniture do not encroach upon any part of the sidewalk not designated on the permit holder's sidewalk café permit.

All outdoor dining furniture, including tables, chairs, umbrellas, barriers, and authorized accessory items, shall be readily movable. "Readily movable" shall mean that no object as stated above, which is part of the sidewalk café, shall be cemented, nailed, bolted, power riveted, screwed-in or affixed, even in a temporary manner, to either the sidewalk on which the sidewalk café is placed, to the building, or to any other structure which the sidewalk café abuts. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds.

Accessory devices for the comfort of patrons, such as air conditioners or fans may be used at a sidewalk café, provided, however, that any such devices, cables, or wiring are installed and operated in a safe and responsible manner in compliance with applicable codes. Devices with a heating element may be permitted with the approval of the fire inspector.

Sidewalk café components, such as tables and chairs, shall be constructed of commercial quality materials marketed for the use(s) in which they are employed in the sidewalk café. No components of a sidewalk café may be constructed primarily of plastic, plastic resin, or fabric; however, sidewalk café components made of dimensional pieces of high-density polyethylene (HDPE), and umbrellas made of fabric are acceptable.

Any signs shall be in compliance with the City of Rock Rapids sign ordinance.

Within one hour of the close of the sidewalk café for the night, and on days when the sidewalk café is not in operation, tables, chairs, barriers, accessory devices, and all other elements used in the operation of an outdoor café shall be either:

A. Removed from the sidewalk and stored indoors, or

B. Orderly secured by means of chains or cables and locks, or other secure means in a manner that prevents the use of the sidewalk café elements to cause injury to persons or property. Secured elements shall be arranged in such a manner as to not obstruct maintenance of the sidewalk.

7. Delineating sidewalk café area. The sidewalk café shall be delineated by barriers at least thirty-six (36) inches in height separating patrons from the pedestrian traffic on the sidewalk and, if applicable, roadway traffic. Barriers may consist of ropes, chains, planters, fencing, or other sturdy material that physically separates the sidewalk café from the adjoining right-of-way. Barriers separating a sidewalk café from roadway traffic must be secured to other barriers or weighted to prevent their encroachment into driving or parking lanes. Barriers shall comply with detectability requirements as set forth in the current version of the Americans with Disabilities Act Accessibility Guidelines. Barriers shall be set within area designated for the sidewalk café, to ensure a minimum of four feet of sidewalk width clear of obstructions.

8. Food and beverages. A sidewalk café shall serve only food and beverages prepared, or stocked for sale, at the adjoining indoor restaurant and/or bar. The outdoor preparation of food is prohibited at sidewalk cafés. Sidewalk café patrons may obtain food and beverages from within the adjoining indoor restaurant and/or bar, or staff from the adjoining indoor restaurant and/or bar may provide table service. The presetting of sidewalk café tables with utensils, glasses, napkins, condiments, and the like is prohibited. All tables shall be bused promptly, and soiled tableware shall be taken inside for cleaning. No soiled tableware shall be kept in an outdoor busing station. Public street furniture and waste receptacles shall not be used in the operation of a sidewalk café. Restrooms for the café shall be provided in the adjoining indoor restaurant, and the café seating shall be counted in determining the restroom requirements of the indoor restaurant and/or bar. Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area, or on adjacent sidewalk areas, and the permittee shall remove all trash and litter as it accumulates. All exterior surfaces within the sidewalk café, including tables, chairs, barriers, and the sidewalk surface, shall consist of materials that are easily cleaned, and shall at all times be kept in a clean and safe condition.

9. Days and hours of operation. Sidewalk cafés may operate on days whenever fair weather would enhance outdoor dining during said given year that the sidewalk café permit was issued. The hours of operation are limited to between 7:00 a.m. and 11:00 p.m. The city administrator or designee, and any duly sworn peace officer shall have the power to prohibit the operation of a sidewalk café or require the service of alcohol to cease at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the city, but any failure to give prior written notice shall not affect the right and power of the city to prohibit the café's operation at any particular time.

10. Permit Required. A sidewalk café may only operate with a valid permit from the City.

A. Findings and conditions. In connection with granting approval for any sidewalk café permit, the city administrator shall make findings that the proposed operation meets the limitations of this subsection, and the city administrator may impose such conditions in granting approval as are needed to assure that the proposed operation will meet the operating requirements and conditions set forth in this article, and to assure that the public safety and welfare will be protected.

B. Term and renewal. A sidewalk café permit shall be approved by the city administrator or designee for a maximum period of one year. Thereafter, the city administrator or designee, if an extension application is filed prior to any expiration date of the sidewalk café permit, may extend the permit for additional periods, not to exceed one year each, following review and approval of the café's operations. The city administrator or designee may make any renewal of a sidewalk café permit subject to additional and revised conditions and requirements. Any renewal granted by the city administrator shall not exceed a period of one year. All applications shall

be filed with the city office, which shall refer them to the city administrator or designee. The City shall maintain the records of permits issued, denied, or revoked.

11. Insurance. An insurance certificate naming the City of Rock Rapids, its officers, and employees as an additional insured with comprehensive general liability limits in the amount of $500,000.00 combined single limit shall be in full force and effect during the life of a sidewalk café permit. The coverage shall be at least as broad as the ISO Form Number CG000 1 covering commercial general liability written on an occurrence basis only. A copy of the current insurance certificate shall be maintained on file with the City. Each sidewalk café permit holder shall be required to indemnify, defend and hold harmless the city, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the sidewalk café.

12. Revocation. The city administrator may revoke or deny a sidewalk café permit at any time, without advance notice, for any of the following reasons:

A. It is determined by the chief of police or fire chief that public safety requires such revocation or denial;

B. The application is incomplete;

C. The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;

D. The applicant has had a license or permit revoked by the city for any reason within the preceding two years;

E. The permittee has an outstanding arrest warrant in this or any other jurisdiction or is a fugitive from this or any other jurisdiction;

F. The permittee's insurance has been canceled;

G. The permittee violates any administrative rules or policies authorized by this division;

H. The permittee violates any provision of this section, other city ordinances, or state or federal laws;

I. It is determined that a need exists to evaluate or ensure the safety of the community as it pertains to sidewalk cafés.

13. Appeal process. Any party aggrieved by the city administrator's decision to deny, revoke, suspend, or issue a sidewalk café permit may appeal the determination to the city council if, within 20 working days after the decision, the party files a written notice of appeal with the city clerk. In such event, a hearing shall be held by the city council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code (as amended). Upon such hearing, the city council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the city administrator's decision. The city council's decision is the final decision.

14. Public sidewalks adjacent to the Highway 9/75 traveled portion are under the joint jurisdiction of the City of Rock Rapids and the Iowa Department of Transportation. All commercial use of public sidewalk rights-of-way on said streets shall comply with the requirements of the Iowa Department of Transportation as well as the City of Rock Rapids.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 22nd day of March, 2021.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 31st day of March, 2021 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 31st day of March, 2021.

_____
Jordan Kordahl, Clerk

CHAPTER 4: SNOWMOBILES

ARTICLE 23 - GENERAL PROVISIONS

23.01 Definitions
23.02 Operation on Streets, Alleys & Other Public Grounds
23.03 Special Permits
23.04 Crossing of Street
23.05 Required Equipment
23.06 Unlawful Operation
23.07 Towing
23.08 Single File
23.09 Accident Reports
23.10 Age of Operation

23.01 DEFINITIONS. For use in this article the following terms shall be defined:

1. "SNOWMOBILE" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow and ice.
(Code of Iowa, Sec. 321G.1 (18))

2. "OPERATOR" shall mean a person who operates or is in actual physical control of a snowmobile.

3. "OPERATE" shall mean to ride in or on and control the operation of a snowmobile.

4. "STREET" shall mean a public thoroughfare, roadway, alley, or trail used for motor vehicular traffic including an interstate, state, or county highway.

5. "SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used only for emergency travel and parking.

6. "DEAD MAN THROTTLE" shall mean a device which disengages the motor from the driving track of a snowmobile when pressure is removed from the accelerator or throttle.

23.02 OPERATION ON STREETS, ALLEYS AND OTHER PUBLIC GROUNDS. It shall be unlawful to operate a snowmobile on streets, alleys, sidewalks, park property, playgrounds or any other public property without express permission to do so by the proper public authority, except as hereinafter provided and subject to the following regulations:

1. PERMITTED AREAS. Snowmobiles may be operated in the area known and designated as Island Park, north and east of Park Street, and on Park Street running through said park, except on the "dike" in said park. Snowmobiles may be operated on the Rock River, Moon Creek and Tom Creek within the corporate limits.

2. RESOLUTION PRESCRIBING AREAS OF OPERATION. The council may, by resolution, prohibit the operation of snowmobiles upon the streets and within the areas described above, or allow the operation of snowmobiles in or upon other streets or public property under the councils jurisdiction when, in its opinion, the public safety and welfare so requires.

3. PARKS AND OTHER PUBLIC LAND. Snowmobiles shall not be operated in any city park, playground or upon any other publicly owned property except with the express permission of the governing body thereof.

4. PRIVATE PROPERTY. No snowmobile shall be operated upon private property without the express consent of the owner or occupant thereof.

5. SIDEWALK OR PARKING. No snowmobiles shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the ‘‘parking’’, except for purposes of crossing the same to a public street upon which operation is authorized by this chapter, and except that snowmobiles may be operated upon the public sidewalk that adjoins the north side of the travelled portion of the Highway 9 bridge that crosses the Rock River.

(Editor’s Note: Ordinance 657 passed and approved on August 27, 2012 amended Section 23.02(5))

23.03 SPECIAL PERMITS. Special permits may be issued by the chief of police with approval of the mayor, allowing the use of snowmobiles on streets, alleys, or other public grounds under the control of the council.

1. PERMITS VALID. Permits shall be issued for a period of twelve months, and shall expire at six (6) o'clock p.m. on April 30th, unless revoked for violation of the provisions of this chapter.

2. ELIGIBILITY. Permits may be issued to public agencies, utility companies, doctors, civil defense personnel, and other persons, firms or corporations who can establish a bona fide reason for being granted a permit.

3. CONDITIONS. Any person, firm or corporation holding a valid permit must comply with the applicable provisions of this chapter, and may travel on streets,

alleys, and other public grounds only at such times as emergency situations exist and travel by other means is impossible or impractical.

23.04 CROSSING OF STREET. A snowmobile may make a direct crossing of a street or highway provided:
(Code of Iowa, Sec. 321G.9(2))

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and

2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the street, and

3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

4. CROSSING AT INTERSECTION. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

23.05 REQUIRED EQUIPMENT. All snowmobiles operated within the City shall have the following equipment:

1. MUFFLER.

   a. The exhaust of every internal combustion engine used in any snowmobile shall be effectively muffled by equipment constructed and used to muffle all snowmobile noise in a reasonable manner in accordance with rules adopted by the Department of Natural Resources.

   b. A separate placard shall be affixed, permanently and conspicuously, to any new snowmobile sold or offered for sale in this state that does not meet the muffler requirements as stated above. The placard shall designate each snowmobile which does not meet the muffler requirements.

   c. A snowmobile manufactured after July 1, 1975, which is sold, offered for sale or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than seventy-eight decibels as measured on the "A" scale at a distance of fifty feet.

2. LIGHTS. At least one headlight and one taillight.
(Code of Iowa, Sec. 321G.12)

3. BRAKES. Every snowmobile shall be equipped with brakes.
(Code of Iowa Sec. 321G.12)

4. SAFETY THROTTLE. A safety or "dead man" throttle in operating condition.

23.06 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile in the City in the manner described:

1. SPEED. At a rate of speed greater than reasonable or proper under all existing circumstances.
(Code of Iowa, Sec. 321G.13(1a))

2. CARELESS MANNER. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
(Code of Iowa, Sec. 321G.13(1b))

3. UNDER THE INFLUENCE. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
(Code of Iowa, Sec. 321.13(1c))

4. IMPROPER EQUIPMENT. Without a proper headlight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead; or without proper equipment as required by Section 23.05 of this Article.
(Code of Iowa, Sec. 321G.13(1d))

5. FIREARMS. A person shall not operate or ride a snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding a snowmobile.

6. UNREGISTERED SNOWMOBILE. Without having such snowmobile registered as provided for by Iowa law except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of the owner's immediate family.

   a. The owner shall display the registration decal or nonresident user permit decal on a snowmobile in the manner prescribed by the rules of the commission.
   (Code of Iowa, Sec. 321G.5)

7. FINANCIAL RESPONSIBILITY / NEGLIGENCE. The owner or operator of a snowmobile must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B. The owner and operator of an ATV or snowmobile are liable for any injury or damage caused by the negligent operation of the snowmobile.

8. UNATTENDED VEHICLE. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys for starting the vehicle left in the ignition.

9. UPON AN OPERATING RAILROAD RIGHT-OF-WAY. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
(Code of Iowa, Sec. 321G.13(1h)

10. NOISE. It is unlawful to operate a snowmobile in a manner as to create a loud, unnecessary or unusual noise so as to disturb with the peace and quiet of other persons.

23.07 TOWING. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

23.08 SINGLE FILE. Snowmobiles shall, only when permitted on the travelled way, be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

23.09 ACCIDENT REPORTS. Whenever a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars ($1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with the State law

23.10 AGE OF OPERATION. No minor under 16 years of age may operate a snowmobile within the corporate limits of the City.

TITLE IV

CHAPTER 5: ALL-TERRAIN VEHICLES (ATV)

ARTICLE 24 – REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES (ATV)

24.01 Purpose
24.02 Definitions
24.03 General Regulations
24.04 Operation Of ATVs And ORVs
24.05 Negligence
24.06 Accident Reports
24.07 Hours Of Operation
24.08 Towing

24.01 PURPOSE. The purpose of this chapter is to regulate the operation of All-Terrain Vehicles (ATVs) and Off-Road Utility Vehicles (ORVs) within the City.

24.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "ALL-TERRAIN VEHICLE" or "ATV" means a motorized (gasoline powered) vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
(Code of Iowa, Sec. 321I.1(1)(a))

2. "OFF-ROAD UTILITY VEHICLE" or "ORV" means a motorized vehicle with not less than four and not more than eight non-highway tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 2,000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. A motorized vehicle that was previously titled or is currently titled under Iowa Code Chapter 321 shall not be registered or operated as an off-road utility vehicle.
(Code of Iowa, Sec. 321I.1(16)(a))

3. "OPERATE" shall mean to ride in or on other than as a passenger, use, or control the operation of an ATV or ORV in any manner, whether or not the ATV or ORV is moving.
(Code of Iowa, Sec. 321I.1(17))

4. "OPERATOR" shall mean a person who operates or is in actual physical control of an ATV or ORV.
(Code of Iowa, Sec. 321I.1(18))

5. "ROADWAY" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

6. "STREET" or "HIGHWAY" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

24.03 GENERAL REGULATIONS. No person shall operate an ATV or ORV within the City limits of Rock Rapids, Iowa in violation of the provisions of Chapter 321G and 321I of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

24.04 OPERATION OF ATVs AND ORVs. The operators of ATVs and ORVs shall comply with the following restrictions as to where ATVs and ORVs may be operated within the City:

1. Streets. Permitted ATVs and ORVs may be operated upon streets under the jurisdiction and within the corporate city limits of Rock Rapids. ATVs and ORVs shall not be operated upon any City street which is a primary road extension or state highway through the City, to wit: Iowa Highway 9; US Highway 75. However, ATVs and ORVs may cross such primary road extensions or highways at the following intersections:

   a. East Street / K-52 / Harrison Avenue;
   b. Fairlamb Street / Buncombe Drive;
   c. Story Street;
   d. Smith Street;
   e. South 3rd Avenue;
   f. South 12th Avenue / 160th Street.

2. Trails. ATVs and ORVs shall not be operated on bike trails, walking trails or snowmobile trails except where so designated.

3. Private Property. ATVs and ORVs may only be operated on private property with the express consent of the owner.

4. Sidewalk or Parking. No ATV or ORV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking", or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.

5. Parks or Other City Land. A permit may be issued for the operation of an ATV or ORV in City parks or other City land for special events authorized by the City Council.

6. Operator License. No person shall operate an ATV on the public street of the City without a valid motor vehicle operator's license and who is not either (a) at least 16 years of age and in possession of a valid ATV education certificate issued by the IDNR, or (b) at least 18 years of age. No person shall operate an ORV on the public street of the City without a valid motor vehicle operator's license and who is not at least 18 years of age.

7. Equipment. All ATVs and ORVs shall be equipped according to the following provisions:

   a. Mufflers. No person shall operate an ATV or ORV that is constructed or altered in a manner that noise emitted from the machine exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2008- 05, Society of Automotive Engineers Standard J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles."

   b. Headlamp, Tail Lamp, Brakes. Every ATV and ORV shall be equipped with a headlight and tail light which shall remain lighted at all times during operation. Every ATV and ORV shall be equipped with brakes in good working condition. (Code of Iowa, Sec 321I.13).

8. Traffic Code Observed. Any operator of any ATV or ORV must observe all state and local traffic control regulations and devices and shall not operate an ATV or ORV at a speed in excess of that posted, nor at any time operate an ATV or ORV at a speed greater than is reasonable and proper under the existing conditions.

9. Unattended ATVs or ORVs and Parking. No owner or operator of an ATV or ORV shall leave the ATV or ORV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs or ORVs must obey all parking regulations in the City.

10. Registration. The owner or operator of an ATV or ORV must maintain current vehicle registration as required by Iowa law.

11. Penalties. A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Title III, Chapter 5, Article 15 of the Rock Rapids City Code. Three violations of this Ordinance within a period of twelve (12) months shall result in the revocation of the permit for a period of two (2) years. The offender may also be prosecuted pursuant to Sect. 321I.36 of the Iowa Code.

24.05 NEGLIGENCE. The owner and operator of an ATV or ORV are liable for any injury or damage caused by the negligent operation of the ATV or ORV. The owner of an ATV or ORV shall be liable for any such injury or damage only of the owner was the operator of the ATV or ORV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or ORV at the time the injury or damage occurred.

24.06 ACCIDENT REPORTS. Whenever an ATV or ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to $1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with the State law.

24.07 HOURS OF OPERATION. ATVs and ORVs shall not be operated between the hours of 10:00 PM and 6:00 AM except for emergency situations or for loading or unloading from a transport trailer, and except that an ATV or ORV may be operated during prohibited hours for snow removal purposes.

24.08 TOWING. No items shall be towed by an ATV or ORV unless coupled to said ATV or ORV by a rigid tow bar.

Editor's Note: Article 24 establishing ATV & ORV regulations is effective at time of Codification.

CHAPTER 6: PARK REGULATIONS

ARTICLE 25 - GENERAL PROVISIONS

25.01 Purpose
25.02 Parking
25.03 Use Of Drives Required
25.04 Fires
25.05 Littering
25.06 Camping Areas
25.07 Camping Fees
25.08 Parks Closed
25.09 Camp Registration
25.10 Camping Refused
25.11 Permit For Special Use

25.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

25.02 PARKING. All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any park drive, road or street, except in the case of an emergency.

25.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city.

25.04 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

25.05 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

25.06 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.

25.07 CAMPING FEES. The council may establish, by resolution, such fees for camping and other special privileges as it deems appropriate and reasonable.

25.08 PARKS CLOSED. No person, except those camping and fishing in designated areas, shall enter or remain within any park between the hours of ten (10:00) o'clock p.m. and five (5:00) o'clock a.m.

25.09 CAMP REGISTRATION. Any person who camps in any city park shall register his or her name and address on a city supplied registration card, which will be located at the park entrance. The registration card shall be completely filled out and dropped in the park registration box located near the entrance of the park prior to setting up camp.

25.10 CAMPING REFUSED. The city may refuse camping privileges or rescind any and all camping permits for cause.

25.11 PERMIT FOR SPECIAL USE. The council may provide by resolution for a permit for special use of the park facilities as it deems appropriate and reasonable.

CHAPTER 7: RECREATION TRAILS

ARTICLE 26 – RECREATION TRAILS

ORDINANCE NO. 731B

AN ORDINANCE AMENDING TITLE IV THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY ADDING A NEW CHAPTER 7 CONCERING RECREATIONAL TRAILS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa, is hereby amended by adding a new Title IV, Chapter 7, Article 26, concerning Recreational Trails, as follows:

ARTICLE 26 – RECREATIONAL TRAILS

26.01 Definitions
26.02 Permitted Uses
26.03 Uses Not Permitted
26.04 Recreational Trail Hours
26.05 Reasonable Speed
26.06 Violations

26.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, below:

7. "All-terrain vehicle" or "ATV" means a motorized vehicle with not less than three (3) and not more than six (6) nonhighway tires that is limited in engine displacement no less than one thousand (1000) cubic centimeters and in total dry weight to less than one thousand two hundred (1200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
[Code of Iowa, Sec.321I.1(1)(a)]

8. "Assistive device" means any item, piece of equipment, or product system which is purchased, or whose transfer is accepted in this state, and which is used to increase, maintain, or improve the functional capabilities of individuals with disabilities concerning a major life activity. Assistive device does not mean any device for which a certificate of title is issued by the state department of transportation.
[Code of Iowa, Sec. 216E.1(1)]

9. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state.
[*See* Code of Iowa, Sec. 321.1(6)]

10. "Autocycle" means a three-wheeled motor vehicle originally designed with two (2) front wheels and one (1) rear wheel, a steering wheel rather than handlebars, no more than two (2) permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable. This includes a motor vehicle that meets the definition of "autocycle" even if the vehicle bears a vehicle identification number, or is accompanied by a manufacturer's certificate of origin, that identifies the vehicle as a motorcycle.

[*See* Code of Iowa, Sec. 321.1(6A)]

11. "Bicycle" means either of the following: 1) a device having two (2) or three (3) wheels and having at least one saddle or seat for the use of a rider which is propelled by human power or 2) a low-speed electric bicycle.

[Code of Iowa, Sec. 321.1(40C)]

12. "Electric personal assistive mobility device" means a self-balancing, nontandem two-wheeled device powered by an electric propulsion system that averages seven hundred fifty watts and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles (20) per hour.

[Code of Iowa, Sec. 321.1(20B)]

13. "Electric standup scooter" means any device weighing less than one hundred (100) pounds that is equipped with two (2) or three (3) wheels, handlebars, and a floorboard capable of supporting a standing rider, and which is solely powered by the rider or by an electric motor capable of propelling the device, with or without additional propulsion supplied by the rider.

14. "Golf cart" means a small, low-speed motor vehicle, typically with three (3) or four (4) wheels, originally designated for transporting golfers and their equipment on a golf course.

15. "Low-speed electric bicycle" means a device having a saddle or seat for the use of a rider, two (2) or three (3) wheels equipped with fully operable pedals, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one of the following classes:
    a. "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour or more.
    b. "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty (20) miles per hour or more.
    c. "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour or more.

[Code of Iowa, Sec. 321.1(36A)]

16. "Motorcycle" means a motor vehicle other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two (2) wheels in contact with the ground, but excluding a motorized bicycle, a low-speed electric bicycle, or autocycle.

[Code of Iowa, Sec. 322D.1(8)

17. "Motor vehicle" means a vehicle which is self-propelled and not operated upon rails.

[Code of Iowa, Sec. 321.1(42(a)]

18. "Motorized bicycle" or "Moped" means a motor vehicle having a saddle or seat for the use of a rider, designed to travel on not more than three (3) wheels in contact with the ground, and not capable of operating at a speed in excess of thirty-nine (39) miles per hour on level ground unassisted by human power, but excluding a low-speed electric bicycle.

[Code of Iowa, Sec. 321.1(40B)]

19. "Off-road utility vehicle" or "UTV" means a motorized vehicle with not less than four (4) and not more than eight (8) nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

[Code of Iowa, Sec. 321I.1(17)(a)]

20. "Pedestrian conveyance" means any human-powered device by which a pedestrian may move other than walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other seminal device. Also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than seven hundred fifty watts (750).

[Code of Iowa, Sec. 321.1(51A)]

21. "Recreation Trail" means a walkway or bike-way designed with a paved surface pathway for travel by means other than by motorized vehicles.

22. "Snowmobile" means a motorized vehicle weighing less than one thousand (1000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. It does not include an all-terrain vehicle.

[Code of Iowa, Sec. 321G.1(26)]

26.02 PERMITTED USES.

1. The Recreational Trail is designed for walking, jogging, biking, pedestrian conveyances, stand on electric scooters, electric personal assistive mobility devices, and class 1 low speed electric bikes. The use of an assistive device is permitted on the Recreational Trail. The following restriction applies to the use of electric personal assistive mobility devices:

    a. RESTRICTIONS: an electric personal assistive mobility device shall be operated by a person at least sixteen (16) years of age.
    [*See* Code of Iowa, Sec. 321.235A]

2. Authorized emergency vehicles are permitted on the Recreational Trail.

3. Authorized vehicles used by the City or contracted for by the City to perform maintenance or other requested work are permitted on the Recreational Trail.

26.03 USES NOT PERMITTED. All-terrain vehicles ("ATVs"), autocycles, class 2 low speed electric bicycles, class 3 low speed electric bicycles, golf carts, motorcycles, motorized bicycles ("mopeds"), motor vehicles, off-road utility vehicles ("UTVs)", snowmobiles, and other motorized vehicles are prohibited on the Recreational Trail.

26.04 RECREATIONAL TRAIL HOURS. The recreational Trail is open daily throughout the year. The hours are one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

26.05 REASONABLE SPEED. All Recreational Trail users shall take reasonable and prudent care to ensure the safety of those utilizing the Recreational Trail. No person shall operate any stand on electric scooter, electric personal assistive mobility device, class 1 low speed electric bicycle, or other permitted motorized vehicle on the Recreational Trail at a speed greater than what is reasonable and prudent under the conditions then existing, or at a speed greater than twenty (20) miles per hour.

26.06 VIOLATION. Persons should at all times observe the regulations above to enable all persons to use the Recreational Trail safely. Persons who violate or fail to comply with the provisions set forth in this Chapter shall be guilty of a simple misdemeanor and subject to a scheduled fine as provided below. The scheduled fine so imposed is in addition to any applicable surcharges and court costs assessed by the Court.

a. First Offense:	Scheduled fine of $65.00
b. Second Offense:	Scheduled fine of $125.00
c. Third of Subsequent Offense:	Scheduled fine of $250.00

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective February 18, 2026, after its

final passage, approval, and publication as provided by law.

PASSED AND APPROVED by the Council this 9th day of February, 2026.

_____
Jason Chase, Mayor

ATTEST:

_____
Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 18th day of February, 2026, in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 18th day of February, 2026.

_____
Melissa Van Holland, Clerk

CHAPTER 7: STAND UP E-SCOOTERS

ARTICLE 27 – STAND UP E-SCOOTERS

ORDINANCE NO. 732

AN ORDINANCE AMENDING TITLE IV THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY ADDING A NEW CHAPTER 8 CONCERING ELECTRIC STANDUP SCOOTERS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa, is hereby amended by adding a new Title IV, Chapter 8, Article 27, concerning Electric Standup Scooters, as follows:

ARTICLE 27 – ELECTRIC STANDUP SCOOTERS

27.01 Definitions
27.02 Purpose
27.03 Double Riding Prohibited
27.04 Places of Operation
27.05 Reasonable Speed and Safety
27.06 Hours of Operation
27.07 Responsibility of Parents or Legal Guardians
27.08 Violation – Scheduled Fine

27.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, below:

23. "Electric standup scooter" means any device weighing less than one hundred (100) pounds that is equipped with two (2) or three (3) wheels, handlebars, and a floorboard capable of supporting a standing rider, and which is solely powered by the rider or by an electric motor capable of propelling the device, with or without additional propulsion supplied by the rider, at a maximum speed on a paved level surface of no more than fifteen (15) miles per hour, or both.

27.02 PURPOSE. The purpose of this chapter is to regulate the operation of electric standup scooters within the City.

27.03 DOUBLE RIDING PROHIBITED. Electric standup scooters shall not be used to carry more than one person at a time.

27.04 PLACES OF OPERATION. Operators of electric standup scooters shall comply with the following restrictions as to where electric standup scooters may be operated within the City.

1. Sidewalks.
    a. Electric standup scooters shall be, at all times, operated on sidewalks within City limits, except as provided in section 27.04(2) below.

b. Operators shall yield to the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing.

2. Residential Streets.
   a. No person shall operate an electric standup scooter upon residential streets except when there is no sidewalk available or when making a direct crossing of a residential street.
      (1) If there is no sidewalk available, the operator shall operate the electric standup scooter as close to the left side/curb/edge of the residential street as safely as possible, maintain a safe and prudent speed, and in such a manner as to not impede the flow of traffic.
         a. When approaching or otherwise encountering a motor vehicle, the operator of an electric standup scooter shall exercise caution, slow to approximately the speed of a pedestrian, and be prepared to dismount the standup scooter if necessary to avoid a collision.
      (2) The operator shall also, as soon as a sidewalk is available to operate upon, leave the residential street in a safe and prudent manner, yielding to all traffic, and continue operation on the sidewalk, as required herein.
   b. When making a direct crossing of a residential street, operators shall:
      (1) Come to a complete stop before crossing the street, and
      (2) Yield to the right-of-way of all oncoming traffic which constitute an immediate hazard.

3. Highways.
   a. No person shall, at any time, operate an electric standup scooter on any highway or shoulder of any highway.
   b. Operators may make a direct crossing of a highway provided that he or she:
      (1) Comes to a complete stop before crossing the highway;
      (2) Follows all traffic control devices and signs;
      (3) Yields to the right-of-way of all incoming traffic which constitute an immediate hazard; and
      (4) Dismounts his or her electric standup scooter and walks it across the highway before continuing operation.

27.05 REASONABLE SPEED AND SAFETY. No operator shall operate an electric standup scooter at a speed greater than what is reasonable and prudent under the conditions then existing. No person shall ride an electric standup scooter in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise as to disregard the safety of the operator or others.

27.06 HOURS OF OPERATION. Electric standup scooters may be operated at any time between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset. Operation outside that designated time is prohibited.

27.07 RESPONSIBILITY OF PARENTS OR LEGAL GUARDIANS. Any parent or legal guardian who allows a minor person in his or her custody or under his or her control or supervision to violate any provisions of this chapter may be cited in accordance with this chapter for such violation and subject to the penalties of such violation as provided below.

27.08 VIOLATION – SCHEDULED FINE. Persons who violate or fail to comply with the provisions set forth in this Chapter shall be subject to a scheduled fine as provided below:

d. First Offense:	Scheduled fine of $25.00
e. Second Offense:	Scheduled fine of $50.00
f. Third of Subsequent Offense:	Scheduled fine of $100.00

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective September 2, 2026, after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of August, 2026.

_____
Jason Chase, Mayor

ATTEST:

_____
Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of September, 2026, in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of September, 2026.

_____
Melissa Van Holland, Clerk

TITLE V - BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS

TITLE V

CHAPTER 1: LIQUOR AND BEER CONTROL

ARTICLE 1 - GENERAL PROVISIONS

1.01 Purpose
1.02 Definitions
1.03 Liquor Store Location
1.04 Persons Under Legal Age
1.05 Public Consumption or Intoxication & Open Container In Public Places
1.06 Open Containers in a Motor Vehicle – Drivers

1.01 PURPOSE. The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.

1.02 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:
(Code of Iowa, Sec. 123.3(34))

a. Has such financial standing and good reputation as will satisfy the commission and the administrator that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his operations under state law. The administrator shall not require the person to post a bond to meet the requirements of this paragraph.

b. Is not prohibited by the Code of Iowa from obtaining a liquor license or a wine or beer permit.
(Code of Iowa, Sec. 123.40)

c. Is a Citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.

d. Has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the administrator may determine that he is a person of good moral character notwithstanding such conviction.

e. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, administrators and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

2. "Club" shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
(Code of Iowa, Sec. 123.3(11))

3. "Commercial establishment" shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the standards and specifications of the State of Iowa Alcoholic Beverage Division.
(Code of Iowa, Sec. 123.3(12))

4. "Grocery store" shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.
(Code of Iowa, Sec. 123.129(18))

5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.
(Code of Iowa, Sec. 123.129 (35))

6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.
(Code of Iowa, Sec. 123.3(20))

7. "Legal age" shall mean twenty-one (21) years of age or more.
(Code of Iowa, Sec. 123.3(24))

8. "Administrator" shall mean the administrator of the division.
(Code of Iowa, Sec. 123.3(1))

9. “Division” or "Department" shall mean the alcoholic beverages division of the Iowa Department of Commerce.
(Code of Iowa, Sec. 123.3(16))

1.03 LIQUOR STORE LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

1.04 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

(Code of Iowa, Sec. 123.47 (1))

2. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for the beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine beer permittee under State laws.

(Code of Iowa, Sec. 123.47 (2))

3. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

(Code of Iowa, Sec. 123.47 (3))

a. A simple misdemeanor punishable as a scheduled violation under Code of Iowa section 805.8C, subsection 7.

b. A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

c. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

1.05 PUBLIC CONSUMPTION OR INTOXICATION AND OPEN CONTAINER IN PUBLIC PLACES. Except as noted below, it is unlawful for any person to consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve. Exception for certain city-owned parks: Alcoholic liquors and beer may be consumed in Island Park and in West Side Park by persons of legal age. However, consumption of these beverages is not permitted on roads or in parking areas.

(Code of Iowa, Sec 123.46(2))

Editor's Note: Section 1.05 was updated at time of 2016 codification.

1.06 OPEN CONTAINERS IN A MOTOR VEHICLE - DRIVERS. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

(Code of Iowa, Sec. 321.284)

TITLE V

CHAPTER 1: LIQUOR, BEER AND WINE CONTROL

ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES

2.01 License or Permit Required
2.02 Nature of License or Permit
2.03 Beer Permits - Classes
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2.07 Bond Filed
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2.26 Hearing on Suspension or Revocation

2.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine, or beer without first securing a liquor control license or beer or wine permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, Sec. 123.2)

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

(Code of Iowa, Sec. 123.38)

2.03 BEER PERMITS - CLASSES. Beer permits shall be classed as follows:

1. CLASS "B". A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.

(Code of Iowa, Sec. 123.124&123.131)

2. CLASS "C". A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

(Code of Iowa, Sec. 123.124 & 123.129)

2.04 WINE PERMITS - CLASSES. Wine permits shall be classed as follows:

1. CLASS "A". A class "A" wine permit shall allow the holder to manufacture and sell, or sell at wholesale, wine for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)

2. CLASS "B". A class "B" wine permit shall allow the holder to sell wine at retail for consumption off the premises.
(Code of Iowa, 123.173 & 123.177)

2.05 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. CLASS "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.
(Code of Iowa, Section 123.30(3)(a))

2. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises.
(Code of Iowa, Sec. 123.30(3)(b))

3. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only, and native wines from native wine manufacturers, and to sell liquors, wine, and beer, to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited.
(Code of Iowa, Sec. 123.30(3)(c))

4. CLASS "E". A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and to sell the alcoholic liquor to patrons for consumption off the licensed premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses, wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license. The division may issue a Class "E" liquor control license for premises covered by a liquor control license or wine or beer permit for on-premise consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class "E" liquor control license has been issued by the division, and no other applicant for a class "E" license has been made within the previous twelve consecutive months.

(Code of Iowa, Section 123.30(3)(e))

2.06 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit or wine permit shall be filed at such time, in such number of copies and in such form as the administrator shall prescribe, on forms prescribed by the administrator.

(Code of Iowa, Sec. 123.31)

2.07 BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, and be filed with the council for approval or disapproval.

(Code of Iowa, Sec. 123.32 & 123.127)

1. LIQUOR CONTROL LICENSE. Upon posting bond in the penal sum of $5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, Sec. 123.30(1))

2. BEER PERMIT AND WINE PERMIT. With class "B" and "C" beer permits, or class "A" and "B" wine permits, upon posting bond in the penal sum of $500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128&123.129)

2.08 CONDITIONS FOR APPROVAL. No liquor control license or beer or wine permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.
(Code of Iowa, Sec. 123.30(1))

2. RIGHT OF ENTRY. The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.
(Code of Iowa, Sec. 123.30(1))

3. ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS. No interior access or residential or sleeping quarters is permitted or maintained unless permission is granted by the administrator in the form of a living quarters permit.
(Code of Iowa, Sec. 123.30(2))

4. LOCATION OF PREMISES. The premises are located within areas where such businesses are, or hereafter are, permitted by zoning regulations.
(Code of Iowa, Sec 123.128(1b))

5. SEATING CAPACITY. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.
(Code of Iowa, Sec. 123.128(1b))

6. CONFORM TO APPLICABLE LAWS. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.
(Code of Iowa, Sec. 123.30(2) & 123.127(2))

2.09 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the division.
(Code of Iowa, Sec. 123.92)

2.10 SEPARATE LOCATIONS. Every person holding a class "B" or class "C" beer permit or class "A" or "B" wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.
(Code of Iowa, Sec. 123.140)

2.11 INVESTIGATION. Upon receipt of an original application for a liquor license or beer or wine permit by the clerk, it shall be forwarded to a peace officer who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officer.
(Code of Iowa, Sec. 123.30(1))

2.12 LICENSE AND PERMIT FEES. The following fees shall be submitted with the respective application:

1. CLASS "B" BEER. For a class "B" beer license the annual fee shall be:

   a. For cities with a population 1,500-10,000:

      1) Without Sunday sales privileges $200.00

      2) With Sunday sales privileges.....$240.00

2. CLASS "C" BEER. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

   a. Up to one thousand five hundred square feet $75.00

   b. Over one thousand five hundred square feet and up to two thousand square feet $100.00

   c. Over two thousand and up to five thousand square feet $200.00

   d. Over five thousand square feet $300.00
   (Code of Iowa, Sec. 123.134(3))

   e. A Sunday sales permit will increase the fee by 20%.
   (Code of Iowa, Sec. 123.134(5))

3. CLASS "A" WINE. For a class "A" wine permit the annual fee is $750.00.
(Code of Iowa, Sec. 123.179(1))

4. CLASS "B" WINE. For a class "B" wine permit the annual fee is $500.00.
(Code of Iowa, Sec. 123.179(2))

5. CLASS "A" LIQUOR. For a class "A" liquor control license the annual fee shall be:

a. Club, less than 250 members:
without Sunday sales privileges $400.00
with Sunday sales privileges $480.00

b. Club, which is a post, branch or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week:
without Sunday sales privileges $200.00
with Sunday sales privileges $240.00
(Code of Iowa, Sec. 123.36(2))

6. CLASS "B" LIQUOR. For a class "B" liquor control license the annual fee shall be:

a. Cities of 3,000 or less population $800.00

b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(3))

7. CLASS "C" LIQUOR. For a class "C" liquor control license the annual fee shall be:

a. Cities with a population of 1,500-10,000 $950.00
b. The fee is 20% more for Sunday sales.
(Code of Iowa, Sec. 123.36(4,6))

8. CLASS "E" LIQUOR. For a class "E" liquor license, the annual fee is a sum of not less than $750.00, and not more than $7,500.00 as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises and the population of the area of the location of the licensed premises.
(Code of Iowa, Sec.123.36(9))

2.13 SURCHARGE. There is imposed a surcharge on the fee for each class "A", "B" or "C" liquor license equal to 30% of the scheduled license fee to be collected and deposited as provided in the Code of Iowa.
(Code of Iowa, Sec.123.36(10))

2.14 SEASONAL PERMITS. Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.

(Code of Iowa, Sec. 123.34(1))

2.15 ACTION BY COUNCIL. Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the division for such further action as is provided by law.

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

2.16 EXPIRATION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance.

(Code of Iowa, Sec. 123.34(1))

2.17 REFUNDS. Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer or wine permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows:

1. BEFORE THREE MONTH PERIOD. If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee.

2. SIX MONTH PERIOD. If surrendered more than three (3) months but not more than six (6) months after issuance the refund shall be one-half of the amount of the fee.

3. SIX - NINE MONTH PERIOD. If surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one-fourth of the amount of the fee.

4. AFTER NINE MONTH PERIOD. No refund shall be made, however, for a liquor control license or beer or wine permit surrendered more than nine (9) months after issuance.

5. SUNDAY SALES. No refund will be given on the Sunday Sales portion of a license or permit fee.

6. COMPLAINT FILED. No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender

a complaint filed with the department or the city, charging him with a violation of this chapter or provisions of the Iowa beer and liquor control act.

7. HEARING ON COMPLAINT. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing he shall not be eligible for the refund of any portion of his license or permit fee.

8. SEASONAL LICENSES OR PERMITS. No refund shall be made for seasonal licenses or permits.
(Code of Iowa, Sec. 123.38)

2.18 TRANSFERS. The council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of $15.00.
(Code of Iowa, Sec. 123.38)

2.19 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the City Administrator, who shall verify that the qualifications have not changed from the original application, and give a recommendation to the council as to the approval of the license or permit.
(Code of Iowa, Sec. 123.35)

2.20 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer or wine permit nor his agents or employees shall do any of the following:

1. INTOXICATED PERSONS. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
(Code of Iowa, Sec. 123.49(1))

2. HOURS OF OPERATION. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a holder of a liquor control license or retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense alcoholic liquor or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.
(Code of Iowa, Sec. 123.49(2b))

3. CREDIT SALES. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events.
(Code of Iowa, Sec. 123.49(2c))

4. EMPLOYMENT OF MINORS. Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.
(Code of Iowa, Sec. 123.49(2f))

5. SELLING TO MINORS. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer
(Code of Iowa, Sec. 123.49(2h))

6. MIXING OF ALCOHOLIC BEVERAGE. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.
(Code of Iowa, Sec. 123.49(2i))

7. SOLICITING AND DISORDERLY CONDUCT. Knowingly permit any gambling, except in accordance with Code of Iowa Chapter 99B, 99D, 99F, or 99G or knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.
(Code of Iowa, Sec. 123.49(2a))

8. BEER BRAND SIGNS PROHIBITED. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.
(Code of Iowa, Sec. 123.51)

2.21 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the council for any of the following causes:
(Code of Iowa, Sec. 123.39)

1. MISREPRESENTATION. Misrepresentation of any material fact in the application for such license or permit.
(Code of Iowa, Sec. 123.39(1))

2. VIOLATIONS. Violations of any of the provisions of the Iowa beer and liquor control act.
(Code of Iowa, Sec. 123.39(2))

3. CHANGE IN OWNERSHIP. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the division.
(Code of Iowa, Sec. 123.39(3))

4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued. (Code of Iowa, Sec. 123.39(4))

5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such license or permit.
(Code of Iowa, Sec. 123.39(5))

6. PAYMENT OF TAXES. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the division under the state law.
(Code of Iowa, Sec. 123.39(6))

7. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20 shall, subject to section 2.22, is grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.
(Code of Iowa, Sec. 123.50(2))

2.22 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the city council in accordance with the following:

1. SALE TO MINORS OR "SPIKING". If any licensee, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 2.20 of this Article or a retail beer permittee is convicted of a violation of section 2.20 of this article, the city shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:

a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.
(Code of Iowa, Sec. 123.50(3a))

b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars ($1,500).
(Code of Iowa, Sec. 123.50(3b))

c. Upon a third conviction within a period of five (5) years, the violator's liquor control license or beer or wine permit shall be suspended for a period of sixty (60) days.
(Code of Iowa, Sec. 123.50(3c))

d. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license or beer or wine permit shall be revoked.
(Code of Iowa, Sec. 123.50(3d))

e. For purposes of this subsection:

(1) The date of any violation shall be used in determining the period between violations.
(Code of Iowa, Sec. 123.50(3e))

(2) Suspension shall be limited to the specific license or permit for the premises found in violation.
(Code of Iowa, Sec. 123.50(3e))

(3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.
(Code of Iowa, Sec. 123.50(3e))

(4) In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.
(Code of Iowa, Sec. 123.50(4))

2. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20, except section 2.20(8) "Brand Alcohol Signs Prohibited", shall, subject to section 2.22, is grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or ‘‘e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.

(Code of Iowa, Sec. 123.50(2))

2.23 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

2.24 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the administrator or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A city may appeal a decision of the hearing board as provided by statute.

(Code of Iowa, Sec. 123.32(4&5))

2.25 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer or wine permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, Sec. 123.40)

2.26 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

2. HEARING. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

3. RIGHTS OF PERMIT HOLDER. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.

4. EVIDENCE. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. CRIMINAL CHARGES. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. RECORD AND DETERMINATION. The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

CHAPTER 2: CIGARETTE PERMITS

ARTICLE 3 - GENERAL PROVISIONS

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3.13 Self-Service Sales Prohibited

3.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1(3))

2. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1(21))

3. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1(19))

4. "Tobacco Products" means the following: cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in pipe or otherwise, or both chewing and smoking, but does not mean cigarettes.
(Code of Iowa, Sec. 453A.1(26))

3.02 PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13(1&10))

3.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the council in June. If a renewal application is not timely filed, and special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13(5&9))

3.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

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

1. For permits issued or renewed during: (For cities under 15,000 population) Fee:

July, August, or September	$75.00
October, November, or December	$56.25
January, February, or March	$37.50
April, May, or June	$18.75

3.05 ISSUANCE. The council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued.

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

3.06 DISPLAY. The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this division.

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

3.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the council, if it decides to issue a new permit to him, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3.08 EXPIRATION. Permits expire on June 30 of each year.
(Code of Iowa, Sec. 453A.13(3))

3.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the city except during April, May, or June, as follows:
(Code of Iowa, Sec. 453A.13(4))

1. Permits surrendered during: Amount of refund:
(For cities under 15,000 population)

July, August, or September	$56.25
October, November, or December	$37.50
January, February, or March	$18.75

3.10 PERSONS UNDER THE LEGAL AGE. No person shall sell, give or otherwise supply tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes and tobacco products from a vending machine.
(Code of Iowa, Sec. 453A.2 & 453A.36(6))

3.11 PERMIT SUSPENSION & REVOCATION. If a retailer or employee of a retailer has violates the provisions of 3.10 of this Chapter or unlawful acts per Iowa Code 453A.36, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars ($300). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

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

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

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

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

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard

(Code of Iowa, 453A.22(1))

3.12 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

(Code of Iowa, 453A.22(3))

3.13 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except as provided in Code of Iowa, Section 453A.3(6), a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

ORDINANCE NO. 727

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA, BY REPEALING TITLE V, CHAPTER 2, ARTICLE 3, AND ADOPTING A NEW TITLE V, CHAPTER 2, ARTICLE 3, IN LIEU THEREOF, CONCERNING CIGARETTE PERMITS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa, is hereby amended by repealing Title V, Chapter 2, Article 3, and adopting a new Title III, Chapter 1, Article 3, in lieu thereof, concerning cigarette permits and legal age for sale, purchase, use, and possession, as follows:

ARTICLE 3 – GENERAL PROVISIONS

3.01 Definitions
3.02 Retailer Permit Required
3.03 Application for Retailer Permit
3.04 Fees
3.05 Issuance
3.06 Display
3.07 Retailer Permit Not Transferable
3.08 Expiration
3.09 Refunds
3.10 Persons Under Legal Age
3.11 Retailer Permit Suspension & Revocation
3.12 Renewal After Revocation
3.13 When Self-Service Sales Prohibited

3.01 DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, below:

8. "Alternative Nicotine Product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative Nicotine Product" does not include Cigarettes, Tobacco Products, or Vapor Products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.
[Code of Iowa, Sec. 453A.1(1)]

9. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, "cigarette" shall not be construed to include cigars.
[Code of Iowa, Sec. 453A.1(4)]

10. "Legal Age" shall mean twenty-one (21) years of age or more.
[*See* Code of Iowa, Sec. 453A.2(1)]

1. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the state of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business; or for a business within or without the state that conducts delivery sales, any place where alternative nicotine products or vapor products are sold or where alternative nicotine products or vapor products are kept for the purpose of sale.

   [Code of Iowa, Sec. 453A.1(21)]

2. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products irrespective of quantity or amount or the number of sales.

   [Code of Iowa, Sec. 453A.1(23)]

3. "Retailer Permit" shall mean a permit issued to a Retailer with a place of business located within the respective limits of the City of Rock Rapids.

   [*See* Code of Iowa, Sec. 453A.13(2)(a)]

4. "Tobacco Products" means cigars; little cigars as defined in Code of Iowa, Section 453A.42; cheroots; stogies; periques; granulated; plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; or refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not mean cigarettes.

   [Code of Iowa, Sec. 453A.1(28)]

5. "Vapor Product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

   [Code of Iowa, Sec. 453A.1(29)]

3.02 RETAILER PERMIT REQUIRED. No retailer shall sell, distribute, or solicit the sale of any cigarettes, tobacco products, alternative nicotine products, or vapor products within

the City without a valid, unexpired Retailer Permit issued by the City for each place of business.
[*See* Code of Iowa, Sec. 453A.13(1) & (2)(a)]

3.03 APPLICATION FOR RETAILER PERMIT. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the City Clerk. Renewal applications shall be filed at least 5 business days prior to the last regular meeting of the City Council in June. If a renewal application is not timely filed, and a special City Council meeting is called to act on the untimely application, then the costs of such special City Council meeting shall be paid by the applicant.
[*See* Code of Iowa, Sec. 453A.13(5) & (9)]

3.04 FEES. The fee for issuing or renewing a permit under this chapter shall be as follows:
[*See* Code of Iowa, Sec. 453A.13(3)(b)(2) & (3)(c)]

For Retailer Permits issued or renewed during:	Fee:
July, August, or September	$75.00
October, November, or December	$56.25
January, February, or March	$37.50
April, May, or June	$18.75

3.05 ISSUANCE. The City Council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by City Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued.
[*See* Code of Iowa, Sec. 453A.13(2)(a) & (c); *See* Code of Iowa, Sec. 453A.13(9)]

3.06 DISPLAY. The permit shall, at all times, be publicly displayed by the Retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where alternative nicotine products, vapor products, cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the alternative nicotine products, vapor products, cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this provision.
[*See* Code of Iowa, Sec. 453A.13(10)]

3.07 RETAILER PERMIT NOT TRANSFERABLE. A Retailer Permit issued by the City shall not be transferable to another place of business or Retailer. However, if a Retailer who holds a valid permit changes its place of business, the City Council, if it decides to issue a new permit to such Retailer, shall not charge any additional fee for the unexpired term of

the original Retailer Permit if the Retailer has not received a refund for surrender of the original Retailer Permit.

3.08 EXPIRATION. Retailer Permits expire on June 30 of each year.
[Code of Iowa, Sec. 453A.13(3)(a)]

3.09 REFUNDS. A Retailer may surrender an unrevoked Retailer Permit and receive a refund from the City, except during April, May, or June, as follows:

Retailer Permits surrendered during:	Fee Refunded:
July, August, or September	$56.25
October, November, or December	$37.50
January, February, or March	$18.75

[*See* Code of Iowa, Sec. 453A.13(4)(a)]

3.10 PERSONS UNDER LEGAL AGE. A person shall not sell, give or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any individual under Legal Age. A person who is not a Retailer or employee of a Retailer that has violated this provision is guilty of a simple misdemeanor. A Retailer or Employee of a Retailer that has violated this provision shall be subject to permit suspension and revocation provided in section 3.11 of this chapter.
[Code of Iowa, Sec. 453A.2(1) & Sec. 453A.3(1)(a)]

3.11 PERMIT SUSPENSION AND REVOCATION. If a Retailer or employee of a Retailer has violated the provisions of section 3.10 of this chapter or committed any other unlawful acts pursuant to Section 453A.36 of the Code, then the City Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the Retailer shall be assessed a civil penalty in the amount of three hundred dollars ($300). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the Retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500) or the Retailer's Permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.

3. For a third violation within a period of three (3) years, the Retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500) and the Retailer's Permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years the Retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars ($1,500) and the Retailer's Permit shall be suspended for a period of sixty (60) days.

1. For a fifth violation within a period of four (4) years, the Retailer's Permit shall be revoked.

If an employee of a Retailer has violated the provisions of section 3.10 of this chapter, the Retailer shall not be assessed the above penalty, and the violation shall be deemed not to be a violation for the purpose of determining the number of violations for which a penalty may be assessed if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to the Code of Iowa, Sec. 453A.5 at the time of the violation. A retailer may assert only once in a four-year period the bar under this section against assessment of a penalty for a violation of section 3.10 of this chapter that takes place at the same place of business location.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard

[*See* Code of Iowa, Sec. 453A.22(2) & (3)]

3.12 RENEWAL AFTER REVOCATION. Upon revocation, no new Retailer Permit shall be issued to the Retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the City Council.

[Code of Iowa, Sec. 453A.22(4)]

3.13 WHEN SELF-SERVICE SALES PROHIBITED. Any sales of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes made through a cigarette vending machine are subject to the rules and penalties relative to their sale provided for in this chapter. Tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes shall not be sold through a vending machine unless the vending machine is located in a place where the Retailer ensures that no person under the Legal Age is present or permitted to enter at any time.

[*See* Code of Iowa, Sec. 453A.36(6)]

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective August 6, 2025, after its final passage, approval, and publication as provided by law.

1st Reading: PASSED and APPROVED by at least ¾ of all the members of this Council this 28th day of July, 2025.

2nd and 3rd Readings: WAIVED by at least ¾ of all the members of this Council this 28th day of July, 2025

_____
Ed Reck, Mayor Pro Tem

ATTEST:

_____
Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 6th day of August, 2025, in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 6th day of August, 2025.

_____
Melissa Van Holland, Clerk

CHAPTER 3: LICENSING

ARTICLE 4 – Reserved for Future Use

Article 4 is reserved for future use.

ORDINANCE NO. 706

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE V, CHAPTER 3, ARTICLE 4, BY REPEALING ARTICLE 4 AND ADDING A NEW ARTICLE 4 RELATING TO MOBILE FOOD VENDORS.

WHEREAS, the City Council has determined it is necessary to add Article 4 to the Code of Ordinances to provide for application and licensure procedures and the operation requirements applicable to mobile food vendors doing business within the corporate limits of Rock Rapids, Iowa.

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title V, Chapter 3, Article 4 and adopting a new Title V, Chapter 3, Article 4 in lieu thereof as follows:

ARTICLE 4 – MOBILE FOOD VENDORS

4.01 PURPOSE.
4.02 DEFINITIONS.
4.03 LICENSE REQUIRED.
4.04 EXEMPTION TO LICENSE REQUIREMENTS.
4.05 APPLICATION FOR LICENSE.
4.06 LICENSE ISSUANCE
4.07 GROUNDS FOR DENIAL OF LICENSE APPLICATION
4.08 TRANSFERABILITY OF LICENSE.
4.09 REVOCATION OF LICENSE.
4.10 APPEAL AND HEARING OF DENIAL OR REVOCATION OF LICENSE.
4.11 PUBLIC SAFETY AND CONGESTION.
4.12 DUTY TO ENFORCE
4.13 GENERAL PROVISIONS
4.14 MOBILE FOOD VENDORS IN CITY PARKS.

4.01 PURPOSE. The purpose of this article is to protect the residence of this city and the businesses located within the city by creating licensure and operation requirements applicable to mobile food vendors operating within the city limits.

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

1. "City Block" shall mean the entire right-of-way of a public street extending from the centerline of an interesting street or the lateral centerline of any river bridge, to the centerline of the next intersecting street or the lateral centerline of any river bridge, whichever is closer.

2. “City Park” shall mean a parcel of land, owned, operated as, and designed as a park by the City.

3. “Event Venue” shall mean an establishment on a parcel of land which is operated solely or primarily to host specialized events, generally occurring weekly, or throughout a month, but not occurring daily. These specialized events may be exclusive to said establishment and are not prevalent throughout the City.

4. “Hard-surfaced” shall mean a surface that is comprised of Portland Cement Concrete (PCC), Asphalt Cement Concrete (ACC), or other paved, or seal coated surfaces.

5. “Intermittent sales” shall mean food sales which occur from a mobile vending unit which is only stopped when making a sale. Such stops are generally less than five minutes in total duration.

6. “Market” shall mean an establishment consisting of at least two (2) vendors where people may gather, indoors or outside, a permanent structure is on site, offering food that is prepared on site, for consumption on site. Non-food goods and other prepared and packaged food, prepared on site is offered for sale as a function of the establishment.

7. “Mobile food vendor” shall mean the person, corporation, entity, or group obtaining the license to prepare, market or sell food from a mobile vending unit or food stand, as defined herein.

8. “Mobile food vendor sales” shall mean an exchange of unprocessed whole food, prepared food or prepackaged food for American currency at a set price, not for goodwill donation or for free.

9. “Mobile food vendor license” shall mean the document issued by the City Clerk granting permission for a person, corporation, entity, or group to sell unprocessed whole food, prepared food or prepackaged food from a mobile vending unit or food stand.

10. “Mobile food vending unit” shall mean a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, such as a pushcart, or food truck.

11. “Parking space” shall mean on-street or off-street parking space located within the City’s right-of-way or on City property, including angled parking spaces as defined above.

12. “Private property” shall mean a lot or defined area of land which is not in the ownership of a local, state, or federal government entity.

13. “Public alley” shall mean the public right-of-way and service area at the rear or sometimes side of buildings, generally narrower than a street.

14. “Public right-of-way” shall mean an easement over land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

15. “Restaurant” shall mean a retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These establishments may include entertainment, dancing, and the serving of alcoholic beverages, if permitted by applicable state or local law and any required licenses or permits have been acquired. For the purposes of this Chapter, a restaurant must also derive at least 25% of their revenue from the sale of food, not alcohol, for immediate consumption on the premises and be located on the street level.

16. “Service area” shall mean an operating base location to which a mobile food establishment or transportation vehicle returns regularly for things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

17. “Sight triangle” shall mean an area on the corner lot, measured from the point of the lot where two property lines meet street right-of-way. From this point of intersection, 30 feet in each direction along two property lines, then the two lines are connected by a straight line, forming a triangle.

18. “Special event” shall mean an event or celebration for which a permit is granted by the City Council or City Clerk and the Lyon County Fair. An “event or celebration” is a significant occurrence or happening sponsored by a civic, business, educational, government, community, or veterans’ organization and may include athletic contests.

19. “Temporary/Seasonal Sales” shall mean sales occurring from a mobile food vending unit or food stand of unprocessed whole food relating to, occurring in, or varying with a particular season or defined period of time no greater than six (6) months in duration.

4.03 LICENSE REQUIRED. No person shall engage in the business of a mobile food vendor (as defined herein) in the City without a license issued pursuant to this Article, unless that individual or organization is exempt by the provisions of this Article.

4.04 EXEMPTION TO LICENSE REQUIREMENTS. The following organizations and situations are exempt from the license requirement. However, when a mobile food vendor or pushcart license is not required from the City Clerk, permits may still be required from other federal, state or local government agencies and shall be obtained by the mobile food vendor and said vendor is expected to comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

1. Non-Profit Organizations. Sales activity by a charitable, educational or religious organization which exempt from taxation under the Iowa Code Chapter 504 and/or Section 501(C)(3) of the United States Internal Revenue Code wherein the proceeds thereof shall be applied to the expenses thereof and the charitable, religious object for

which the charitable or religious society exists, provided that such sales are not conduction by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

2. Farm Stand. Unprocessed whole food is being sold, provided the Seller has received permission from the land owner to sell from the private property.

3. Markets. Any property within a market, as defined by this Article, as a primary use on the parcel, but only while the market is in operation and has received permission from the City for its public property or permission from the private land owner.

4. Event Venues. Any event venues as defined by this Article, but only during the time period of the event and two (2) hours before and after an event.

5. Mobile Food Vending Ancillary to an Existing Primary Use. A mobile food vendor license shall not be required if the mobile food vending is ancillary to a primary use on the same parcel or parcels if owned in common ownership if all of the following conditions are met:

   A. There is a primary land and a building, which is constructed or being constructed on the parcel for which the mobile food vending unit would be located;

   B. Sales of food associated with the primary structure on the parcel would be allowed or is lawfully occurring on said parcel;

   C. The parcel has been classified by the Lyon County Assessor to be exempt, industrial, or commercial; and

   D. Mobile food vendor is the owner of the parcel of owns a business in a permanent structure on the parcel where the mobile food vending unit or food stand would be located.

6. TEMPORARY/SEASONAL SALES OF UNPROCESSED WHOLE FOODS. A mobile food vendor license shall not be required for a temporary/seasonal sale of unprocessed whole food if the parcel upon which the mobile food vending unit or food stand is located has been classified by the Lyon County Assessor to be exempt, industrial or commercial.

7. MOBILE FOOD VENDING ASSOCIATED WITH SPECIAL EVENTS AND CARNIVALS. A food venue license shall not be required if the food vendor is operating solely during a community event sponsored by the Chamber of Commerce, (such as Heritage Days), the Lyon County Fair, or other event approved by the City Council provided that said mobile food vendor is operating within the location of the event for said special event and has received any other necessary permits and permissions.

4.05 APPLICATION FOR LICENSE. When a mobile food vendor license is required, the applicant shall submit the following to the Office of the City Clerk:

1. Completed application furnished by the Office of the City Clerk.

2. Each mobile food vendor shall provide proof of general liability insurance, including products liability coverage in the amount of $1,000,000 or more per occurrence and $1,000,000.00 for property damage. A Certificate of Insurance shall be delivered to the City Clerk prior to the issuance of the mobile food vendor license.

3. A copy of the mobile food unit license issued by the Iowa Department of Inspections and Appeals for the mobile vendor vehicle.

4. A copy of the appropriate food establishment license issued by the Iowa Department of Inspection and Appeals for any commissary kitchen or other premises where food is prepared for sale from the mobile vendor vehicle, and the name and contact information for the individual or business responsible for the operation of such kitchen and premises.

5. A fee for the license shall be according to the fee schedule adopted from time to time by the City Council of Rock Rapids, Iowa by resolution.

4.06 LICENSE ISSUANCE. Upon completion of the review process and determination of compliance with the applicable regulations, the City Clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger) side of the front windshield or front left side of a trailer or cart to aid in visual verification of the licensing for that year.

4.07 DENIAL OF LICENSE APPLICATION. In the event an application for mobile food vending is denied, the Office of the City Clerk or authorized designee shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application. Written notice shall also be sent to the application at the business address identified in the application and inform the applicant of the denial, the reasons therefore, and the applicant's right to appeal to a hearing in front of the City Council by filing a written notice of the appeal within the office of the City Clerk within ten (10) business days of receiving the written notice.

4.08 TRANSFERABILITY OF LICENSE. A mobile food vendor license shall not be transferable from person to person or from mobile food vending unit to mobile food vending unit or from food stand to food stand. Any individual or entity seeking to obtain a license via transfer shall be subject to the same requirements as an individual or entity making the initial license application.

4.09 REVOCATION OF LICENSE. Any license issued under the provisions of this Chapter may be revoked by the City as follows:

1. Grounds. The City Clerk may suspend any license issued under this Chapter, pending the outcome of an administrative hearing, for any of the following reasons:

   A. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

   B. The licensee has violated this Article or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

   C. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

   D. The City Clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

2. Notice. The City Clerk shall have the licenses served with notice either in person or by regular mail to the licensee's address shown on the license application notifying them of the license suspension, the specific reason(s) for such action, and date and time of hearing with the City Clerk to review the particulars of the suspension. The licensee shall be prohibited from any further activities covered by the license until such time that the hearing has been held and a determination of suspension and revocation resolved.

3. Hearing. A hearing shall be conducted by the City Clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this Chapter. Should the licensee or his/her authorized representative fail to appear without good cause, the City Clerk may proceed with the hearing and make his/her findings.

4. Revocation. After the City Clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation has occurred. The revocation shall be effective immediately.

5. Effect of Revocation. Revocation or denial of any license shall bar the licensee or application from being eligible for any license under this chapter for a period of one year form the date of the revocation or denial. There shall be no refund of any fees for any revocation.

4.10 APPEAL AND HEARING OF DENIAL OR REVOCATION OF LICENSE. If the Clerk revokes or suspends a license or refuses to issue a license, the Clerk shall make a part of the records the reasons thereof. Upon written notice of appeal to the City Clerk within fifteen (15) days of the license denial, suspension or revocation, the licensee or the applicant shall have a right to a hearing before the City Council.

At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Legal counsel shall not be required but shall be permitted. The City Council may reverse, modify or affirm the decision of the Clerk and the Clerk shall carry out the decision of the City Council.

Within thirty (30) days after the conclusion of the hearing held pursuant to this section, the City Council shall make written findings which shall be based on the preponderance of the evidence as the standard proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with the Iowa law. Until an appeal is heard and determined by the City Council, the Licensee shall cease all operations conducted under the license pursuant to this chapter.

Should the licensee, entity or their authorized representative fail to appear without good cause, the appeal shall be dismissed and the penalty set forth and the original notice shall be upheld. A licensee whose license has been revoked or renewal denied shall not be eligible for another license for a period of one year after such revocation or denial of renewal.

4.11 PUBLIC SAFETY AND CONGESTION. The City reserves the right, in the event public safety or congestion so requires, to limit the number of food trucks and/or food carts to a maximum number. Licenses will be issued in the order of priority based on the first date and time application is stamped received by the office of the City Clerk.

4.12. DUTY TO ENFORCE. It shall be the duty of the police officers or other designated code officials of the City to examine all places of business or persons subject to the provisions of this Chapter, to determine if this Chapter has been complied with and to enforce the provisions of this Chapter against any person found to be violating the same. Any complaints or observed violations of food safety, sanitation or food borne illness regulations or requirements must be reported to the Iowa Department of Inspection and Appeals for investigation.

4.13 GENERAL PROVISIONS. Regulations applicable to all mobile food vending units or food stands:

1. No mobile food vendor shall:

   A. Leave a food cart unattended in the public right-of-way.

   B. Operate, store, leave unattended, or park any mobile vending unit in the public right-of-way between the hours of 2:00 AM and 6:30 AM, without prior written approval from the City.

   C. Leave any location without first picking up and removing all trash and refuse including all products spilled on the sidewalk as a direct result of the mobile vending operation.

   D. Dispose of trash and refuse in a dumpster or trash receptacle which is not owned or permissible for use by the mobile food vendor.

E. Sell to any person situated in a motor vehicle.

F. Conduct any sale from a mobile food vending unit from a parking space which is designated as a handicap parking space.

G. Conduct any sales from outside the mobile vending unit, unless a reasonable accommodation is necessary to serve a customer with a disability.

H. Sell or attempt to sell alcoholic beverages and anything other than prepared, packaged, and/or whole unprocessed foods that are not potentially hazardous.

I. Locate within three (3) feet of a fire hydrant of ten (10) feet of a building ingress/egress door.

J. Operate a generator and/or vehicle motor which generates visible smoke, excessive noise, or excessive gasoline/diesel fumes.

K. Leave less than six (6) feet of unobstructed passage on a public or private sidewalk.

L. Operate a mobile food vending unit or food stand within a public alley.

M. Stop, idle, or park in a location in which patrons or the mobile food vending unit, food stand or patrons thereof would be within a bike lane, fire lane, parking space not permitted for use by a mobile food vendor, sight-triangle or loading zone.

N. Operate a mobile food vending unit or food stand within state or federal right-of-way.

2. Mobile food vending in the public right-of way.

A. No mobile food vendor shall operate a mobile food vending unit or food stand within or upon the public right-of-way without a mobile food vendor license pursuant to this Article.

B. No mobile food vending unit or food stand shall operate in public right-of-way within 300 feet from the entrance of a restaurant measured as a 300-foot buffer of a point, located at the center of the primary entrance of a restaurant.

C. Parking space or spaces shall be considered in conformance with this Article for the full license term based on the existing restaurant location at the time of application.

D. Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.

E. Neither food stands nor food carts shall locate within five feet of sidewalk ramps.

F. No food truck shall locate upon a sidewalk.

G. No food truck shall park within 35 feet of a stop sign in the direction of approach.

H. All sales activities and the transfer of food and beverages to the customer shall occur only on the sidewalk side of the mobile vending unit.

I. No food truck shall operate in angled parking spaces unless approved by the City of Rock Rapids.

J. Neither the mobile food vendor, nor any employees or agents thereof shall shout, make any outcry, blow a horn, or use any other sound device including any loud speaking radio or amplifying system for the purpose of attracting attention to the operation.

K. No mobile food vendor shall set up or maintain the use of any table, chair, crate, carton, rack or any other devise placed within the public right-of-way, to market or provide a seating and/or eating area for the mobile food vending operation. This shall include providing tables, chairs or other furniture within the public right-of-way.

L. Any signage located off of the mobile food vendor vehicle shall be in conformance with the City of Rock Rapids Code of Ordinances regarding signage.

M. Food trucks operating in parking spaces shall be subject to the following:

    a. A mobile food vendor license shall be required.

    b. Mobile food vendors shall be legally parked.

N. Food trucks engaging in intermittent sales in the public right-of-way shall also be subject to the following:

    a. The mobile food vending unit shall not exceed five (5) miles per hour while playing music.

    b. Sales are restricted to pedestrians and only at such time when the food truck has come to a complete stop and is legally parked.

    c. Hours of operation shall be no earlier than 10:00 A.M. and no later than 8:00 P.M. or sunset, whichever occurs first.

d. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food truck is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.

e. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one (1) square foot.

4.14 MOBILE FOOD VENDORS IN CITY PARKS. Mobile food vendors within the City Parks shall also be subject to the following:

1. No mobile food vendor shall operate within a parking lot directly adjacent to, or with direct access to, a concession stand while said concession stand is in operation.

2. Mobile food vendors shall be limited to graveled or paved areas of the park, but this shall not mean within any roadway or parking lot drive aisle.

3. Mobile food vending shall be limited to the park hours of operation set by the City of Rock Rapids.

4. A mobile food vending unit or food stand shall not be located in public right-of-way within two (2) city blocks of the affected area within a city park holding a special event or other operation as deemed necessary by the City park and recreation department unless specifically licensed as part of said special event by the permit holder of said special event.

   A. The City Clerk may provide in writing a written statement indicating that they waive the requirement of the two (2) block affected area during the event hours of operation.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 12th day of August, 2019.

Jason Chase, Mayor

ATTEST:

Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 21st day of August, 2019 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 21st day of August, 2019.

Jordan Kordahl, Clerk

CHAPTER 3: LICENSING

ARTICLE 5 - SPECIAL REQUIREMENTS

5.01 Compliance
5.02 Public Dance Halls
5.03 Reserved for Future Use
5.04 Purpose
5.05 House Mover Defined
5.06 Permit Required
5.07 Application
5.08 Bond Required
5.09 Insurance Required
5.10 Permit Fee
5.11 Permit Issued
5.12 Public Safety
5.13 Time Limit
5.14 Removal By City
5.15 Protect Pavement
5.16 Electric Wires
5.17 Junk Dealers

5.01 COMPLIANCE. Every person who is granted a license under the terms of this chapter shall comply with the following regulations that apply in his case.

5.02 PUBLIC DANCE HALLS. No place in which beer is sold shall hold a license for a public dance hall unless such place has complied with all the requirements of the city ordinances concerning dancing in connection with the operation of an establishment which sells beer for consumption on the premises.

5.03 Reserved for Future Use

5.04 PURPOSE. The purpose of this article is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

5.05 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

5.06 PERMIT REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the city for each house, building or similar structure to be moved.

5.07 APPLICATION. Application for a house mover's permit shall be made in writing to the clerk. The application shall include:

1. Name and Address. The applicant's full name and address and if a corporation the name and addresses of its principal officers.

2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

3. Routing Plan. The applicant shall indicate the desired route of the move, and agree to such protective measures as may be prescribed, including planking under the wheels of the moving equipment when needed to prevent damage to street pavement.

4. Compliance. If a building or structure is to be moved to a location within the corporate limits of the city a 'building permit must be secured as provided by zoning regulations before a license can be issued under this article.

5. Notice to Utilities. He shall show written evidence that he has contacted all utilities where wires will obstruct passage of the building.

5.08 BOND REQUIRED. The application shall be accompanied by a bond executed to the city with good and sufficient sureties, in the sum of no less than five thousand ($5,000) dollars, conditioned for the payment of any damages, for which the city might be liable, in consequence of the use of any street, alley or public place for the moving of such building and the payment of any penalty that may be incurred by such person or his agents for violation of the provisions of this chapter relating to moving of buildings. The bond amount shall be set on the best estimate of the risk involved and the size of the building.

5.09 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

1. Bodily Injury - $100,000.00 per person; $100,000.00 per accident.

2. Property Damage - $25,000.00 per accident.

5.10 PERMIT FEE. A permit fee of five (5) dollars for each day that the streets are to be occupied shall be payable at the time of filing the application with the clerk. A separate permit shall be required for each house, building or similar structure to be moved.

5.11 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee the clerk shall issue a permit. At the request of the Board of Trustees of the Municipal Electric Utility or in the event that trees or other property owned by the City of Rock Rapids must be altered or removed because of the size of the building, then said license must be issued by the city council.

5.12 PUBLIC SAFETY. The applicant shall agree to notify the city of the time of moving into the public way sufficiently in advance to permit the chief of police or other officer to attend on the move for the safety of the public. The mover shall supply barricades, and safety lights at night as necessary for public safety.

5.13 TIME LIMIT. No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.

5.14 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 5.13 of this article the city is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his bond.

5.15 PROTECT PAVEMENT. It shall be unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved shall be at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building the estimate of the engineer or mayor as to such weight shall be final.

5.16 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, telegraph and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any telephone, telegraph or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

5.17 JUNK DEALERS. The following shall apply to the license for junk dealers:

1. RECORD BOOK. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.

2. SEGREGATE DAY'S COLLECTION. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.

3. RECEIVE JUNK FROM MINOR. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

4. INSPECTION. Health officers and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

5. ENCLOSED WITH FENCE. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which hides the contents of the yard from public view. Materials within the yard shall not be stacked higher than the

surrounding fence. Any gates in said fence shall be of solid material and equal height.

CHAPTER 3: LICENSING

ARTICLE 6 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

6.01 Purpose
6.02 Definitions
6.02 License Required
6.03 Exemptions
6.04 Religious & Charitable Organizations Exempt
6.05 Application
6.06 License Fees
6.07 License Issued
6.08 Display of License
6.09 License Not Transferable
6.10 Time Restriction
6.11 Revocation of License
6.12 Notice
6.13 Hearing
6.14 Record & Determination
6.15 Appeal
6.16 Effect of Revocation
6.17 Rebates
6.18 Expiration
6.19 Consumer Protection Law

6.01 PURPOSE. The purpose of this article is to protect residents of the city against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.

2. "Solicitor" shall mean any person who solicits or attempts to solicit from house- to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.

3. "Transient merchant" shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

6.02 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this ordinance.

6.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspapers. News boys and girls.

2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.

3. Farmers. Farmers who offer for sale products of their own raising.

4. Students. Students representing the Rock Rapids School District conducting projects sponsored by organizations recognized by the school.

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

6.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6.05 - 6.13 of this ordinance. All such organizations shall be required to submit in writing to the city clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor for his efforts and the amount thereof. If the city clerk shall find that the organization is a bona fide charity or religious organization he shall issue, free of charge, a license containing the above information to the applicant.

6.05 APPLICATION. An application in writing shall be filed with the city clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee of two ($2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

6.06 LICENSE FEES. The following license fees shall be paid to the clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent) , a fee for the principal of ten ($10.00) dollars per year.

2. Peddlers or Transient Merchants.

A. For one day----------$10.00.

B. For one week ---------- $20.00.

C. For up to six (6) months ----------$100.00.

D. For one year or major part thereof ----$200.00.

6.07 LICENSE ISSUED. If the clerk finds the application is completed in conformance with Section 6.05 of this article and the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

6.08 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in Section 6.07 of this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied within all requirements of this article. Each transient merchant shall display publicly his license in his place of business.

6.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this article are not transferable in any situation and are to be applicable only to the person filing the application.

6.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight (8) a.m. and six (6) p.m.

6.11 REVOCATION OF LICENSE. After notice and hearing, the council may revoke any license issued under this article for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.

2. Violation of Law. The licensee has violated this article or has otherwise conducted his business in an unlawful manner.

3. Endangered Public Welfare, Health or Safety. The licensee has conducted his business in such manner as to endanger the public welfare, safety, order or morals.

6.12 NOTICE. The license holder shall be served with written notice containing particulars of written notice containing particulars of the complaints against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

6.13 HEARING. The clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.

6.14 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this article or state law.

6.15 APPEAL. If the clerk revokes, or refuses to issue, a license he shall make a part of the record his reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council members present and the clerk shall carry out the decision of the council.

(Constitution of Iowa, Art. I, Sec. 9)

6.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this article for a period of one year from the date of the revocation.

6.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he has paid if he surrenders his license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five ($5.00) dollars of the original fee shall be retained by the city to cover administrative costs.

6.18 EXPIRATION. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license is issued.

6.19 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he sells a product or service and, comply with the other requirements of the law.

TITLE V

TITLE VI--PROPERTY

TITLE VI

CHAPTER 1: BUILDING CODE

ARTICLE 1 - GENERAL PROVISIONS

1.01	**Building Official**	**1.04**	**Posting of Signs**
1.02	**General, Definition of Unsafe**	**1.05**	**Right to Demolish**
1.03	**Notice to Owner**	**1.06**	**Costs**

1.01 BUILDING OFFICIAL. The building official shall be responsible for the enforcement of this ordinance. The council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official.

1.02 GENERAL, DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the city building code or any other ordinance, are, for the purpose of this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Sections 4, 5, 6 and 7 below.

"Unsafe building" shall mean 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 20 lb. per sq. ft.

3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe or unfit for the purpose for which it is to be used.

6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 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 including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by any 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 Marshall or city fire chief to be a fire hazard.

11. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

1.03 NOTICE TO OWNER. The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this ordinance, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 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 90 days from date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.

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 shall be found within the city limits. If he is not found within the city limits, such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date he receives such notice. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed or demolished, and such request shall be made at least 3 days before the deadline set in the notice if less than 15 days was set, and at least 10 days if over 21 days was set.

1.04 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER UNSAFE TO OCCUPY. Building Department, City of Rock Rapids." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed except for the purposes of making the required repairs or of demolishing the building.

1.05 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 said building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.

1.06 COSTS. Costs incurred under Section 1.06 above 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 Section 364.12(3)(h), Code of Iowa.

CHAPTER 1: BUILDING CODE

ARTICLE 2- PUBLIC BUILDINGS - TOILET FACILITIES

2.01 Minimum Toilet Facility Standard

2.01 MINIMUM TOILET FACILITY STANDARD.

1. Places of assembly for public use including but not limited to theaters, auditoriums, and convention halls, constructed on or after January 1, 1991, shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.

2. Restaurants, pubs and lounges constructed on or after January 1, 1991 shall conform to the standards for minimum plumbing facilities as provided in the Uniform Plumbing Code.

3. All toilets installed pursuant to this section shall be water efficient toilets which use three (3) gallons or less of water per flush.

(Code of Iowa, Sec. 104B.1)

CHAPTER 2: FIRE LIMITS

ARTICLE 3 - GENERAL PROVISIONS

3.01	**Fire Limits Established**	**3.05**	**Moving Buildings**
3.02	**Plans Submitted**	**3.06**	**Reconstruction Prohibited**
3.03	**Buildings Prohibited**	**3.07**	**Removal of Buildings**
3.04	**Special Permit**	**3.08**	**Board of Appraisement**

3.01 FIRE LIMITS ESTABLISHED. The fire limits (Fire Zone No. 1) are established to include the following property:

The Corporate Limits of Rock Rapids

3.02 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the building inspector or mayor etc., who if the proposal is in accordance with the provisions of the building code, shall issue a permit for the proposed work.

3.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with the provisions of the city building code for Fire Zone No. 1.

3.04 SPECIAL PERMIT. The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.

3.05 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.

3.06 RECONSTRUCTION PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value, the building shall not be repaired so as to be higher in value than it was before the damages were sustained, except upon approval by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

3.07 REMOVAL OF BUILDINGS. Any person who erects or moves any building in the fire limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.

3.08 BOARD OF APPRAISEMENT. In case of a question as to the amount or extent of damage by fire or otherwise to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the clerk. No building within the fire limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.

CHAPTER 3: TREES

ARTICLE 4 - MUNICIPAL TREE ORDINANCE

4.01	**Purpose**	**4.09**	**Obstruction**
4.02	**Definitions**	**4.10**	**Nuisance & Condemnation**
4.03	**Tree Service Business**	**4.11**	**Removal Of Trees**
4.04	**Urban Forester**	**4.12**	**Maintenance Of Parking Or Terrace**
4.05	**Authority**	**4.13**	**Failure To Maintain Parking Or Terrace**
4.06	**Permits**	**4.14**	**Protection Of Trees**
4.07	**Maintenance**	**4.15**	**Appeals**
4.08	**Species, Cultivars & Varieties**	**4.16**	**Interference**

4.01 PURPOSE. The purpose of this ordinance (chapter) is to promote and protect the public health, safety and general welfare, as well as beautify and preserve the appearance of the city by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants.

4.02 DEFINITIONS:

1. PARKING. Shall mean that part of the street, avenue or highway not covered by sidewalk and lying between the lot line and that portion of the street usually traveled by vehicular traffic. The term "tree lawn" may be used interchangeably.

2. LARGE TREES. Shall mean those trees attaining a height of 45 feet or more.

3. PARK. Shall mean all public parks having individual names.

4. URBAN FORESTER. Shall mean the superintendent of streets or such other person as may be designated by the council or city administrator.

5. TREE BOARD. Shall mean those five citizens and residents of the city who have been appointed by the mayor with the approval of the council.

4.03 TREE SERVICE BUSINESS. Shall mean any individual or company engaged in the planting, maintenance, pruning, or removal of trees that charges a fee or accepts other remuneration for the work completed.

4.04 URBAN FORESTER. The city shall designate an urban forester who will serve as an advisory member of the tree board. The superintendent of public works shall serve as the urban forester, in the absence of a separate position, for the duties assigned herein. The urban forester shall have the following general powers and duties: (1) to direct, manage, supervise, and control the city street program to include all planting, removal, maintenance, and protection of all trees and shrubs on public areas; (2) to guard all trees and shrubs

within the city to prevent the spread of disease or pests and to eliminate

dangerous conditions that may affect the life, health, or safety of persons or property; (3) such other powers and duties as are provided by the laws of Iowa; by ordinance of the city; and the tree board.

4.05 AUTHORITY. The urban forester, under the direction of the tree board, shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The urban forester shall have the authority to supervise or inspect all work done under a permit issued in accordance with terms of this ordinance. The urban forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

4.06 PERMITS. Any person or tree service business who charges a fee to plant, spray, fertilize, preserve, prune, remove, cut above or below ground on any parking or municipal owned property shall first obtain an application and procure a permit from the urban forester or other specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the urban forester.

4.07 MAINTENANCE. All trees planted shall have trunks not less than one (1") inch in diameter at six (6") inches above the ground. No tree shall be planted closer than four (4') feet from the curb line or outer line of the sidewalk. Parking must be at least ten (10') feet in width for large tree plantings and at least eight (8') feet wide for medium trees and six (6') wide for small trees.

All trees shall be planted in line with each other and at a spacing of 40 to 60 feet for large trees and 30 to 40 feet for small or medium trees, depending on the species planted. No street tree shall be planted under or within 10 lateral feet of any overhead utility wire unless said species has a mature height five (5') feet below the lowest point of the overhead utility wire, or over or within 5 lateral feet of any underground utility wire. No trees or shrubs shall be planted on the parking within 50 lateral feet from corners or intersections as measured from the curb nearest the proposed planting. Trees shall be planted at least four (4') feet from any sidewalk, driveway or street.

All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of fourteen (14') feet on the street side and ten (10') feet on the sidewalk side.

Trees located in terraces or parking areas are the responsibility of the adjoining private property owner. The City reserves the right to remove or trim as necessary. However, the City assumes no responsibility or obligation concerning removal, or costs for removal, of trees in terraces or parking areas.

4.08 SPECIES, CULTIVARS, AND VARIETIES. The tree board shall develop and maintain a list of desirable trees for planting along streets in three classes: small, medium and large. A list of tree species not suitable for planting as street trees will also be created and enforced by the tree board.

4.09 OBSTRUCTION. It shall be the duty of any persons owning or occupying real property bordering on any street, upon which property there may be trees, to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. All trees shall be planted at least four (4') feet from any permanent structure, sidewalk, driveway or street. When a person to whom an order is directed shall fail to comply within thirty (30) days, it shall be lawful for the city to prune such trees with the cost assessed to the owner as provided by law in special assessments.

4.10 NUISANCE AND CONDEMNATION. All street trees planted in violation of, or not maintained in strict compliance with the provision of this ordinance, or dangerous, are declared to constitute a public nuisance. The urban forester shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of correction may be assessed against the property owner, unless said assessment is waived by the urban forester or city administrator.

4.11 REMOVAL OF TREES. The Urban Forester shall have removed, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public or which may otherwise be declared a nuisance.

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

4.12 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property line and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood in the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

4.13 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

4.14 PROTECTION OF TREES. During development, redevelopment, razing, or renovation, no more than 50 percent of the trees shall be damaged or removed except by specific permit issued by the tree board. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree located on public property including the parking area. Tree topping is prohibited on any publicly owned tree including those located in the parking areas.

4.15 APPEALS. Any person who receives an order from the urban forester and objects to all or a part thereof, within ten (10) days of receipt thereof, must notify the urban forester and the city administrator in writing, of the nature of the objection and request a hearing thereon before the city council. The hearing shall be held within then (10) days of notice to appellant. Within ten (10) days after such hearing, the mayor shall notify the appellant and the urban forester of the final decision.

4.16 INTERFERENCE. No person shall prevent, delay, or interfere with the urban forester or forester's assistants in the execution or enforcement of the ordinance.

4.17 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The city shall notify the owner of any tree, shrub, bush or other woody vegetation located on private property to remove the tree, bush, shrub or other woody vegetation when such plant constitutes a public nuisance or is a hazard to person or property, or harbors insects, other pests, or disease. The city shall notify in writing the property owner of the property on which such tree, shrub, bush or other woody vegetation is located of the necessity to remove same. Upon such notice, the owner shall remove the planting at the owner's expense within thirty (30) days. Notice shall either be given by personal service or by certified mail with return receipt barring the signature of the property owner. In the event the property owner fails to comply with the notice, the city may force compliance by legal process and if granted authority to perform the required action, may there after assess the costs against the property for collection in the same manner as a property tax.

Code of Iowa, Chapter 364.12(3)(h) allows the City in an emergency to perform any action which may be required to abate the emergency without prior notice, and assess the costs as provided in Chapter 364.12, after notice to the property owner and hearing.

4.18 DUTY TO REMOVE. No person, firm or corporation shall permit any diseased tree, dead wood to remain on the premises owned, controlled or occupied by the person within the City.

(Code of Iowa, Sec, 364.12(3b))

4.19 INSPECTION. The City shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in section 4.17 of this Article exists thereon, and shall also inspect or cause to be inspected any trees reported or suspected to constitute a public nuisance, a hazard to person or property, or harbors insects, other pests, or disease.

4.20 REMOVAL FROM CITY PROPERTY. If the City, upon inspection or examination, in person or by some qualified person acting for the City, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property within the City, and that the danger of other trees, shrubs, bushes, or woody vegetation within the City is imminent, the City shall immediately cause the tree, shrub, bush or woody vegetation to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of disease, or insect pests, or vectors known to carry such disease, insects, and/or fungus.

4.21 REMOVAL FROM PRIVATE PROPERTY. If the City upon inspection or examination, in person or by some qualified person acting for the City, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises, and that he danger to other trees within the City is imminent, he/she shall immediately notify by certified mail or personal delivery to the occupant or person in charge of such property, to correct such condition within thirty (30) days of said notification. If such owner, occupant or person in charge of said property fails to comply within thirty (30) days of receipt thereof, the Council may cause the nuisance to be removed and the cost assessed against the property for collection in the same manner as a property tax.

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

4.22 REASONABLE CERTAINTY. If the City is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected, diseased, or harboring insects or pests, a City representative is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

Editor's Note: Sections 4.17 to 4.22 were added at time of 2016 codification.

CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 5 - ABANDONED VEHICLES

5.01	**Definitions**	**5.05**	**Extension of Time**
5.02	**Authority to Take Possession of Abandoned Vehicles**	**5.06**	**Fees For Impoundment**
		5.07	**Disposal of Totally Inoperable Vehicles**
5.03	**Notice By Mail**	**5.08**	**Proceeds From Sales**
5.04	**Notification in Newspaper**	**5.09**	**Duties of Demolisher**

5.01 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:
(Code of Iowa, Sec. 321.89(1b))

   a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates, or two (2) or more wheels or other parts which renders the vehicle totally inoperable.

   b. A motor vehicle that has remained illegally on public property for more than twenty-four (24) hours.

   c. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

   d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of thirty (30) days. However, a police authority may declare the vehicle abandoned within the ten-day period commencing the notification process.

   e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

   f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. “Demolisher” means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

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

3. "Police authority" means the Iowa highway safety patrol or any law enforcement agency of a county or city.

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

5.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

5.03 NOTICE BY MAIL. The police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where it is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to the disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaim period, the owner, lienholders or claimants shall no longer have any

right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period.

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

5.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner 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 the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 5.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mail notice in section 5.03.

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

5.05 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtaining an additional five (5) days within which the motor vehicle or personal property may be reclaimed

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

5.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay five (5) dollars if claimed within five (5) days of impounding, plus one dollar ($1.00) for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established by resolution of the council.

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

5.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The city or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner or a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders a vehicle totally inoperable. The police authority shall give the applicant a certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90(2e))

5.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of the auction, cost of towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount

necessary to meet costs, the police authority shall apply for reimbursement the Department of Transportation.

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

5.09 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. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90(3a))

CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 6 – JUNK, JUNKED VEHICLES AND MACHINERY

6.01	**Definitions**	**6.05**	**Notice To Abate**
6.02	**Junk And Junk Vehicles Prohibited**	**6.06**	**Failure To Abate**
6.03	**Junk And Junked Vehicles A Nuisance**	**6.07**	**Municipal Infraction Abatement Procedure**
6.04	**Exceptions**		

6.01 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Vehicle" means every device in, upon, or which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, boat trailer or utility trailer, camping trailer, motorhome, semitrailer, snowmobile, ATV, UTV, or any combination thereof.

2. "Junk" means all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, tires, windows, doors, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliance; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware or noncurrent registered boat, pontoon, canoe, jet ski, or similar watercraft or with no current registration stickers attached to the same. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.

3. For use in this article, the term “Junk Vehicle”, "Junk Motor Vehicle" or "Junk Machinery" shall mean any vehicle, trailer or semitrailer or motor vehicle or piece of machinery stored within the corporate limits of the City, not licensed for the current year as required by any law, or legally placed in storage with the County Treasurer, or which because of any one of the following characteristics, constitutes a threat to the public health and safety:

   a. INOPERABLE (NOT ROAD-READY). Any vehicle not in safe condition or road ready for use on any roadways. Any motor vehicle which lacks an engine or one or more wheels or other structural parts (i.e. transmission, drive shaft, door, driver’s seat . . .) or has one or more flat tires, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

   b. UNINSURED. Any vehicle not insured and having proof of financial liability coverage.

c. BROKEN GLASS. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

d. BROKEN, LOOSE OR MISSING PART. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, door handle, window handle, steering wheel, trunk lid, trunk handle or tail pipe.

e. HABITAT FOR NUISANCE ANIMALS OR INSECTS. Any vehicle or piece of machinery which has become the habitat for rats, mice, or any other vermin or insects.

f. DEFECTIVE OR OBSOLETE CONDITION. Any other vehicle or piece of machinery which, because of its defective or obsolete condition in any other way, constitutes a threat to the public health and safety.

G. Parked Vehicles. Any vehicle, semi-trailer, trailer, or machinery parked on any private or public property for an extended period of time, which allows weeds or grass to partially cover it.

H. "Unlicensed vehicle" means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license plates and registration sticker to the rear plate on the vehicle.

I. "Enclosed Structure" Means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

6.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

6.03 JUNK AND JUNKED VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle or junk machinery located upon private property, unless excepted by section 6.04 constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or a junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

6.04 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; or

2. An auto salvage yard or junk yard lawfully operated within the city.

6.05 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Article 6.03, or complaints received from the public, the City shall within five (5) days initiate abatement procedures.
(Code of Iowa, Sec. 364.12(3a))

6.06 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances, and subject to the standard penalty contained in Title I, Chapter 1, Article 1 of this Ordinances and may also be punished under the City's municipal infraction ordinance, as codified in this Code of Ordinances. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

6.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in this Article, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Title III, Chapter 5 of this Code of Ordinances.

Editor's Note: Title VI, Chapter 4, Article 6 Junk, Junked Vehicles and Machinery was changed at time of Codification in 2016.

ORDINANCE NO. 681

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY ADDING A NEW TITLE VI, CHAPTER 4, ARTICLE 6, SECTION 6.08 CONCERNING EXEMPTION FOR LYON COUNTY SECONDARY ROADS DEPARTMENT SHOP OPERATIONS.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding a new Title VI, Chapter 4, Article 6, Section 6.08 concerning Exemption for Lyon County Secondary Roads Department Shop Operations, as follows:

6.08 EXEMPTION FOR LYON COUNTY SECONDARY ROADS DEPARTMENT SHOP OPERATIONS. The Lyon County, Iowa Secondary Roads Department shall be exempt from the provisions and restrictions listed under 6.02, 6.03, and 6.04 as it relates to the operation of Lyon County Secondary Roads Department shop located within the City limits.

1. The above exemption is limited to the Lyon County Secondary Roads Department and is hereby specifically limited to the operation of the shop located within City limits.

2. The above exemption does not limit the City's remedies under 6.06 or 6.07 for activities and uses which do not fall with 6.02, 6.03, and 6.04.

3. The above exemption will only be granted as a "conditional use" to be subject to review and approval by the Board of Adjustment. The Board of Adjustment may impose conditions on the grant of the use to minimize damage to surrounding properties.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 28th day of November, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 7th day of December, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 23rd day of November, 2016.

Jordan Kordahl, Clerk

CHAPTER 5: FIRE PREVENTION CODE AND FIRE FIGHTING

ARTICLE 7 - GENERAL PROVISIONS

7.01 Purpose
7.02 Enforcement; Fire Marshal
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7.15 Private Use of Fire Equipment
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7.01 PURPOSE. This chapter is adopted to provide the city with the rules, administration, and enforcement powers to protect persons and property against the dangers of fire or explosion by measures to enhance prevention of such occurrences and to maintain buildings in a safe condition by the proper and safe storage of materials, the preservation of adequate exits clear of obstruction, use of safe practices in furnishing buildings for the public safety and welfare of the citizens of the city.

7.02 ENFORCEMENT; FIRE MARSHAL. The chief of the fire department shall be the city fire marshal, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this chapter, either by himself or through a designated deputy, named by the chief from among the membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.

7.03 EXIT WAYS MAINTAINED. The provisions of state law on exits shall be reinforced by the city fire marshal, and it shall be the duty of the owner, agent or occupier of property, severally and collectively, to maintain the exits required by state law or by any city building code free from obstruction caused by storage of materials, placement of furniture, or by improper barring of exit doors. Whenever a condition which obstructs the required exits or unsafely prevents emergency use of exit doors, hallways, or passages to such doors, whether in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, retail stores, warehouses, hotels, motels, or multi-family dwellings with three or more dwelling units, the fire marshal shall order the condition remedied. The owner or occupant of the premises, upon receiving such an order in writing, shall make such corrections as have been so ordered by the authorized official within a reasonable time as set in the written order and the degree of imminent danger. The regulations of the state fire marshal, IAC 661, Chapter 5, which apply to exits and fire escapes, are adopted by reference.

7.04 FIRE EXTINGUISHERS. The provisions of state law requiring fire extinguishers in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, hotels, motels, or multi-family dwellings with three or more dwelling units are adopted by reference and the city fire marshall shall enforce their requirements as they appear in IAC 661, Chapter 5. Portable fire extinguishers shall also be provided in retail stores, warehouses, and industrial establishments, with not less than one (1) such extinguisher on each floor of a building and located so that no person will have to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in a building and may be required by the city fire marshal in areas that constitute a special hazard. The type and size of portable fire extinguishers shall be determined by the city fire marshal for the named commercial and industrial buildings in accordance with best practice as advised by the state fire marshal and the insurance industry.

7.05 STORAGE OF HAZARDOUS SUBSTANCES.

1. EXPLOSIVES. No person shall store explosives, as defined by state law and rules promulgated thereunder, classified as Class A, Class B, or Class C explosives by the Federal Department of Transportation, within the fire limits without a permit from the city fire marshal except for quantities of twenty-five (25) pounds or less of smokeless powder or five (5) pounds or less of black powder for use in small arms, but a permit shall not be required for retail stocks of small arms ammunition for small bore rifles or shotguns customarily used in wild game hunting, or for target practice or skeet shooting. The city fire marshal shall have the power to limit the quantities of other explosives for which a permit is requested, but shall not grant permits for liquid nitroglycerin, dynamite with over 60% of liquid explosive ingredient, unstable types of dynamite, nitrocellulose, fulminate of mercury, explosive compositions that ignite spontaneously or markedly decompose to become more hazardous when subjected to 48 consecutive hours at a temperature of 167 degrees F.

2. FLAMMABLE AND COMBUSTIBLE LIQUIDS. The regulations for the storage and handling of flammable and combustible liquids as set forth in IAC 661, section 5.300 et seq. are adopted by reference and shall be enforced by the city fire marshal. No flammable or combustible liquid shall be dispensed from underground tanks in residential areas except in public garages or motor fuel (service) stations which exist as legally nonconforming uses under the zoning chapter.

    1. LIQUEFIED PETROLEUM GASES. The regulations for the storage and handling of liquefied petroleum gases as set forth in IAC 661, section 5.250 and 5.251 are adopted by reference and shall be enforced by the city fire marshal, and no installation exceeding 900 pound capacity shall be made

without a city permit, conditioned on compliance with said state rules, issued by the city fire marshal.

7.06 OPEN BURNING. The following shall apply to open burning:

1. DEFINITIONS.

a. Back yard Burning. The burning of rubbish originating on the premises by individuals domiciled on the premises.

b. Open Burning. Any burning of combustible materials where in the products of combustion are emitted into the open air without passing through a chimney or stack.

c. Refuse. Garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

d. Rubbish. All waste materials of nonputrescrible nature.

e. Trade Waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry or trade, including but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid and solid waste materials.

2. REGULATIONS.

a. No burning unless approved by the City, except for normal cooking / grill apparatus or as permitted in Title II, Chapter 1, Article 1.05(5) Recreational Fires.

7.07 MODIFICATIONS. The chief of the fire department shall have power to modify any of the provisions of this fire prevention chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the city clerk.

7.08 APPEALS. Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning hereof have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the

chief of the fire department to the city council within 30 days from the date of such decision.

7.09 PENALTIES. Any person who violates any of the provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions in the same manner as provided for in the chapter on nuisances.

7.10 INTERFERENCE WITH FIRE FIGHTING. It shall be unlawful to hinder or interfere with any officer or fireman in the performance of his duty at, or going to, or returning from a fire, or while attending to his duties as a member of the fire department.

7.11 DAMAGING FIRE DEPARTMENT PROPERTY. It shall be unlawful to cut, deface, destroy or injure any wires, poles, signal boxes, or any other property or fixtures belonging to or connected with the fire department or the fire alarm system.

7.12 FALSE ALARMS. No person, knowing the information is false, shall give or cause to be reported by any means a false report of fire.

7.13 DRIVING OVER FIRE HOSE. It shall be unlawful to drive or run any automobile, wagon, truck, locomotive, train of cars, or other vehicle across, along or upon any fire hose without the consent of any fire department official.

7.14 ASSISTING FIREMEN. It shall be unlawful for any person to refuse or neglect to assist the firemen in their duties at any fire when called upon to do so by the chief of the fire department or the officer acting in his place.

7.15 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person having charge of any of the fire apparatus belonging to the city to allow or permit the same to be used for private benefit.

7.16 INJURY TO FIRE APPARATUS. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

7.17 INJURY TO CITY AMBULANCE OR PARAMEDIC APPARATUS. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.

CHAPTER 6: FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE 8 - GENERAL PROVISIONS

8.01 Statutory Authority, Findings of Fact & Purpose
8.02 General Provisions
8.03 Floodplain Management Standards
8.04 Administration
8.05 Nonconforming Uses
8.08 Definitions
8.07 Amendments
8.06 Penalties For Violation

8.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

A. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of the City of Rock Rapids are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Rock Rapids and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this Ordinance with provisions designed to:

1. 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.

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

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

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

8.02 GENERAL PROVISIONS.

A. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM), dated May 2, 1991, which were prepared as part of the City of Rock Rapids Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The City of Rock Rapids Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

B. Compliance

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

C. Abrogation and Greater Restrictions

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

D. Interpretation

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

E. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Rock Rapids or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.

F. Severability

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

8.03 FLOODPLAIN MANAGEMENT STANDARDS.

A. General Floodplain Standards

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the areas of significant flood hazard shall:

a. Be consistent with the need to minimize flood damage.

b. Use construction methods and practices that will minimize flood damage.

c. Use construction materials and utility equipment that are resistant to flood damage.

d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

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

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

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

4. All new and substantially improved structures:

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

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

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

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

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

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

c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

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

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

6. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

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

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions

~~greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.~~

~~11. Accessory Structures~~

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

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

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

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

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

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

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

~~12. Recreational Vehicles~~

~~a. Recreational vehicles are exempt from the requirements of Section III A5 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.~~

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

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

~~ORDINANCE NO. 682~~

~~AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE VI, CHAPTER 6, ARTICLE 8, SECTION 8.03(A)(11) AND ADOPTING A NEW TITLE VI, CHAPTER 6, ARTICLE 8, SECTION 8.03(A)(11) IN LIEU THEREOF, CONCERNING FLOODPLAIN MANAGEMENT.~~

~~BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:~~

~~Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title VI, Chapter 6, Article 8, Section 8.03(A)(11) and adopting a new Title VI, Chapter 6, Article 8, Section 8.03(A)(11) in lieu thereof, concerning Floodplain Management, as follows:~~

~~11. Accessory Structures to Residential Uses~~

~~a. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.~~

~~(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.~~

~~(2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.~~

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

~~(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.~~

~~(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.~~

~~(6) The structure's walls shall include openings that satisfy the provisions of Section 8.03(A)(4)(a) of this Ordinance.~~

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

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 28th day of November, 2016.

Jason Chase, Mayor

ATTEST:
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 7th day of December, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 7th day of December, 2016.

Jordan Kordahl, Clerk

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III A5 of this Ordinance regarding anchoring and elevation of factory-built homes.

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

B. Special Floodway Provisions

In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All uses within the floodway shall:

a. Be consistent with the need to minimize flood damage.

b. Use construction methods and practices that will minimize flood damage.

c. Use construction materials and utility equipment that are resistant to flood damage.

3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

C. Special Provisions for Shallow Flooding Areas

In addition to the General Floodplain Standards, uses within shallow flooding areas must meet the following applicable standards.

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map (FIRM), the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8.04 ADMINISTRATION.

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

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

a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

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

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

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

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

f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

B. Floodplain Development Permit

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

   a. Description of the work to be covered by the permit for which application is to be made.

   b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

   c. Indication of the use or occupancy for which the proposed work is intended.

   d. Elevation of the 100-year flood.

   e. 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.

   f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

   g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures

were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Variance

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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

   b. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. 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.

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

   d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

   e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

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

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land 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 City.

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 with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

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

m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of 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 purpose of this Ordinance.

e. Floodproofing measures.

8.05 NONCONFORMING USES.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

8.06 PENALTIES FOR VIOLATION.

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the City of Rock Rapids from taking such other lawful action as is necessary to prevent or remedy violation.

8.07 AMENDMENTS.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

8.08 DEFINITIONS.

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

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

BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

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

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

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

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

FACTORY-BUILT HOME - Any structure, designed for residential use:, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular

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

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

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

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

FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

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

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

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

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

~~HISTORIC STRUCTURE - Any structure that is:~~

~~a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;~~

~~b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~

~~c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,~~

~~d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.~~

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

~~a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIIA4a of this Ordinance and~~

~~b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and~~

~~c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and~~

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

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

~~NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.~~

~~NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the~~

~~factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.~~

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

~~RECREATIONAL VEHICLE - A vehicle which is:~~

~~a. Built on a single chassis;~~

~~b. Four hundred (400) square feet or less when measured at the largest horizontal projection;~~

~~c. Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.~~

~~START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.~~

~~Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.~~

~~For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.~~

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

~~SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.~~

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

1. ~~Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.~~

   ~~The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".~~

2. ~~Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.~~

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

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

~~Editor's Note: Ordinance 633 established Floodplain Regulations, was approved by Council on July 7, 2008 and became effective on July 16, 2008.~~

TITLE VI

ORDINANCE NO. 713

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY REPEALING TITLE VI, CHAPTER 6, ARTICLE 8 AND ADOPTING A NEW TITLE VI, CHAPTER 6, ARTICLE 8 IN LIEU THEREOF, CONCERNING FLOODPLAIN MANAGEMENT.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by repealing Title VI, Chapter 6, Article 8 and adopting a new Title VI, Chapter 6, Article 8 in lieu thereof, concerning Floodplain Management, as follows:

ARTICLE 8 - GENERAL PROVISIONS

8.01 Definitions
8.02 Statutory Authority, Findings of Fact & Purpose
8.03 General Provisions
8.04 Administration
8.05 Flood Plain Management Standards
8.06 Variance Procedures
8.07 Nonconforming Uses
8.08 Penalties for Violation
8.09 Amendments

8.01 - Definitions

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

1. APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the "100-year flood").

3. BASE FLOOD ELEVATION (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

5. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:

   A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 8.05(1)(D)(1) of this Ordinance, and

   B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

   C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

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

7. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

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

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

10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

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

12. FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. FLOOD INSURANCE STUDY (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.

17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.

21. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. HISTORIC STRUCTURE - Any structure that is:

    A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

    B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

24. MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than $500.

26. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

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

28. RECREATIONAL VEHICLE - A vehicle which is:

A. Built on a single chassis;
B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by a light duty truck; and
D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
C. Basement sealing;
D. Repairing or replacing damaged or broken window panes;
E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. SPECIAL FLOOD HAZARD AREA (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

33. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

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

    A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum

necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

36. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

8.02 - Statutory Authority, Findings of Fact and Purpose

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact

A. The flood hazard areas of the City of Rock Rapids are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Rock Rapids and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 8.02(2)(A) of this Ordinance 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 facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended 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.

8.03 - General Provisions

1. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Lyon County and Incorporated Areas, City of Rock Rapids, Panels 19119C0258D, 0259D, 0266D, and 0267D, dated September 24, 2021, which were prepared as part of the Lyon County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Flood Insurance Study for the County of Lyon County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the City Administrator shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Administrator in the enforcement or administration of this Ordinance.

3. Compliance

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

4. Abrogation and Greater Restrictions

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

5. Interpretation

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

6. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Rock Rapids or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

7. Severability

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

8.04 - Administration

1. Appointment, Duties and Responsibilities of Local Official

   A. The City Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the 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 assure that the provisions of this Ordinance will be satisfied.

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

      3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

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

5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

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 Administrator of any annexations or modifications to the community's boundaries.

8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.

9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

   a. Development placed within the floodway results in any of the following:

      (i) An increase in the Base Flood Elevations, or
      (ii) Alteration to the floodway boundary

   b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

   c. Development relocates or alters the channel.

   Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

10) Perform site inspections to ensure compliance with the standards of this Ordinance.

11) Forward all requests for Variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit

A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

1) Description of the work to be covered by the permit for which application is to be made.

2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

3) Location and dimensions of all structures and additions

4) Indication of the use or occupancy for which the proposed work is intended.

5) Elevation of the base flood.

6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

8.05 - Floodplain Management Standards

1. General Floodplain Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

A. All development within the special flood hazard areas shall:

1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.

2) Use construction methods and practices that will minimize flood damage.

3) Use construction materials and utility equipment that are resistant to flood damage.

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

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are

C. adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

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

a. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

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

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

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

3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-built homes:

1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

F. Utility and Sanitary Systems:

1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

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

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

K. Accessory Structures to Residential Uses

1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

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

d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure’s walls shall include openings that satisfy the provisions of Section 8.05(1)(D)(1) of this Ordinance.

2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

1) Recreational vehicles are exempt from the requirements of Section 8.05(1)(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

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

2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 8.05(1)(E) of this Ordinance regarding anchoring and elevation of factory-built homes.

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

N. Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

2. Special Floodway Provisions

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. No development shall be permitted in the floodway that would result in any increase in the base flood elevation. 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.

B. All development within the floodway shall:

1) Be consistent with the need to minimize flood damage.

2) Use construction methods and practices that will minimize flood damage.

3) Use construction materials and utility equipment that are resistant to flood damage.

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

8.06 - Variance Procedures

1. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. 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.

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

D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

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

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept on to other land 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 City.

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 with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

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

M. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

A. Modification of waste disposal and water supply facilities.

B. Limitation of 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 purpose of this Ordinance.

E. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

8.07 - Nonconforming Uses

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the

A. provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

2. Except as provided in Section 8.07(1)(B), any use which has been permitted as a Variance shall be considered a conforming use.

8.08 - Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (five hundred dollars) or imprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the City of Rock Rapids from taking such other lawful action as is necessary to prevent or remedy violation.

8.09 - Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

Section 2. Repealer. Ordinance No. 682 and all other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall become effective from and after September 24, 2021, which is the effective date of the new Flood Insurance Rate Map for the City of Rock Rapids, Lyon County, Iowa, provided that its final passage and publication as provided by law have been completed.

ADOPTED AND PASSED by the City Council this 12th day of July, 2021.

_____
Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 21st day of July, 2021 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 21st day of July, 2021.

_____
Jordan Kordahl, Clerk

Public Hearing Date: July 12, 2021

Publication Date: July 21, 2021

Effective Date: September 24, 2021

TITLE VII – COMMUNITY DEVELOPMENT

TITLE VII

CHAPTER 1: WATER SERVICE REGULATIONS

ARTICLE 1 - WATER REGULATIONS

1.01 Mandatory Connections
1.02 Injuring Waterworks Property
1.03 Authorized Use 0f Hydrants
1.04 Opening Hydrants By Others
1.05 Winter Excavation

1.01 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

(IAC, 470-30.3)

1.02 INJURING WATERWORKS PROPERTY. It shall be unlawful to break, injure, mar or deface, interfere with or disturb any building, machinery, apparatus, fixtures, hydrants, attachments, or appurtenances of the waterworks or any public or private hydrant or water trough, or stop-cock box, meter, water supply or service pipe or any part thereof, or deposit anything in any stop-cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property, without permission of the proper authorities or excepting cases herein or otherwise provided for by ordinance.

1.03 AUTHORIZED USE OF HYDRANTS. All hydrants erected for the purpose of extinguishing fires are hereby declared to be public hydrants. No person except a member of the fire department, or persons especially authorized by the utility trustees, and then only in the exercise of authority delegated by them, shall open any of said hydrants or attempt to draw water from same, or at any time attempt to uncover or remove any protection from or in any manner interfere with any of the hydrants. It is further especially forbidden for anyone to tie or hitch any animal or team to any hydrant.

1.04 OPENING HYDRANTS BY OTHERS. It shall be unlawful for any person authorized to open hydrants to delegate his authority to another, or let or suffer another person to take wrenches or tools furnished him, or suffer the same to be taken from a fire station except for the purposes strictly connected with the fire department.

1.05 WINTER EXCAVATION. It shall be unlawful to make any excavation in any street or highway within six (6) feet of any laid water pipe, while the ground is frozen, or dig up or uncover so as to expose to frost any of the water pipes or sewers of the city except by special permission of the water superintendent.