

TITLE VI PHYSICAL ENVIRONMENT

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TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 55

SANITARY SEWER

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SECTION 6-55-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of 20 degrees C., expressed in milligrams per liter.

(2) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) Combined sewer shall mean a sewer receiving both surface runoff and sewage.

(5) Garbage shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(6) Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) Person shall mean any individual, firm, company, association, society, corporation, or group.

(9) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ion in grams per liter of solution.

(10) Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (.5) inch (1.27 centimeters) in any dimension.

(11) Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(12) Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(13) Sewerage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(14) Water pollution control facilities shall mean all the facilities for collecting, conveying, pumping, treating and disposing of sewage.

(15) Sewer shall mean a pipe or conduit for carrying sewage.

(16) Shall is mandatory; may is permissive.

(17) Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(18) Storm drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(19) Superintendent shall mean the Superintendent of Waste Water Facilities of the City of Alburnett or his authorized deputy, agent, or representative.

(20) Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(21) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(22) Useful life mean the estimated period during which a treatment works will be operated.

(23) User charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the water pollution control facilities.

(24) Operation and maintenance shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

(25) Builder shall mean the owner of land who causes a sanitary sewer to be installed under the provisions of this chapter. Such term includes the heirs, successors or assigns of such owner.

(25) Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

SECTION 6-55-2 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

- (1) Operate and maintain the City sewage system.
- (2) Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
- (3) Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

SECTION 6-55-3 PROHIBITED ACTS. No person shall do, or allow, any of the following:

- (1) **Damage Sewer System.** Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
- (2) Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (3) Open or enter any manhole of the sewer system, except by authority of the Superintendent.
- (4) Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- (5) Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.
- (6) Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

SECTION 6-55-4 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a public street where no sanitary sewer has been installed may make application to the Council for the installation of a sanitary sewer in said street for the purpose of serving the property in accordance with the following:

- (1) A written request for such installation, and a sum equal to the cost as estimated by the City of construction from the point where the sanitary sewer is presently installed and terminates to the point where the most distant boundary of the owner's lot abuts the said public street, shall be submitted to the Council.
- (2) Upon receipt of the deposit, the City shall construct the sanitary sewer for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.

(3) In the event the actual cost to the City of installation of the sanitary sewer is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.

(4) In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder's real estate. In the written request for installation of the sanitary sewer, the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

(5) The expense of connecting the property of the builder to the sanitary sewer laid in the public street shall be borne by the builder, in addition to the cost of constructing said sewer, but such connection shall be under the supervision in the City.

SECTION 6-55-5 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no sewer has been previously installed desires to construct said sewer at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a sewer, in accordance with the following:

(1) The installation of such a sewer by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.

(2) When making application to the City for a permit to install such a sewer, the applicant shall post with a City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing sewer to the point where the farthest boundary of the applicant's land abuts the public street, and the bond shall guarantee the installation of the sewer in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the project within a reasonable time, and shall further indemnify the City for all damages to the public street incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the sanitary sewer.

(3) After the sewer has been installed, it shall become the property of the City.

SECTION 6-55-6 OTHERS REQUIRED TO CONNECT. Following the installation of a sanitary sewer under the provisions of this chapter, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obligated to connect any sewage generating facilities into said sanitary sewer, as required by this chapter.

SECTION 6-55-7 BUILDING SEWERS INSTALLED. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the City or by a private party, shall include a stub to each abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the City with an accurate map showing the location of each of such stubs within thirty (30) days of the completion of the installation.

SECTION 6-55-8 REQUIRED CONNECTION. The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purpose situated within the City which are abutting any street, alley, or right-of-way in which a public sanitary sewer is now located, or may

in the future be located, are hereby required at their own expense to install toilet facilities therein and to connect such facilities directly to the sanitary sewer in accordance with the provisions of this ordinance within 60 days after date of official notice to do so, provided that said public sewer is located within one hundred feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

SECTION 6-55-9 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

SECTION 6-55-10 PRIVATE SEWAGE DISPOSAL SYSTEMS. Where a public sanitary sewer is not available under the provisions of this chapter, a building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

SECTION 6-55-11 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the County Board of Health.

SECTION 6-55-12 PERMIT REQUIRED. No person shall install or reconstruct a private on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

SECTION 6-55-13 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from a private on-site wastewater treatment and disposal system to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground unless such system has been approved by the county Board of Health.

SECTION 6-55-14 MAINTENANCE OF SYTEM. The owner of a private on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

SECTION 6-55-15 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by a private on-site wastewater treatment and disposal system, as provided in this chapter, a direct connection shall be made to the public sewer in compliance with the Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

SECTION 6-55-16 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

SECTION 6-55-17 PERMIT REQUIRED – REQUISITES OF APPLICATIONS. Before any person or corporation can make connection with any sanitary sewers, laid and constructed in the City of Alburnett, the said person or corporation must first make application to the City Clerk, and said applicant must set forth all the uses that the said applicant intends to make of said sewer, also the number of lot and block. Said applications shall be accompanied by specifications describing the drainage of building on blanks prescribed and furnished for this purpose, showing the size and kind of pipe, the traps, toilets, fixtures, and other appliances to be used, the same to be placed on file in the

office of the City Clerk, and to be furnished by the owner or the authorized agent of said owner. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

SECTION 6-55-18 PERMIT FEE. The person who makes the application shall pay a fee in the amount of five hundred dollars (\$500.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

SECTION 6-55-19 OTHER REQUIREMENTS. All ditches must be made in an open cut from the house or building to the street or alley, except where cement sidewalk or curbing is laid. The pipes must be of the best quality of sale, glazed, vitrified sewer pipe with the bell and socket joints; all joints must be connected; the joints must be carefully wiped and jointed and the pipe kept smooth and clean throughout. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected.

SECTION 6-55-20 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

(1) Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this chapter.

(2) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(3) The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(4) When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

(5) The minimum building sewer size shall be four (4) inches.

(6) All building sewers shall be laid to a straight line and at uniform grade of not less than the following:

(a) Four (4) inch lines: one fourth (1/4) inch per foot.

(b) Six (6) inch lines: one-eighth (1/8) inch per foot.

(c) Minimum velocity: 2.50 feet per second with the sewer half full.

(d) Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with properly curved pipe fittings.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

(8) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(9) Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following

(a) Extra heavy cast iron soil pipe – A.S.T.M. A-74

(c) Cast and ductile iron water pipe – A.S.T.M. A-377

(d) SDR 35 Gasketed, no glue, pipe or fittings

(10) No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.

(11) Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the Superintendent.

(12) No sewer connection shall be laid so that it is exposed when crossing any watercourse. When an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

(13) No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

SECTION 6-55-21 INTERCEPTOR REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

(1) All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(2) The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

(3) All such interceptors shall be maintained by the owner's expense and shall be kept in continuously efficient operations at all times.

SECTION 6-55-22 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

SECTION 6-55-23 INSPECTION REQUIRED. As soon as all pipe work from the public sewer to the inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to the workmanship and material.

(1) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 6-55-24 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 6-55-25 BOND OF PLUMBER. Any license and permit bond posted under the provision of this ordinance shall be with one or more sureties to be approved by the City Council and conditioned on the faithful performance of all duties required by this ordinance and the rules and regulations of the City of Alburnett and for payment to the City of all damage sustained by reason of neglect or incompetence. The surety bond must be a minimum of one thousand dollars (\$1,000.00) secured by a reasonable surety bonding company. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars may be filed with the City.

SECTION 6-55-26 LICENSED AND BONDED PLUMBERS ONLY TO WORK ON CITY MAINS AND RIGHT-OF-WAYS. No person except one holding a plumber's license with a bond as provided above shall be permitted to make any connection with the sanitary sewer system in the City of Alburnett or to make any excavation, repair, construction, or reconstruction of sewer pipes, public or private, located within any public right-of-way within the corporate limits of the City of Alburnett. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. The Superintendent shall notify the plumber immediately by personal written notice and at the next Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

SECTION 6-55-27 STORM WATER DISCHARGE. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, or natural outlet. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

SECTION 6-55-28 STORM WATER DISCHARGE APPROVAL. Water and all other unpolluted drainage shall be discharged to such sewers as are specifically approved by the Superintendent. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent.

SECTION 6-55-29 PROHIBITED DISCHARGE OF WATER/WASTE. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(3) Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Water Pollution Control Facilities.

(4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 6-55-30 PROHIBITED DISCHARGE OF MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors, the substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (0 to 65 degrees C.).

(2) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/t or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 to 65 degrees C.).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (09.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewer at the sewage treatment works exceed the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

(10) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

SECTION 6-55-31 ACTION FOR DISCHARGE OF PROHIBITED WATERS/WASTE. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-55-30, and which in the judgment of the Superintendent, may have a deleterious effect upon the water pollution control facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers,

(3) Require control over the quantities and rates of discharge, and/or

(4) Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or wastewater service charges under the provisions of this chapter.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the facilities shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6-55-32 MAINTENANCE OF PRE-TREATMENT FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

SECTION 6-55-33 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 6-55-34 TESTING AT CONTROL MANHOLES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the water pollution control facilities and to determine the existence of hazards of life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

SECTION 6-55-35 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

SECTION 6-55-36 RIGHT OF ENTRY FOR INSPECTION. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 6-55-37 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this chapter:

(1) Any person found to be violating any provision of this chapter of this chapter, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

SECTION 6-55-38 OBSERVANCE OF SAFETY RULES ON PRIVATE PROPERTY. While performing the necessary work on private properties referred to in this section, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City's employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this Chapter.

SECTION 6-55-39 ENTRY ON EASEMENT. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sample, repair, and maintenance of any portion of the water pollution control facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 6-55-40 SERVICE OF NOTICE FOR VIOLATIONS. Any person found to be violating any provision of this ordinance, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council, shall in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

SECTION 6-55-41 GENERAL. The cost and expense of financing the construction, maintenance and the operation of the water pollution control facilities as can be so paid, shall be paid from funds accruing from the collection of wastewater service charges hereinafter stipulated. Every person whose premises are served by a connection to the sanitary sewer system of the City, either directly or indirectly, shall pay to the City a comprehensive wastewater service charge for the use of and for services supplied by the water pollution control facilities of the City.

SECTION 6-55-42 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer services fees as hereinafter provided.

SECTION 6-55-43 RATE. Each customer of the municipal sanitary sewer system shall pay a sewer service fee as provided in this section:

Effective	January 1, 2010	July 1, 2010
Base rate - Sewer	\$13.00	\$14.00
Per 1000 gal. charge	\$2.25	\$2.40
Effective	January 1, 2011	July 1, 2011
Base rate – Sewer	\$15.00	\$16.00
Per 1000 gal. charge	\$2.50	\$2.75

Each customer of the municipal sanitary sewer system that is not also a customer or user of the municipal water service shall pay the minimum fee established above. Customer as used in this section

means a property owner, or renter thereof, that is utilizing the sewer system by having the property connected to the city owned sanitary sewer lines or the renter of said property. Service fees to industrial customers shall be established by contract prior to connection to the municipal sanitary sewer system, if the city deems such connection to be in its best interests.

SECTION 6-55-44 RESERVED.

SECTION 6-55-45 PRIVATE WATER SYSTEM. Users whose premises have private water systems shall pay service charges in proportion to the water used as determined by either an estimate agreed to by the user or by metering the water system.

SECTION 6-55-46 MANNER OF PAYMENT. The wastewater service charges shall be paid with the water bill at the time payment of the water bill is due and under the same conditions, beginning with the next payment after enactment of this ordinance or, if connection has not been made, after connection to the sewer system is made.

The wastewater service charge shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due.

Water, or sewer service, or both, to the property for which the service charge has not been paid may be suspended until that payment is made.

SECTION 6-55-47 SPECIAL AGREEMENTS PERMITTED. No statement in these sections shall be constructed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 56

WATER SYSTEM

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SECTION 6-56-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms in the following rules and regulations shall be as follows:

- (1) "City" shall mean the City of Alburnett, Linn County, Iowa.

- (2) “Council” shall mean the City Council, Alburnett, Iowa.
- (3) “Water Department” shall mean all city facilities and accessories for producing, treating, pumping, storing and distributing water for public use.
- (4) “Superintendent” shall mean the Director of Public Works and/or Water/Wastewater Operator.
- (5) “Person” shall mean any individual, firm, company, associate, society, corporation or group.
- (6) “City Water Mains” shall be construed to mean any pipe laid in a city street, alley, or property easement accepted by the Council, said pipe being owned or installed by the City for the distribution of City water throughout the area served and on which all owners of abutting properties have equal rights and is controlled by public service lines running from city mains through private property, and shall exclude any service line laid for the express purpose of serving only one customer, whether situated in a public thoroughfare or upon public property or both.
- (7) “Service Pipe” shall mean a water pipe laid from a City main into the premises to be served with water. The service pipe shall include the corporate cock, lead-in pipe, curb stop box and shut-off, and all valves and pipes inside the building through which water passes before it reaches the water meter. The homeowner is responsible from the main in.
- (8) “Consumer” shall mean anyone using water furnished by the Municipal Waterworks of the City of Alburnett.
- (9) “Sewer Service Line” shall mean a sewer pipe or conduit which carries water-carried waste from residences, businesses, institutions and industrial establishments.
- (10) “Shall” is mandatory; “May” is permissive.
- (11) “Landlord” shall mean any person or persons receiving rent for use of property on which a City water meter is located.
- (12) “Renter” or “tenant” shall mean any person paying rent in the form of cash or other consideration for premises upon which a City water meter is located.

SECTION 6-56-2 SUPERINTENDENT’S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection in the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rule for the protection of the system until due consideration by the Council may be had.

SECTION 6-56-3 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.

SECTION 6-56-4 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

SECTION 6-56-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall be filed with the Superintendent on blanks furnished by the Council. 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 general uses of the water. If the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid the permit shall be issued. Work under any permit must be begun within sixty days (60) after it is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

SECTION 6-56-6 PERMIT. Before any permit is issued the person who makes the application shall pay a fee to the Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work. The fee shall be set by resolution of the Council.

SECTION 6-56-7 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

SECTION 6-56-8 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a licensed plumber. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspensions, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefore or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have been accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

SECTION 6-56-9 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 55.

SECTION 6-56-10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

(1) No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.

(2) All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall received no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

(3) A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

(4) An accurate and dimensional sketch showing the exact location of the tap shall be filled with the Superintendent in such form as the Superintendent shall require.

SECTION 6-55-11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper tubing or two hundred (200) pound test P.V.C with tracer wire and with brass fittings. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing. Water line installation and type shall be inspected by the City prior to back fill.

SECTION 6-56-12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

SECTION 6-56-13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

SECTION 6-56-14 CURB STOP. New curb stops, with a main shut-off valve on the water service pipe, shall be installed within the public right-of-way at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

SECTION 6-56-15 INTERIOR STOP. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

SECTION 6-56-16 INSPECTION AND APPROVAL. All water service pipes and meters and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority. The City reserves the right to set or remove a meter whenever it is deemed advisable to do so. Refusal on the part of the owner, consumer or occupant of any premises served with City water to permit an employee of the City to enter such premises at any reasonable hour for reading the water meter or inspecting water pipes and fixtures shall be sufficient cause to forthwith discontinue the water serve at such premises.

SECTION 6-56-17 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance 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.

SECTION 6-56-18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

SECTION 6-56-19 OPERATION OF CURB STOP AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb stop, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

SECTION 6-56-20 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

SECTION 6-56-21 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valve except a main control valve at the entrance to the building which must be sealed open.

SECTION 6-56-22 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

SECTION 6-56-23 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

SECTION 6-56-24 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customers may be required to purchase and install such meter in accordance with requirements established by the City.

SECTION 6-56-25 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

SECTION 6-56-26 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in this Chapter. Each location, building, premises or connection shall be considered separate and distinct customer whether owned or controlled by the same person or not.

SECTION 6-56-27 RATES FOR SERVICE. Each customer of the municipal water system shall pay a water service fee as provided in this section:

Effective	January 1, 2010	July 1, 2010
Base rate - Water	\$20.00	\$24.00
Per 1000 gal. charge	\$3.00	\$3.15
Effective	January 1, 2011	July 1, 2011
Base rate - Water	\$30.00	\$38.00
Per 1000 gal. charge	\$3.50	\$3.75

Customer as used in this section means a property owner, or renter thereof, that is utilizing the municipal water system by having the property connected to the city owned water lines. Water service fees to industrial customers shall be established by contract prior to connection to the municipal water system, if the city deems such connection to be in its best interests.

SECTION 6-56-28 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates established by the City Council. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

SECTION 6-56-29 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(1) The Clerk shall prepare and issue bills for combined service accounts on or before the third (3rd) day of each month.

(2) Bills for combined service accounts shall be due and payable at the office of the Clerk by the twentieth (20th) day of the month.

(3) Bills not paid when due shall be considered delinquent. A payment penalty of ten dollars (\$10.00) shall be added each month to each delinquent bill.

SECTION 6-56-30 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(1) The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

(2) If the customer is a tenant, and if the owner or landlord of the property has been made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

(3) If a hearing is requested by noon of the day preceding the shut off, the Clerk and Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the decision of the Clerk and Mayor of the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

(4) A fee of twenty-five dollars shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

SECTION 6-56-31 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be joined and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

SECTION 6-56-32 RESERVED.

SECTION 6-56-33 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

SECTION 6-56-34 CONNECTION FEE. There shall be required for every customer of the premises served a one hundred dollar (\$100.00) connection fee intended to guarantee the payment of bills for service.

SECTION 6-56-35 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time. When service is temporarily discontinued as provided herein there shall be a service charge whenever service is shut off or on. The City will not drain pipes or pull meters for temporary vacancies.

SECTION 6-56-36 RENTAL PROPERTY. Residential rental property where a charge for water service is separately metered and paid directly to the City of Alburnett by the tenant is exempt from a lien for delinquent rates or charges associated with such water service if the landlord gives written notice to the City of Alburnett that the property is residential rental property and that the tenant is liable for the rates or charges. The City of Alburnett will require a connection charge of one hundred dollars (\$100.00) to be paid to the City of Alburnett Water Utility. Upon receipt, the City of Alburnett shall acknowledge the notice and connection charge. A written notice shall contain the name of the tenant responsible for charges, address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the City of Alburnett within ten business days of the change in tenant. A change in the ownership of residential rental property shall require written notice of such change to be given to the City of Alburnett within ten business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for water service if the repair charges become delinquent.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 57

REFUSE COLLECTION AND OUTDOOR AND OPEN BURNING

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- 6-57-2 Duty To Provide Cans
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- 6-57-28 Agricultural Burning
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- 6-57-30 Fire Suppression Training
- 6-57-31 Burning Benefits
- 6-57-32 Liability
- 6-57-33 Right of Entry and Inspection
- 6-57-34 Enforcement and Penalties

SECTION 6-57-1 DEFINITIONS. For use within this ordinance, the following terms are defined:

- (1) “Bonfire” means an outdoor fire utilized for ceremonial purposes.
- (2) “Campfire” means a small outdoor fire not to exceed three feet (3) in diameter by three feet (3) in height intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- (3) “Cans” means a container for the storage of garbage or rubbish which is (1) provided with a handle and tight-fitting cover, (2) water tight, (3) substantially made of galvanized iron or other non-rusting material, and (4) of a size that may be conveniently handled by the collector.
- (4) “Clean wood” means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- (5) “Collector” means any person authorized to gather solid waste from public and private places.
- (6) “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- (7) “Director: means the director of the State Department of Natural Resources or any designee. (Code of Iowa, Sec. 455B.101[2b])
- (8) “Discard” means to place, cause to be placed, throw, deposit or drop. (Code of Iowa, Sec. 455B.361[2])
- (9) “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
- (10) “Fire Chief” means the Chief of the City of Alburnett Fire Department or other person designated by the Fire Chief.
- (11) “Garbage” means all solid and semisolid, putrescible animal and vegetable waste 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 by-products, and includes all such substances from all public and private establishments and from all residences, including all animal, fruit, vegetable and other refuse resulting from the preparation of food and drink. (IAC, 567-100.2)
- (12) “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings. (IAC, 567-20.2[455B])

(13) “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris. (Code of Iowa, Sec. 455B.361[1])

(14) “Municipality” means a county, township, city, or village.

(15) “Open burning” means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

(16) “Outdoor burning” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

(17) “Outdoor wood-fired boiler” means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

(18) “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.

(19) “Patio wood-burning unit” means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

(20) “Person” includes any individual, firm, corporation, trust, and other organized group, or any government.

(21) “Portable Outdoor Fireplace” means a portable, outdoor, solid-fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

(22) “Recreational Fire” means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(23) “Refuse” includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community, including but not limited to incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form, but not including dead animals not killed for food, trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. (IAC, 567-100.2)

(24) “Residential premises” means a single-family dwelling and any multiple-family dwelling.

(25) “Residential waste” means any refuse generated on the premises as a result of residential activities. The Term includes landscape waste grown on the premise or deposited thereon

by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics. (IAC, 567-20.2[455B])

(26) “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery or litter of any kind as well as all other refuse not falling within the term "garbage" except those objects too large to be placed in cans. (IAC, 567-100.2)

(27) “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)

(28) “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 Director. (Code of Iowa, Sec 455B.301)

(29) “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to a such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa. (Code of Iowa, Sec 455B.301)

(30) “Yard Waste” means debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

SECTION 6-57-2 DUTY TO PROVIDE CANS. Each person shall provide cans for the storage of garbage and cans, or other container, for rubbish accumulating on premises owned or occupied by him. Such cans shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of dwellings but not in alleys or streets.

SECTION 6-57-3 ACCUMULATION AND DEPOSIT OF REFUSE PROHIBITED. No person shall permit garbage to accumulate upon premises owned or occupied by him unless in cans. Nor shall he deposit refuse upon any other premises in the City of Alburnett.

SECTION 6-57-4 STORAGE. All garbage must be drained and that accumulating from dwellings must be wrapped in paper and placed in a can used only for garbage. All rubbish shall be placed in a separate can or other container.

SECTION 6-57-5 COLLECTION. All garbage must be taken from dwellings at least once each week and from business establishments as frequently as the Council may require.

SECTION 6-57-6 OPTIONAL MEANS OF COLLECTION. It is optional whether the City of Alburnett:

- (1) Collects garbage and rubbish with its own equipment and employees, or
- (2) Makes a contract with a person to collect garbage and rubbish, or
- (3) Issues a permit to a person to collect garbage and rubbish.

The Council, by resolution, elects the method or methods to be used in the collection of garbage and rubbish.

If the City of Alburnett, by its Council, elects to own the equipment or to contract for the collection of garbage and rubbish, it defrays this cost as provided by state law.

If the City of Alburnett, by its Council, elects to permit the collection of garbage and rubbish other than by contract, the Council may issue permits to applicants upon request. Each permit shall expire in one year from the date of issuance.

The Council may establish regulations necessary to protect the public health, which each permit holder must obey. Upon the holder's failure to comply with the rules established or the provisions of this ordinance, the Council may revoke the permit.

SECTION 6-57-7 NECESSITY OF PERMIT. No person shall collect garbage or rubbish, except his own, unless authorized by contract or permit. Cost of an annual permit shall be Ten Dollars (\$10.00).

SECTION 6-57-8 REFUSE OTHER THAN GARBAGE AND RUBBISH. Each person shall dispose of all refuse, other than garbage and rubbish, accumulating on any premises he owns, or occupies, before it becomes a nuisance. If it does become a nuisance, the local board of health will deal with it as provided in the Iowa Code.

SECTION 6-57-9 SEPARATION OF YARD WASTES REQUIRED AND COMPOSTING. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted at the City approved composting facility. At the approved facility, the City shall only allow organic waste generated within the city limits, such as leaves, grass clippings, garden waste and small twigs and branches under the diameter of six (6) inches.

SOLID WASTE CONTROL

SECTION 6-57-10 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may results from the uncontrolled disposal of solid waste.

SECTION 6-57-11 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a 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 Chapter 27 or by initiating proper action in district court. (Code of Iowa, Ch. 657)

SECTION 6-57-12 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacate, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

SECTION 6-57-13 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicles shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter. (Code of Iowa, Sec. 455B.363)

SECTION 6-57-14 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, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. (Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

SECTION 6-57-15 TOXIC AND HAZARDOUS WASTE. 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])

SECTION 6-57-16 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 Specifications. Waste storage containers shall comply with the following specifications:

(a) Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of not more than thirty-five (35) gallons in nominal capacity, and shall be leak-proof and waterproof. The total weight of any container and contents shall not exceed sixty-five (65) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

(1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;

(2) Have handles, bails or other suitable lifting devices or features;

(3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;

(4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

(b) Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount 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) Storage 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; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from leaving the premises except at collection.

(3) Location of Containers for Collection. Containers for the storage of solid waste and recycling items awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers for solid waste and recycling items shall not be placed at the curb or alley line prior to that day on the day prior to regularly scheduled trash collection and not later than six o'clock (6:00) a.m. on the scheduled collection day and shall be promptly removed from the curb line following collection.

(4) Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

SECTION 6-57-17 PROHIBITED PRACTICES. It is unlawful for any person to:

(1) Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person 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 as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

(3) Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

(4) 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.

SECTION 6-57-18 RESERVED.

SECTION 6-57-19 RESERVED.

SECTION 6-57-20 RESERVED.

SECTION 6-57-21 PENALTIES. Anyone violating any of the provisions of this Ordinance shall, be subject to the City of Alburnett's City Code, Municipal Infractions fines under Chapter 2.

OUTDOOR AND OPEN BURNING

SECTION 6-57-22 PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Alburnett due to the air pollution and fire hazards of open burning and outdoor burning.

SECTION 6-57-23 APPLICABILITY. This ordinance applies to all outdoor burning and open burning within the City of Alburnett.

(1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

(3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 6-57-24 SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 6-57-25 GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING, AND REFUSE BURNING. Open burning and outdoor burning are prohibited in the City of Alburnett unless the burning is specifically permitted by this ordinance.

SECTION 6-57-26 OPEN BURNING OF REFUSE.

(1) Open burning of refuse from a commercial or industrial establishment is prohibited.

(2) Open burning of refuse from a single or multi family dwelling is prohibited including but not limited to the following:

(a) Construction and demolition waste.

(a) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.

(c) Furniture and appliances.

(d) Tires.

(e) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(f) Newspaper.

(g) Corrugated cardboard, container board, office paper.

(h) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

SECTION 6-57-27 OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS.

(1) Open burning of leaves, garden waste and grass clippings is prohibited.

(2) Open burning of trees, logs, brush, and stumps is allowed only in accordance with all of the following provisions:

(a) Except for campfires and patio wood burners, a permit issued in accordance with Section 6-57-31 of this ordinance must be obtained prior to open burning under this Section.

(b) Open burning of trees, logs, brush, and stumps must be conducted at least 660 feet (1/4 mile) from an incorporated city or village limit.

(c) Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when a burning ban has been issued by state or local authorities applicable to the area.

(d) All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(f) Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed.

(g) Open burning under this section shall only be conducted at a location at least 25 feet from the nearest building and 50 feet from the nearest building which is not on the same property.

(h) Except for campfires and patio wood burners, open burning shall only be conducted between the hours of 7:00 AM and 9:00 PM.

(i) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(j) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.

(k) Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION 6-57-28 AGRICULTURAL BURNING. Open burning of weeds, brush and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance including but not limited to obtaining a permit issued in accordance with section 6-57-31

SECTION 6-57-29 PATIO WOOD-BURNING UNITS. A patio wood-burning unit may be installed and used in the City of Alburnett only in accordance with all of the following provisions:

- (1) The patio wood-burning unit shall not be used to burn refuse.
- (2) The patio wood-burning unit shall burn only clean wood.
- (3) The patio wood—burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood burning unit.
- (4) The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 6-57-30 FIRE SUPPRESSION TRAINING. Structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- (1) The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- (2) Any standing structure that will be used in a fire suppression training requires the proper permits to be obtained through the State of Iowa and County of Linn, Iowa.
- (3) All asbestos must be removed prior to conducting the fire suppression training if the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- (4) At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.
- (5) All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 6-57-31 BURNING PERMITS.

- (1) No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the County of Linn, Iowa Department of Public Health.
- (2) Any violation of the conditions of the burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 6-57-32 LIABILITY. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 6-57-33 RIGHT OF ENTRY AND INSPECTION. The Fire Chief, Linn County Sheriff's Department or any authorized officer, agent, employee or representative of the City of Alburnett who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 6-57-34 ENFORCEMENT AND PENALTIES.

(1) The Fire Chief, Linn County Sheriff's Department or any officer, agent, employee or representative of the City of Alburnett who presents credentials are authorized to enforce the provisions of this ordinance.

(2) Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Iowa Statute which shall be punishable by civil fine as defined in Chapter 2 of this Code of Ordinances.

(3) The violator shall pay costs which may include all expenses, direct and indirect, which the City of Alburnett has incurred in connection with the municipal infraction. In addition, the City of Alburnett shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 58

SUBDIVISION REGULATIONS

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SECTION 6-58-1 PURPOSE. The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of North English, Iowa.

SECTION 6-58-2 POLICY. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient and economical development of the City. And further:

(1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

(2) It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

SECTION 6-58-3 APPLICATION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three (3) or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the City or within two (2) miles from the corporate limits of the City, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots herein contained or placing the plat on record.

SECTION 6-58-4 INTERPRETATION. In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Specifically:

(1) These regulations are not intended to interfere with or to abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

SECTION 6-58-5 ACTION UNDER PRIOR PROVISIONS. These regulations do not abate any action now pending under or by virtue of prior existing subdivision regulations. Nor do they discontinue, abate, modify or alter any penalty accrued or about to accrue or affect the liability of any person or waive any right of the City under any section of provision existing at the time of adoption of these regulations. Nor do they vacate or annul any rights obtained by any person by lawful action of the City except as expressed in these regulations.

SECTION 6-58-6 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements in this chapter and install the required improvements or provide a performance bond.

SECTION 6-58-7 TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is always mandatory, and the term “may” is permissive.

(1) *Acquisition plat* means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

(2) *Aliquot part* means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

(3) *Alley* means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

(4) *Auditor’s plat* means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

(5) *Block* means an area of land within a subdivision that is entirely bounded-by streets, railroad right-of-way, rivers, tracts or public land, or the boundary of the subdivision.

(6) *City Engineer* means the professional engineer registered in the State of Iowa designated as City Engineer by the Governing Body or other hiring authority.

(7) *Comprehensive Plan* means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such “Comprehensive Plan” shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

(8) *Conveyance* means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

(9) *Cul-de-Sac* means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

(10) *Division* means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.

(11) *Easement* means an authorization by a property owner for another to use a designated part of his property for a specified purpose.

(12) *Flood Hazard Area* means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa National Resources Council or the Federal Insurance Administration.

(13) *Floodway* means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

(14) *Forty acre aliquot part* means one-quarter of one quarter of a section.

(15) *Governing Body* means the City Council of the City of Alburnett, Iowa.

(16) *Government lot* means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

(17) *Improvements* means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.

(18) *Lot* means a tract of land represented and identified by number or letter designation on an official plat.

(19) *Lot, Corner*: The term “corner lot” means a lot situated at the intersection of two streets.

(20) *Lot, Double Frontage*; The term “double frontage lot” means any lot that is not a corner lot that abuts two streets.

(21) *Metes and bounds description* means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

(22) *Official plat* means either an auditor’s plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor, and assessor.

(23) *Owner* means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

(24) *Parcel* means a part of a tract of land.

(25) *Performance Bond* means a surety bond or cash deposit made out to the City of Alburnett in an amount equal to the full cost of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this ordinance.

(26) *Permanent real estate index number* means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

(27) *Planning & Zoning Commission* means the appointed commission designed by the Governing Body for the purpose of this ordinance.

(28) *Plat* means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record.

(29) *Plats Officer* means the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority.

(30) *Plat of survey* means the graphical representation of survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

(31) *Proprietor* means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

(32) *Resubdivision* means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

(33) *Street* means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bonded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

(34) *Street, Arterial*: The term "arterial street" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

(35) *Street, Collector*: The term "collector street" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

(36) *Subdivider* means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

(37) *Subdivision* means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to land subdivided.

(38) *Subdivision plat* means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

(39) *Surveyor* means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.

(40) *Tract* means an aliquot part of a section, a lot within an official plat, or a government lot.

(41) *Utilities* means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

SECTION 6-58-8 IMPROVEMENT REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City and the City Engineer, and as shown on the approved preliminary plat.

SECTION 6-58-9 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this ordinance by the City Engineer. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

SECTION 6-58-10 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

(1) The Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as built" plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

(2) A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for plat.

SECTION 6-58-11 DESIGN STANDARDS ARE MINIMUM. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

SECTION 6-58-12 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdivides shall comply with the following laws, rules, and regulations.

- (1) All applicable statutes of the State of Iowa.
- (2) Any comprehensive plan, public utilities plan and capital improvements program of the City.
- (3) The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health and the State Department of Transportation, where applicable.
- (4) The standards and regulations of the county Board of Supervisors and County commissions, boards and agencies where applicable.
- (5) The standards and regulations adopted by the Council, boards, commissions and agencies of the City.

(6) Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purposes of these regulations.

SECTION 6-58-13 STORM SEWERS AND DRAINAGE. The following requirements shall apply to the provision of storm sewers and drainage:

(1) The Council shall not approve any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that a surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(2) The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

(a) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved outfall.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangement for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

(c) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.

(d) The Subdivider shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision to be approved by the City. The subdivider shall also take into account upstream drainage and its effect on the proposed subdivision. These drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(e) The Council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream drainage course.

(3) The following shall apply to the dedication of drainage easements.

(a) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(b) Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in the areas for dedication, shall be persevered and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

SECTION 6-58-14 WATER FACILITIES. Water facilities shall be provided as follows:

(1) The following general requirements shall apply to the provision of water facilities:

(a) Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to City specification. All water mains shall be at least six (6) inches in diameter.

(b) Water main extensions shall be approved by the City.

(c) To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.

(2) The following requirements shall apply to the provision of individual wells and central water systems:

(a) In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.

(b) If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

(3) Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located no more than three hundred (300) feet apart and shall be approved by the City.

SECTION 6-58-15 SEWAGE FACILITIES. Sewage facilities shall be provided as follows:

(1) The applicant shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the City and State Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.

(2) Sanitary sewage systems shall be constructed as follows:

(a) Where a public sanitary sewage system is reasonably accessible, the applicant shall connect with the same and provide sewers accessible to each lot in the subdivision.

(b) Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time, not to exceed fifteen (15) years, the applicant may choose one of the following alternatives:

(1) Install a central sewage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.

(2) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

(c) Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the applicant shall install individual disposal systems or central sewage systems.

(3) If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and those regulations. Percolation test and test holes shall be made as directed by the City and results submitted to the local board of health.

(4) There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

SECTION 6-58-16 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

- (1) Sidewalks shall be included within the dedicated nonpavement right-of-way of all streets.
- (2) Sidewalks shall be improved as required in Chapter 59 of this Code of Ordinances.
- (3) All sidewalks shall be constructed to current ADA standards.

SECTION 6-58-17 UTILITIES. The following shall apply to the provision of utilities:

(1) The Council may require that all utility facilities, including, but not limited to, gas, electric power, telephone and CATV cables, be located underground through the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) Easements shall be provided as follows:

(a) Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

(b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

SECTION 6-58-18 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic sports and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

SECTION 6-58-19 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions:

(1) If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.

(2) In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

(c) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

(d) Special requirements may be imposed by the City with respect to installation of public utilities, including water, sewer and storm water drainage.

(e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 6-58-20 SCHOOL AND PARK RESERVATIONS. In subdividing property, consideration shall be given to suitable sites for schools, parks or playgrounds and shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. An area in the subdivision equal to 500 square feet per lot (0.011 acres per lot) shall be set aside and dedicated to park development for public use.

SECTION 6-58-21 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION.

Improvements in the two (2) mile unincorporated area under the jurisdiction of these regulations shall

be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

SECTION 6-58-22 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations and exceptions:

(1) Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(b) The conditions upon which the request for a variation is based upon unique to the property for which the variation is sought, and are not applicable, generally, to other property.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

(d) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

(2) In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(3) A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

SECTION 6-58-23 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law.

SECTION 6-58-24 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City, proper maintenance bonds satisfactory to the City, so as to insure that for a period of two (2) years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

SECTION 6-58-25 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

(1) The Council may defer or waive at the time of final approval, subject to approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interest of the public health, safety and general welfare, of which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements of the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

SECTION 6-58-26 STREET STANDARDS.

(1) General: The following standards shall apply to all streets to be located within the subdivision:

(a) Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.

(b) Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

(c) At intersections of major streets, and otherwise as necessary, lot corners abutting radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

(d) Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Council.

(e) Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval the estimated cost of installation of each street sign required by the Council.

(f) Installation of street lights shall be required in accordance with design and specification standards approved by the Council.

(g) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.

(h) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to pattern of existing proposed land uses.

(i) Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(j) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(k) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks the parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(l) Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.

(2) Streets and dead end streets shall be in conformance with the following requirements:

(a) The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

(b) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred feet (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street in accordance with City construction standards and specifications. For the greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

(3) Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:

(a) Lots shall be designated so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.

(b) A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.

(c) A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

(4) Minimum Roadway and Right-of-Way Standards.

(a) Municipal Arterial streets shall have a tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.

(b) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.

(c) Minimum Roadway and Right-of-way Standards:

(1) Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-four (44) feet.

(2) Municipal collector streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-six (36) feet.

(3) Municipal service streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than thirty-one (31) feet.

(4) Frontage streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than thirty-one (31) feet.

(5) Cul-de-sacs shall meet all the requirements for a municipal service street, and in addition, shall provide a turnaround with a right-of-way radius of fifty (50) feet and a roadway radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length.

(d) Street grades, wherever feasible, shall not exceed the following:

(1) Municipal arterial streets – six percent (6%).

(2) Municipal collector streets – eight percent (8%)

(3) Municipal local streets – ten percent (10%)

(4) Frontage streets – six percent (6%)

(5) All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty (20) times the algebraic difference in percents of grade.

(6) No street grade shall be less than one-half (1/2) of one percent, unless extreme conditions warrant.

(5) Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete cement or full depth asphaltic concrete having equivalent bearing capacity. Adequate provisions shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

(a) The pavement slab shall be constructed of the following materials:

(1) Nonreinforced Portland cement concrete conforming to the Iowa Department of Transportation C-4 mix or M-4 as applicable; or

(2) Full depth Asphaltic concrete hot mix conforming to the Iowa Department of Transportation standards for Type A surface course. Four inches of granular base material may be substituted for one inch of asphaltic concrete hot mix. The granular base material shall be a minimum of six inches thick and a maximum of 12 inches thick. The granular base material must conform to the Iowa Department of Transportation standards for crushed stone special backfill.

(3) The recommended pavement thickness in inches is as outlined in the following table:

Street Classification	Portland Cement Concrete	Full Depth Asphaltic Concrete
Arterial	9" *	11" *
Collector	8"	10"
Local	7"	9"

* Thickness requirements for arterials are intended as a guide only. Specific projects will be designed on the basis of soil conditions and projected traffic loading.

(b) The curb and gutter shall be constructed of Portland cement concrete to a thickness as required for respective street classification and shall be required on both sides of all streets with one driveway entrance per lot.

(c) The curbs and gutter cross section shall consist of 6-inch vertical curb with a 2'-6" concrete gutter which includes the curb. Where the street paving is integral Portland cement concrete, then there shall be no separation between the curb and gutter section and the paving. A four (4) inch roll over curb is not acceptable.

(d) A minimum of two sets of concrete test cylinders for each 500 cubic yards of paving but no less than one set per day, shall be made. A test shall consist of three (3) test cylinders. Slump and air content tests shall be made at the frequency of one test per 200 cubic yards and the results recorded along with appropriate test cylinder information. Cylinders shall be laboratory cured, and conform with ASTM specification C31 and C39.

(e) The subgrade shall be scarified to a depth of 12 inches below the pavement, and

compacted to 95% of Standard Proctor Density for Portland cement concrete pavement and to 95% of Standard Proctor Density for Asphaltic cement concrete pavement.

(f) The subgrade in fill shall be 95% of Standard Proctor Density.

(g) Successful compaction density tests shall be conducted one per every 150 linear feet of street subgrade per 8-inch fill lift and at locations to be selected by the City Engineer.

(6) Excess Right-of-Way. Right-of-Way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

(7) Railroads and Limited Access Highways: Railroad right-of-ways and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(a) In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

(b) In districts zoned for business, commercial, or industrial uses the nearest street extended parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(c) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(8) The following standards shall apply to the design of intersections:

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one point unless specifically approved by the Council.

(b) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jobs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

(c) Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the interesting street.

(e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

(f) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

(9) Bridges of primary benefit to the applicant, as determined by the Council, shall be contracted at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said shall be charged to the applicant pro rata as the percentage of his or her land developed and so served.

(10) The following design standards for alleys shall be required of all subdividers:

(a) Alleys shall be prohibited in residential districts.

(b) Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with the adequate for the uses proposed.

(c) Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.

(d) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(e) Dead-end alleys shall be avoided where possible, but if avoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Council.

(11) The following provisions shall apply to street dedications and reservations:

(a) Street system in new subdivision shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

(b) Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required improve and dedicate at his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these subdivision regulations. Land reserved for any street purpose may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

SECTION 6-58-27 BLOCK AND LOT STANDARD. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions.

(1) No residential block shall be longer than two thousand (2,000) feet or shorter than five hundred (500) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

(2) In blocks over seven hundred (700) feet in length, the Governing Body may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

(3) In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities or pedestrian traffic.

(4) Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

(5) The size of all lots shall comply with the following, but in no case shall a lot contain less than eight thousand (8,000) square feet of an area or be less than eighty (80) feet wide measured at the building line:

(a) Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.

(b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(c) Corner lots for residential use shall have an extra twenty (20) feet of width to permit appropriate building setback from and orientation to both streets.

(6) All lots shall abut a public street or an approved private 3street.

(7) Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

(8) All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Governing Body, a variation to this provision will provide a better street and lot layout.

(9) Reversed frontage and Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

(10) Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

SECTION 6-58-28 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

SECTION 6-58-29 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk three (3) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

- (1) Title, scale, north point and date.
- (2) Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.
- (3) Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights, fire hydrants and street signs.
- (4) Proposed layout of blocks and lots, showing dimensions, radii, chords and the square foot areas of lots that are not rectangular, and the lot and block numbers in numerical order.
- (5) Building setback or front yard lines.
- (6) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
- (7) Present and proposed easements, showing locations, widths, purpose and limitations.
- (8) Location and names of adjoining parcels of unsubdivided and subdivided land.
- (9) Boundaries of the highest known flood of record affecting the subdivision and the source of information.

(10) If the proposed subdivision borders on a lake or stream, the distances and bearings of meander lines established not less than twenty (20) feet back from the mean high water mark of the lake or stream

(11) Existing blocks, lots and buildings.

(12) Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is within one mile of public sewer or water or both, notice shall be made of the direction and distance to such facilities.

(13) Proposed name of the subdivision.

(14) Names and addresses of the owner, subdivider, builder and surveyor who prepared the preliminary plat, and the surveyor who will prepare the final plat.

(15) Official legal description of the property being platted.

(16) Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater, unless the Council waives this requirement.

(17) Existing and proposed zoning of the proposed subdivision and adjoining property.

(18) Location of all proposed monuments.

Information to be Provided in Accompanying Material. The following information shall accompany a plat when filing:

(1) A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

(2) A table of the following information:

(a) Total acreage of the subdivision.

(b) Total number of lots.

(c) Minimum, average and maximum lot area.

(d) Acreage of public lands to be dedicated or reserved other than streets.

(3) An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

(4) If any portion of the subdivision is to have access on a State or County jurisdiction street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

(5) Specifications and engineering construction drawings including profiles, cross-sections and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

SECTION 6-58-30 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS.

(1) The subdivider shall prepare a preliminary plat in accordance with the provisions of this Code of Ordinances (previous section) and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

- (a) Be made on forms available from the Clerk together with a fee established by the City Council.
- (b) Be accompanied by a minimum of ten (10) copies of the preliminary plat.
- (c) Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Council.

(2) The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer and seven (7) copies to the Council. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

(3) The preliminary plat shall be reviewed by the council to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Council deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer, shall be transmitted to the Council within three (3) weeks from the date the plat is filled. The Council may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

SECTION 6-58-31 ACTION BY THE COUNCIL. Within thirty (30) days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. Three (3) copies shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

SECTION 6-58-32 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Governing Body shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the Governing Body.

SECTION 6-58-33 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other city requirements, and the agreements between the subdivider and the City.

SECTION 6-58-34 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period of one (1) year from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution. The Council may extend the completion date set forth in the bond for a maximum period of one additional year. Also, the Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfaction construction, installation and dedication of the uncompleted portion of required improvements. In addition:

(1) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, an manner of exaction as set forth in these regulations.

(2) The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat shall be incorporated in the bond, and shall not exceed one year from date of final approval.

(3) The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Council may, upon proof of difficulty, extend the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principle and sureties on the bond.

(4) The applicant shall build and pay for all costs of temporary improvements acquired by the Council. Prior to the construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

(5) For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

SECTION 6-58-35 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

SECTION 6-58-36 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

SECTION 6-58-37 REQUIREMENT OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

(1) Every plat of a subdivision offered for record shall conform to all of the following provision where applicable:

(a) The plat shall be a permanent copy or photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed with the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.

(b) The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8 1/2) by eleven (11) inches.

(c) Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index shall be provided to show the relationship between sheets.

(d) A maximum scale of one hundred feet to one inch (100'=1") shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

(e) Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

(f) An arrow indication the northern direction shall be drawn in a prominent place on each sheet included in the plat, as well as the scale and date.

(g) All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat, the location of the additional monuments shall be shown on the plat.

(h) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

(i) All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

(j) The course of every boundary line shown on the plat shall be indicated by the direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

(k) Curve data shall be stated in terms of radius, central angle and tangent, or length of curve. In all cases, the curve data must be shown for the line affected.

(l) The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

(m) When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as more or less, if variable. In all cases, the true boundary shall be clearly indicated on the plat.

(n) All interior excepted parcels shall be clearly indicated and labeled, “not a part of this plat”.

(o) All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part of the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

(p) The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including gas, power, telephone , water sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

(q) A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.

(r) The purpose of all areas dedicated to the public must be clearly indicated on the plat.

(s) The plat shall contain a statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor’s direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor’s Iowa registration number or seal.

(t) Street names and clear designation of public alleys.

(u) Block and lot numbers.

(v) Name and address of owner and subdivider.

- (w) Accurate dimensions of any property to be dedicated or reserved for public use.
- (x) The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
- (y) A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

(2) Information to be Provided in Accompanying Material. The following material shall be submitted with the final plat;

- (a) A correct legal description of the subdivision land;
- (b) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
- (c) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of a mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- (d) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.
- (e) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
- (f) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- (g) A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
- (h) The encumbrance bond, if any.

SECTION 6-58-38 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 465.18 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

- (1) Be made on forms available from the Clerk together with a fee of ten dollars per lot.
- (2) Be accompanied by a minimum of ten copies of the final plat.
- (3) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.
- (4) Be presented to the Clerk at least four weeks prior to the regular meeting of the Council.

SECTION 6-58-39 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer and seven (7) copies to the Council. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

SECTION 6-58-40 ACTION BY THE COUNCIL. The Council shall, within sixty (60) days, either approve or disapprove the final plat.

(1) In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

(2) In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.

(3) The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider shall cause such plat to be recorded in the office of the County Recorder of the County where the land to be subdivided is located, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

SECTION 6-58-41 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

(1) For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the same procedure, rules and regulations as for a subdivision.

(2) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 6-58-42 MONUMENTATION. Monuments shall be in conformance with the following requirements:

(1) Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.

(2) Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments according to the provisions for permanent control monuments prescribed in the previous subsection.

(3) Monuments other than the permanent control monuments required in Section 6-58-42 (1) of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the surveyor's statement on the plat that the additional monuments required by these regulations shall be established before a specified future date.

(4) Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in Section 6-58-42 (1) of this section, and shall be set in all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:

(a) At every corner and angle point of every long, block, or parcel of land created.

(b) At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad or other way.

(c) At every point of curve, tangency, reversed curve or compounded curve on every right-of-way line established.

(5) When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

SECTION 6-58-43 CHARACTER OF THE LAND. Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easement or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the council to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

SECTION 6-58-44 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council, provided that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law.

SECTION 6-58-45 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations, has been approved by the Council as herein set forth, and further:

(1) No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with these regulations: except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legally located upon said tract.

(2) Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations, shall forfeit and pay fifty dollars (\$50.00) for each lot and part of lot sold or disposed of, leased or offered for sale.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 59

SIDEWALK REGULATIONS

6-59-1	Purpose
6-59-2	Definitions
6-59-3	Removal Of Snow, Ice and Accumulations
6-59-4	Reserved
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6-59-8	Sidewalk Standards
6-59-9	Barricades and Warning Lights
6-59-10	Failure To Repair Or Barricade
6-59-11	Interference With Sidewalk Improvements
6-59-12	Awnings
6-59-13	Encroaching Steps
6-59-14	Openings and Enclosures
6-59-15	Fires Or Fuels On Sidewalks
6-59-16	Defacing
6-59-17	Debris On Sidewalks
6-59-18	Merchandise Display
6-59-19	Sale Stands

SECTION 6-59-1 PURPOSE. The purpose of this ordinance is to specify and define the responsibility for maintenance, repair, construction and reconstruction of public sidewalks within the City of Alburnett.

SECTION 6-59-2 DEFINITIONS. For use within this ordinance the following terms are defined:

(1) “Sidewalk” means all permanent public walks in business, residential and suburban areas.

(2) “Established grade” means that grade established by this City for the particular area in which a sidewalk is to be constructed.

(3) “Abutting property owner” means the titleholder or titleholders of any lot, tract or parcel of real estate which adjoins any public street, highway, or avenue as shown by the records of the County Auditor.

(4) “One-course” construction means that the full thickness of the concrete is placed at one time using the same mixture.

(5) “Portland cement” is any type of cement except mortar cement.

(6) A “wood float” finish is a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

(7) A “broom finish” is a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

SECTION 6-59-3 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within 24 hours after deposit of accumulation, the City may have the natural accumulations of snow or ice removed without notice to the property owner and the cost shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

SECTION 6-59-4 RESERVED.

SECTION 6-59-5 RESERVED.

SECTION 6-59-6 RESERVED.

SECTION 6-59-7 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

SECTION 6-59-8 SIDEWALK STANDARDS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

(1) Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.

(2) Sidewalks shall be on one-course construction.

(3) Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.

(4) The sidewalk bed shall be graded to the established grade.

(5) Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than six (6) feet in length (every cut shall be ¼ inches deep). In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

(6) Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

(7) All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.

(8) All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

(9) All sidewalks shall have a steel rod reinforcement and steel trowel finish followed by a "broom" or a "wood float" finish.

(10) Ramps for the handicapped. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

(11) All sidewalk improvements on 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 Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

SECTION 6-59-9 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property. The party or parties using the sidewalk 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.

SECTION 6-59-10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

SECTION 6-59-11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

SECTION 6-59-12 AWNINGS. As of the official adoption date of this code of ordinances, it is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets 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 pedestrian.

SECTION 6-59-13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

SECTION 6-59-14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

(1) Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

(2) Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with the adequate guards to protect the public.

(3) Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

SECTION 6-59-15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

SECTION 6-59-16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

SECTION 6-59-17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

SECTION 6-59-18 MERCHANDISE DISPLAY. It is 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 the building be occupied for such purposes.

SECTION 6-59-19 SALE STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 60

BUILDING NUMBERING

6-60-1	Definitions
6-60-2	Owner Requirements
6-60-3	Building Numbering Map

SECTION 6-60-1 DEFINITIONS. For the use in this article, the following terms shall be defined:

- (1) “Principal Building”: shall mean the main building on any lot or subdivisions thereof.
- (2) “Owner”: shall mean the owner of the principal building.

SECTION 6-60-2 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

- (1) Obtain Building Number. He shall obtain the assigned number to his principal building from the clerk.

(Code of Iowa, 1999, Section 364.12 (3d))

- (2) Display Building Number. He 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 two and one-half (2 ½) inches in height and of a contrasting color with their background.

(Code of Iowa, 1999, Section 364.12 (3d))

- (3) Failure to Comply. If an owner refuses to number a building as herein 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 property tax.

(Code of Iowa, 1999, Section 364.12 (3h))

SECTION 6-60-3 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 61

MAILBOX

- 6-61-1 Type of Mailboxes
- 6-61-2 Location of Mailboxes
- 6-61-3 Maintenance of Approaches
- 6-61-4 Nonconforming Existing Mailboxes

SECTION 6-61-1 TYPE OF MAILBOXES. All mailboxes placed upon the City streets and right-of-ways shall be approved by the U. S. Department of Postal Service regulations.

SECTION 6-61-2 LOCATION OF MAILBOXES. Boxes shall not be set closer than twenty-five (25) feet to an intersection; said intersection shall be determined by measuring twenty-five (25) feet from the middle of the intersecting street down the street the mailboxes are to be placed upon. Mailboxes shall not be placed closer than ten (10) feet from any alley. Mailboxes meeting the above specifications may be placed in the street right-of-way provided that the support thereof shall be at least two feet behind the curb or edge of the traveled way and no portion of the box or support shall extend beyond the inner edge of the curb. Said boxes shall not obstruct a paved sidewalk for pedestrians and where the roadway has a shoulder to be maintained, said boxes and support shall be placed so as not to interfere with the road maintenance or snow removal.

SECTION 6-61-3 MAINTENANCE OF APPROACHES. All approaches to the mailboxes shall be maintained by the individual owners of the boxes at said approach and the City shall not be responsible for surfacing, grading or maintaining said approaches.

SECTION 6-61-4 NONCONFORMING EXISTING MAILBOXES. All existing mailboxes in the City at the time of the effective date of the ordinance codified will be allowed a period of six (6) months to meet requirements. A mailbox installed after said effective date must meet the requirements and specifications of this chapter.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 62

FLOODPLAIN MANAGEMENT ORDINANCE

6-62-1	Statutory Authority, Findings of Fact and Purpose
6-62-2	General Provisions
6-62-3	Floodplain Management Standards
6-62-4	Special Floodplain Provisions
6-62-5	Administration
6-62-6	Nonconforming Uses
6-62-7	Penalties for Violations
6-62-8	Amendments
6-62-9	Definitions

SECTION 6-62-1 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 Alburnett are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

(b) These flood losses, hazards, and related adverse effects are caused by: (1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (2) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

(3) Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Alburnett 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 2(b)1 with provisions designed to:

(a) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

(b) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

(c) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

(d) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

SECTION 6-62-2 GENERAL PROVISIONS.

(1) Land 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) for Linn County and Incorporated Areas, City of Alburnett, Panel 19113C0169D, 0170D, 0188D and 019D, dated April 5th 2010, which were prepared as part of Linn 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 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 Flood Insurance Study for Linn County is hereby adopted by reference and is made part of this ordinance for the purpose of administering floodplain management regulations.

(2) 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.

(3) 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 provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency only.

(4) Interpretation. In their interpretation and application, the provision 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.

(5) 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 Flood Plain (Overlay) district areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Alburnett or any other officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made there under.

SECTION 6-62-3 FLOODPLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data.

(1) All development within the Flood Plain (Overlay) District shall:

(a) Be consistent with the need to minimize flood damage.

- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood

damage.

(b) 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 flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed 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:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one foot above grade.

(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.

(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.

(c) 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. The following specific requirements (or their equivalent) shall be met:

(A) Over-the-top ties shall be provided at each of the four corners of the factory-built home, with two (2) additional ties per side at intermediate locations and factory--built homes less than fifty (50) feet long requiring one (1) additional tie per side;

(B) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and factory-built homes less than fifty (50) feet long requiring four (4) additional ties per side;

(C) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.

(D) Any additions to factory-built homes shall be similarly anchored.

(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 and 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 (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (2) 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 within the altered or relocated portion.

(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.

(A) The structure shall not be used for human habitation.

(B) The structure shall be designed to have low flood damage potential.

(C) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(D) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(E) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 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 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.

(b) Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements 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.

SECTION 6-62-4 SPECIAL FLOODWAY PROVISIONS. In addition to the General Floodplain Standards, uses within the floodway shall 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.

(3) 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.

(4) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

(5) 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 a flood warning.

(6) 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 shall be approved by the Department of Natural Resources.

(7) Any fill allowed in the floodway shall be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

(8) 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 or due to the action of flood flows.

SECTION 6-62-5 ADMINISTRATION.

(1) Appointment, Duties and Responsibilities of the Administrator

(a) The Mayor is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

(b) Duties of the Administrator shall include, but not necessarily be limited to the following:

(A) Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(B) Review flood plain 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 flood plain construction.

(C) Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District.

(D) Record and maintain a record of the elevation (in relation to North American Vertical Datum) to which all new or substantially improved structures have been flood proofed.

(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.

(2) Flood Plain Development Permit.

(a) Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made changes to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

(b) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

(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 North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.

(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.

(c) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain 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 – Flood Plain Development Permits based on the basis of approved plans and applications authorized 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 application shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of only structure.

(3) Variance

(a) 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: (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the application, and (3) 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 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 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: (1) 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 (2) such construction increases risks to life and property.

(E) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

(b) Factors Upon Which the Decision of the Council Shall be Based – In passing upon applications for Variances, the Board 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 flood plain 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 flood plain 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 system), facilities, streets and bridges.

(M) Such other factors which are relevant to the purpose of this Ordinance.

(c) 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 be necessarily 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 and 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) Flood proofing 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 City 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.

SECTION 6-62-6 NONCONFORMING USES. 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.

(a) 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.

SECTION 6-62-7 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 \$100.00 (one-hundred dollars) or imprisoned for not more than thirty (30) days. Nothing herein contained prevent the City of Alburnett from taking such other lawful action as is necessary to prevent or remedy violation.

SECTION 6-62-8 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 6-62-9 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 community's Flood Insurance Rate Map. 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 effective date of flood plain 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.

FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN 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, flood proofing and flood plain management regulations.

FLOOD PROOFING - 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, levied, or otherwise obstructed without causing substantially higher flood levee. s or flow velocities.

HISTORIC STRUCTURE - Any structure that is:

(1) 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;

(2) 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;

(3) 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,

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either 1) an approved state program as determined by the Secretary of the Interior or 2) 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:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 6-62-3 (a) of this Ordinance and

(1) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

(3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

(4) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria 1-4 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 this Ordinance.

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 flood plain 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:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the Community's Flood Insurance Rate Map.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - 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 (1) before the "start of construction" of the improvement, or (2) 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 comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. 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 September 19, 1975 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 flood plain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 63

MOBILE HOME REGULATIONS

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SECTION 6-63-1 SHORT TITLE. This ordinance may be called “The Mobile Home Ordinance.”

SECTION 6-63-2 PURPOSE OF ORDINANCE. This ordinance is intended to guide and regulate the design, use, and intensity of use of mobile homes, and mobile home parks for the safety, convenience and general welfare of mobile home park residents and the residents of contiguous and nearby areas.

SECTION 6-63-3 LIMITATION ON USES. The area proposed for a mobile home park shall have at least five acres of gross development area or provide for a minimum of 25 and/or a maximum of 75 mobile home lots. However, such area may be developed in two or more stages, provided that said stages conform in all respects with the overall mobile home park development plan. Occupancy shall not be permitted until all facilities and improvements are installed and operational for not less than twenty-five (25) mobile home lots per stage. However, at no time shall the total number of mobile homes located within the limits of the City of Alburnett exceed 75 units.

The maximum density allowed for the Gross Development Area shall be six (6) mobile home units per gross acre.

SECTION 6-63-4 MOBILE HOME PARK DEVELOPMENT PLAN.

(1) No mobile home shall be located or altered, or land or water used, nor shall any zoning special permit be issued therefore, unless and until the necessary Mobile Home Park Final Development Plan is officially approved by the City Council. A preliminary development plan sketch (12 copies) shall be submitted to the City Council with the petition for Zoning Special permit. Before issuance of any permit, it shall be the Mayor’s responsibility to ascertain compliance with Section 3 of this ordinance and upon compliance the Mayor shall be the issuing officer.

(2) All mobile homes shall be located and maintained in full conformity with the approved Mobile Home Park Development Plan. The proposed Mobile Home Park Development Plan shall show the dimension, location and area of all use(s), including streets, walkways, parks, school sites and other open spaces. The mobile home final park plan shall be prepared by a landscape architect, architect, engineer or land surveyor, and have the seal of an engineer or land surveyor duly registered to practice in the State of Iowa for that part of the plan so requiring an engineer’s certification.

(3) In recommending upon and approving mobile home parks, the City Council shall consider the location, size, height, spacing, and extent of use of any mobile home and its appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and the relationship to adjacent property. The City Council shall not adopt such mobile home park development plan unless it finds that such plan conforms to all applicable provisions of this Ordinance.

SECTION 6-63-5 REQUIRED RESTRICTED COVENANTS AND DEVELOPMENT PLAN PENALTIES.

(1) If said mobile home park plan contains no dedication to the City for streets or utilities, or should it be contemplated that the facilities of the City shall not be used for maintenance of streets, sidewalks, water and sewer lines, garbage collection or other related functions; then such owner shall be required to record with such mobile home park plan a covenant that he will maintain said streets, sidewalks, water and sewer lines in compliance with the minimum standards as established by the City of Alburnett, Iowa; and that should he fail to maintain said standards in any of these respects, the City of Alburnett, Iowa, may, after ten (10) days notice to such permit holder, effect all the necessary repairs or improvements as required to maintain said minimum standards and the cost of all these and necessary repairs or improvements shall become a lien against said real estate and enforced and recorded as mechanic's liens are enforced and recorded against such real estate, and said covenant shall contain the following provision:

“That (name of owner) being the owner or owners of the real estate contained in the above attached mobile home park development plan hereby consents that if they or their assignors, heirs or those holding or owning said land through said owners, fail to maintain the streets, sidewalks, water and sewer mains according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water and sewer mains as established by the City of Alburnett, Iowa, that after ten (10) days notice in writing to the owner of said land as shown upon the records in the Recorder's Office of Linn County and at the address therein shown, then said owner, assignees, heirs, and those holding or owning through said owners, hereby authorize the City of Alburnett, Iowa, to make all necessary repairs and perform all necessary maintenance and further authorize the City of Alburnett, Iowa, to file a mechanic's lien against said real estate and enforce said lien pursuant to laws then applicable.”

(2) Abandonment and Expiration: Upon the abandonment of a mobile home park, or if, upon the expiration of three (3) years from the Special Permit being granted, the mobile home park has not been substantially completed, the land involved in said plan shall revert to its former zoning district classification and the Special Permit shall be null and void. The City Council, upon application and public notice as required by law, may grant one extension of up to two (2) years upon an application being filed with said council. The City Council's decision shall be final on the question of substantial completion. In the event of reversion to former zoning as provided herein, the land and structures thereon shall be subject to all regulations and limitations of the zoning district then applicable.

SECTION 6-63-6 AREA. Every lot upon which a mobile home unit is located shall front onto an approved public or private street or right-of-way as defined in this Ordinance and shall conform to the following minimum lot area and width requirements.

(1) Residential Use.

The lot area shall be a minimum of four thousand (4,000) square feet with a minimum average width of forty (40) feet and with a minimum frontage on an approved roadway of not less than 15 feet.

(2) Non-Residential Use.

The lot area shall be a minimum of four thousand (4,000) square feet for basic requirements for such uses as direct servicing, management and maintenance of the park. Any structures on non-residential lots shall be of permanent type construction meeting all local applicable building codes.

For uses requiring larger lot areas under this section, such uses may be granted by special permit from the City Council and lot sizes increased proportionately to maintain minimum yard requirements as set forth in Section 6.

SECTION 6-63-7 YARDS. All yards shall be subject to the following provisions:

(1) Front yard. Every lot shall have a front yard not less than fifteen (15) feet in depth measured from the outside of curbing to the closest point on the lower face of the mobile home.

(2) Side yard. Every lot used for the location of a mobile home unit shall have two side yards, one on each side of the mobile home, having a combined width of not less than 25 feet provided that in no case shall either side yard be less than five (5) feet in width, said side yard to be measured between the sides of the mobile home or any closed-in appurtenance thereto and the adjacent lot line, and further provided that in no case shall the separation between adjacent mobile homes be less than 25 feet as measured in the same manner.

(3) Rear yard. Every lot shall have a rear yard of not less than fifteen (15) feet in depth.

SECTION 6-63-8 PARK PERIMETER GENERAL AREA REQUIREMENTS.

No less than twenty-five (25) feet of yard width shall be provided immediately adjacent to all portions of the perimeter of the mobile home park contiguous to an adjoining use district, except that the yard requirement herein shall be reduced by one-half (1/2) the width of any alley adjacent thereto and, provided further that a greater yard may be required where the City Council deems it necessary.

Where the boundary of a mobile home park directly abuts another use district, a fence, wall or hedge shall be provided so that an area a minimum of ten feet in width be reserved along the perimeter of subject property, and within said area: (a) on the lot line there shall be erected a fence six feet in height of a material which will provide a significant visual and sound barrier and (b) between said fence and inside the reserved area screen plantings shall also be provided and maintained with a minimum height of eight feet at maturity for that portion of the screen plantings abutting said fence or as otherwise required by the City Council.

SECTION 6-63-9 SOIL AND GROUND COVER REQUIREMENTS. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

SECTION 6-63-10 SITE DRAINAGE REQUIREMENTS. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

SECTION 6-63-11 LOT MARKERS. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of lot limits on the ground shall be approximately the same as shown on the accepted plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground. This is in no way to be construed as permitting lots of a lesser size than the required minimum or in permitting lesser yard or separation dimensions than set for elsewhere in this Ordinance.

SECTION 6-63-12 LOT COVERAGE. The combined area occupied by a mobile home and appurtenances shall not exceed thirty percent (30%) of the area of the lot.

SECTION 6-63-13 PARK AREAS FOR NON-RESIDENTIAL USES.

(1) No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(2) Nothing contained in this section shall be deemed as prohibiting the sale by a resident owner of a mobile home located on a mobile home stand and connected to the pertinent utilities. Any sales of mobile homes in place on the mobile home stand shall not in any way relieve any parties involved from complying with all the applicable regulations of this Ordinance. No sales shall be made except mobile homes located on a mobile home stand and connected to the pertinent utilities within the limits of the mobile home park.

SECTION 6-63-14 REQUIRED SEPARATION BETWEEN MOBILE HOMES

(1) Mobile homes shall be separated from each other and from other buildings and structures by at least twenty-five (25) feet.

(2) Mobile homes shall be separated from each other on opposing sides of streets a minimum of forty-five (45) feet provided that in no case shall the required front yard be less than set forth in Section 7 (1).

SECTION 6-63-15 REQUIRED RECREATION AREAS.

(1) In all parks, there shall be one or more recreation areas which shall be easily accessible to all park residents

(2) The size of such recreation areas shall be based upon a minimum of two hundred and fifty (250) square feet for each lot. No outdoor recreation area shall contain less than two thousand, five hundred (2,500) square feet.

(3) Recreation areas shall be so located as to be free of traffic hazards and should be easily accessible.

SECTION 6-63-16 GENERAL ACCESS REQUIREMENTS. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public or private streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.

SECTION 6-63-17 ACCESS TO MOBILE HOME PARKS. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-six (36) feet where parking is permitted on both sides, or a minimum road pavement width of thirty (30) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width will be twenty-four (24) feet providing parking is prohibited at both sides.

SECTION 6-63-18 INTERIOR STREETS. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

- (1) All streets, where on-street parking is not allowed, shall have a minimum road pavement width of twenty-four (24) feet.
- (2) Dead end streets shall not be allowed within the confines of a mobile home park.
- (3) All streets of a mobile home park providing ingress and egress from an abutting public street or road shall have the location and design of intersection with said public street or road approved by the City Council and by any other governmental agency exercising control over such streets or roads.

SECTION 6-63-19 REQUIRED ILLUMINATION OF MOBILE HOME PARK STREET SYSTEMS. All parks shall be furnished with lighting units so spaced and equipped with approved fixtures placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

- (1) All parts of the park street systems: 0.6 foot candle, with a minimum of 0.25 foot candle.
- (2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated with a minimum of 0.4 foot candle.

SECTION 6-63-20 STREET CONSTRUCTION AND DESIGN STANDARDS.

- (1) Pavement: All streets shall be constructed with either Hot Mix Asphaltic Concrete or Portland Cement Concrete with an approved curb to provide for drainage. Street surfaces shall be maintained free of cracks, holes and other hazards. All streets shall be constructed to specifications approved by the City Council.
- (2) Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight (8) percent. Short runs with a maximum grade of one (1) percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves. All street grades shall have prior approval of the City before commencing construction.

(3) Intersections: Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between center line of off-set intersecting streets. Intersections of more than two streets at one point shall be avoided.

SECTION 6-63-21 REQUIRED PARKING AREAS.

(1) Parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) car spaces for each mobile home lot.

(2) Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve. All off-street parking areas shall be constructed with a hard, smooth, dust-free surfacing.

(3) Sufficient off-street parking and storage area shall be provided to meet anticipated requirements of park occupants for storing of boats, boat trailers, camper trailers, pickup campers, truck tractors, trucks over 3/4 ton pickup size, and items of a similar nature. Said parking and storage area shall be in addition to parking required according to Section 18(a) and parking and storage of vehicles and items listed in this paragraph shall not be permitted in parking areas required under Section 18(a).

SECTION 6-63-22 WALKS.

(1) General Requirements: All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient should be avoided. All sidewalks shall be constructed to City specifications for mobile home parks.

(2) Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet and may be constructed adjacent to the street curbing.

(3) Individual Walks: All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connected to a paved street. Such individual walks shall have a minimum width of two feet.

SECTION 6-63-23 MOBILE HOME STANDS. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the super-structure against uplift, sliding, rotation and overturning.

(1) The mobile home stand shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure. The mobile home stand shall be constructed with 6" deep x 30" wide poured concrete ribbons with 6x6 #10 wire mesh reinforcing and of sufficient length to support all wheels and undercarriage supports of any mobile home that may be placed on the mobile home stand.

(2) The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices securing the stability of the mobile home.

(3) Tie-downs or anchors shall be placed at least at each corner of the mobile home stand. Each corner of the mobile home stand and each anchor shall be able to sustain a minimum tensile strength of 2,800 pounds.

(4) Skirting requirements.

(a) Skirting of a permanent type material and construction shall be installed to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand and shall be so constructed to provide substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the mobile home by heavy winds.

(b) Sufficient screened, ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and other ventilating requirements of the mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home and for repairs on sewer and water riser connections.

(c) Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

SECTION 6-63-24 WATER SUPPLY. General Requirements: All mobile home stands and mobile home park facilities shall be connected to the public water supply in the sanitary sewer district where it is located and its supply used exclusively.

SECTION 6-63-25 SOURCE OF WATER SUPPLY. The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

SECTION 6-63-26 WATER DISTRIBUTION SYSTEM.

(1) The water supply system of the mobile home park shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.

(2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health authority and the Water Works of the sanitary sewer district.

(3) The water system shall be designed, constructed, and maintained according to specifications of the sanitary sewer district Water Works and the City's Building Department.

SECTION 6-63-27 INDIVIDUAL WATER RISER PIPES AND CONNECTIONS.

(1) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.

- (2) Water riser pipes shall extend at least to ground level. The pipe shall be at least three quarters (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- (3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (4) A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home lot.
- (5) Underground stop and water valves shall be installed as required by City regulations.

SECTION 6-63-28 SEWAGE DISPOSAL. General Requirements: An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

SECTION 6-63-29 SEWER LINES. All sewer mains and laterals shall be constructed and approved according to specifications of the sanitary sewer district where it is located and connected to the public sewer system.

SECTION 6-63-30 INDIVIDUAL SEWER CONNECTIONS.

- (1) Each mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet has approximately a vertical position.
- (2) The sewer connection (See definition) shall have a minimum inside diameter of three inches, and the slope thereof shall be not less than one-fourth inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be air and watertight
- (3) All materials used for sewers and sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth. That material known as “orangeburg” is prohibited.
- (4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least to ground level.

SECTION 6-63-31 ELECTRICAL DISTRIBUTION SYSTEM. Every park shall contain an electrical wiring system consisting of necessary wiring, fixtures, and equipment which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

SECTION 6-63-32 MAIN ELECTRICAL POWER DISTRIBUTION LINES. Main electrical power lines should be constructed under-ground according to local electric utility specifications.

SECTION 6-63-33 INDIVIDUAL ELECTRICAL CONNECTIONS.

(1) Each mobile home stand shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per mobile home stand outlet shall be according to City specifications.

(2) Outlet receptacles at each mobile home stand shall be located not more than twenty-five (25) feet from the over current protective devices in the mobile home and a three pole, four-wire grounding type shall be used. Receptacles shall be of weather proof construction and configurations shall be in accordance with American Standard Outlet Receptacle 6-73.1 or similar equipment meeting the approval of the City's electrical code.

(3) The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug. However, where the calculated load of the mobile home is more than 50 amperes, electrical service shall be provided by means of permanently installed conductors.

SECTION 6-63-34 REQUIRED GROUNDING. All exposed non-current-carrying metal parts of mobile homes and all equipment having electrical connections shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as a ground for mobile homes or other electrical equipment.

SECTION 6-63-35 SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES. Service building, recreation buildings and other community service facilities allowed within the park are as follows:

- (1) Management offices, repair shops and storage areas;
- (2) Sanitary facilities;
- (3) Laundry facilities;
- (4) Indoor recreation areas;
- (5) Commercial uses supplying essential goods or services for the exclusive use of park occupants

SECTION 6-63-36 REQUIRED COMMUNITY SANITARY FACILITIES. Every park shall be provided with the following emergency sanitary facilities: For each 75 mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory for each sex. The building containing such emergency sanitary facilities shall be accessible to all mobile homes. Where waiver of such facilities is permitted by the state code governing new mobile home parks, the provisions of this section may be waived.

SECTION 6-63-37 STRUCTURAL REQUIREMENTS FOR BUILDINGS. All buildings other than mobile homes and their appurtenances shall be constructed in compliance with applicable state and local codes and regulations.

SECTION 6-63-38 BARBECUE GRILLS, FIREPLACES, STOVES AND INCINERATORS. Cooking shelters, barbecue grills, fireplaces, wood burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property

on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

SECTION 6-63-39 REFUSE HANDLING, GENERAL DEFINITION.

(1) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(2) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 300 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(3) Refuse collection stands consisting of a holder or rack elevated at least twelve inches above ground level, or an impervious slab at ground level shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(4) Containers suitable for collection of recyclables shall be provided in sufficient number to handle appropriate materials for recycling.

(5) All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(6) Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by transporting to a disposal site approved by the health authority.

SECTION 6-63-40 INSECT AND RODENT CONTROL.

(1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

(2) Parks shall remain free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage: Lumber, pipe and other building material shall be stored at least one foot above the ground.

(4) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SECTION 6-63-41 FUEL SUPPLY AND STORAGE. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

SECTION 6-63-42 LIQUEFIED PETROLEUM GAS SYSTEMS. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

SECTION 6-63-43 FUEL OIL SUPPLY SYSTEMS. No fuel oil systems shall be installed in the confines of a mobile home park.

SECTION 6-63-44 FIRE PROTECTION GENERAL REQUIREMENTS.

(1) The mobile home park area shall be subject to the rules and regulations of the Alburnett Fire Department.

(2) Mobile home parks shall be kept free of litter, rubbish and other flammable materials.

(3) Portable fire extinguishers of a type approved by the Alburnett Fire Department shall be kept in service buildings and at all locations designated by such fire prevention authority and shall be maintained in good operating condition.

(4) Fires shall be made only in stoves, grills and other equipment intended for such purposes.

(5) Fire hydrants shall be installed in the park's water system and located at such locations as determined by the Alburnett Fire Department and the Water Works of the sanitary sewer district.

SECTION 6-63-45 RESPONSIBILITIES OF PARK MANAGEMENT. The management shall comply with the following:

(1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.

(3) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability, installing all utility connections and required skirting.

(4) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(5) The park management shall notify the health authority immediately of any suspected communicable of contagious disease within the park.

(6) The park management is responsible to provide adequate emergency shelter(s) with adequate space for all mobile home residents in case a tornado strikes. Such facilities shall be located so that access is no more than 600 feet from any mobile home in the park.

SECTION 6-63-46 RESPONSIBILITIES OF PARK OCCUPANTS. The park occupants shall comply with the following:

(1) The park occupant shall comply with all applicable requirements of this Ordinance and regulations issued hereunder, and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with these regulations and the instruction of the park management.

(3) The park occupant shall install “skirting” as provided for in Section 23 (4) within 30 days after initial occupancy unless prohibited by frozen ground, in which event such skirting shall be installed immediately after ground becomes unfrozen.

(4) All City ordinances with respect to keeping of animals and pets shall apply.

SECTION 6-63-47 RESTRICTION ON OCCUPANCY. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on mobile home stand and connected to water, sewerage and electrical utilities.

SECTION 6-63-48 LOCATION OF MOBILE HOMES. It shall be unlawful for any person to park any mobile home on the streets, alleys or highways, in a public place, within the City of Alburnett, Iowa, except as provided by state law and by this Ordinance.

SECTION 6-63-49 EMERGENCY PARKING. Emergency or temporary parking is permitted on the streets, alleys, or highways or any other public or private place for a 12-hour period, subject to any other prohibitions or regulations imposed by traffic and parking laws of the City of Alburnett, Iowa.

SECTION 6-63-50 SPECIAL PERMITS FOR TEMPORARY USE. The City Council, after reviewing the application of a mobile home owner, may issue special permits, allowing the location of mobile homes outside of mobile home parks as a place of business.

(1) Special permit for business use. Mobile homes shall not be used for business purposes unless the City Council, after reviewing the application of the mobile home owner, shall issue a special permit for the business use of the mobile home. Such special permit shall be issued for a term not to exceed six (6) months. Only an independent mobile home may be used for business purposes.

(2) Application for a special permit shall be accompanied by an inspection fee of \$20.00. The application shall be furnished upon request by the City Clerk.

SECTION 6-63-51 PENALTIES. Any person who violates any provision of this Ordinance shall upon conviction be punished by a fine of not more than \$100.00 or imprisonment for no more than 30 days and may be adjudged to pay the costs of prosecution; and each day’s failure of compliance with any such provision shall constitute a separate violation.

SECTION 6-63-52 REQUIRED EXHIBITS. The Planning and Zoning Commission shall specify the exhibits to accompany an application in order to determine whether or not all of the provisions of this Ordinance are being complied with and shall have authority to specify the form and manner in which such exhibits shall be submitted.

SECTION 6-63-53 DEFINITIONS

(1) Accessory Use: A use incidental to the primary use of the Mobile Home Park such as direct service facility building, park management building, maintenance building, community buildings, or other uses of a similar nature.

(2) Appurtenances: An attached or detached addition to a mobile home, situated on the mobile home lot for the use of its occupants, such as a carport, awnings, storage shed, or items of a similar nature.

(3) Building Codes: Those applicable codes enforced by the Building Department of the City of Alburnett and known as the Alburnett Building Codes.

(4) Code of Iowa: The Code of Iowa as it pertains to the provisions of Chapters 103A.10, 364.3, 414.28 and 435 Code of Iowa, as amended, the rules and regulations governing the regulation of mobile home parks.

(5) Common Area: Any area or space designed for joint use of tenants occupying mobile home parks.

(6) Community Building: A building housing toilet and bathing facilities for men and women, a slop-water sink and such other facilities as may be required by this Ordinance or the Code of Iowa.

(7) Density: The number of mobile homes or mobile home stands per gross acre.

(8) Dependent Mobile Home: A mobile home which does not have a water closet, bathtub or shower.

(9) Dependent Mobile Home Space: A mobile home space which does not have individual water and sewer connections available.

(10) Driveway: A minor private way used by vehicles and pedestrians on a mobile home lot.

(11) Easement: A vested or acquired right to use land, other than as a tenant, for a specific purpose: Such right being held by someone other than the owner who holds title to the land.

(12) Electric Park Receptacle: The waterproof, attachment receptacle device located adjacent to the water and sewer outlets to receive the flexible cable from the mobile home; or where required, the permanently installed conductors.

(13) Electric Service Drop: That part of the electric distribution system from the main electrical distribution system, overhead or underground to the service equipment serving one or more mobile home spaces.

(14) Existing Installations: Those installations, which were constructed before January 1, 1995, as according to Chapter 435 of the Code of Iowa.

(15) Health Authority: The legally designated health authority or its authorized representative of Linn County, Iowa.

(16) Independent Mobile Home: A mobile home which has a water closet, bathtub or shower and kitchen sink, all in operable condition.

(17) Independent Mobile Home Space: A mobile home space which has individual water, sewer, and electrical connections available.

(18) License: A written license issued by the Mayor allowing a person to operate and maintain a mobile home park under the provisions of the Code of Iowa, this Ordinance, and regulations issued by the City of Alburnett, Iowa.

(19) Lot Area: The total area reserved for exclusive use of the occupants of a mobile home.

(20) Lot Line: A line bounding the lot as shown on the approved plat plan.

(21) Mobile Home: A transportable, single family dwelling unit suitable for year-round occupancy having no foundation other than wheels, jacks, piers, or skirtings and containing water supply, waste disposal, heating and electrical conveniences.

(22) Mobile Home Lot: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(23) Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

(24) Mobile Home Park Development Plan:

(a) Preliminary.

A preliminary sketch showing the dimension, location, and area of all use(s) streets, walkways, parks, school sites, open spaces, sanitary and storm sewer, and other utilities.

(b) Final.

Prepared by a landscape architect, architect, engineer or land surveyor, showing the dimension, location, and area of all use(s) streets, walkways, parks, school sites, open spaces, sanitary and storm sewer, and other utilities.

(25) Mobile Home Stand: That part of an individual mobile home lot which has been reserved for the placement of the mobile home and any appurtenances thereto.

- (26) New Installations: Those which are proposed for construction after the effective date of these rules and regulations.
- (27) Patio: A surfaced outdoor living space designed to supplement the mobile home living area.
- (28) Permit: A written permit issued by the Mayor permitting the construction, alteration and extension of a mobile home park under the provisions of this Ordinance and regulations issued hereunder.
- (29) Person: Any individual, firm, trust, partnership, public or private association or corporation.
- (30) Plat: A map, plan or chart of a city, City, section or subdivision, indicating the location and boundaries or individual properties.
- (31) Private Street: A private way which affords principal means of access to abutting individual mobile home lots or accessory buildings.
- (32) Property Line: A recorded boundary of a plat.
- (33) Public Street: A public way which affords principal means of access to abutting properties.
- (34) Public System (Water or Sewerage): A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by governmental authority. Such systems are usually existing systems serving the municipality or a water or sewer district established and directly controlled under the laws of the state.
- (35) Right-of-Way: The area, either public or private, over which the right of passage exists.
- (36) Roadway: That portion of the mobile home park street system that is surfaced for the actual travel or parking of vehicles, and including curbs.
- (37) Sewer Connection: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
- (38) Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (39) Shall: Indicates that which is required.
- (40) Should: Indicates that which is recommended but not required.
- (41) Single Ownership: An individual, partnership, corporation or other entity owning the whole park.

(42) Skirting: The materials and construction around the perimeter of a mobile home floor between the bottom of the mobile home floor and the grade level of the mobile home stand.

(43) Tenant Storage: An enclosed space designed to provide auxiliary general storage space for an individual mobile home.

(44) Transient Use: The occupancy of a mobile home lot by a mobile home for a period of fourteen (14) days or less.

(45) Water Connection: The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(46) Water Riser Pipe: That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

(47) Yards: The area on the same lot with a mobile home between the lot line and the front, rear, or side of the mobile home. This includes areas which must remain clear of all structures such as enclosed patios, decks, expandable rooms, garages or other additions. For purposes of this Ordinance the "Front" of a mobile home shall be considered as that part of the mobile home facing toward the approved street or right-of-way as required by this Ordinance.

SECTION 6-63-54 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on permanent foundation and shall be assessed for real estate taxes except in the following cases:

(1) Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

(2) A taxable mobile home or manufactured home which is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

SECTION 6-63-54 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 64

ZONING ORDINANCE

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SECTION 6-64-1 SHORT TITLE. This chapter shall be known and may be cited as "The City of Alburnett, Iowa, Zoning Ordinance."

SECTION 6-64-2 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land and to promote the health, morals, safety, and general welfare in the City of Alburnett, Iowa.

SECTION 6-64-3 DEFINITIONS. For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

- (1) Words used in the present tense include the future tense.
- (2) The singular includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel".
- (5) The term "shall" is always mandatory.
- (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- (7) "Structure" means a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, signs and chicken coops.
- (8) A "dwelling" is a building used as the living quarters for one or more families, not including auto courts, rooming homes, or tourist homes.
- (9) "Building, height of". The perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs; the measurements in all cases to be taken through the center of the front the house. Where a dwelling is situated on ground above the curb level such height shall be measured from the level of the adjoining ground, provided the distance from the building to the street line is not less than the height of the adjoining ground above the curb level. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the mean elevation.

- (10) "Dwelling, private". A detached building designed for or occupied exclusively by one family.
- (11) "Dwelling, two family". A detached or semi-detached building designed for or occupied exclusively by two families.
- (12) "Dwelling, multiple". A building or portion thereof used or designed as a residence for three or more families or households living independently of each other.
- (13) "Frontage". All the property abutting upon one side of a street between two intersecting streets, measured along the street line.
- (14) "Garage". A building or portion thereof used for housing or care of self-propelled vehicles.
- (15) "Garage, private." A garage with the capacity for not more than three (3) self-propelled vehicles for storage only. Provided, however, a private garage may not exceed 900 square feet in area in a residential classification and shall be of wood frame construction in any residential classification.
- (16) "Garage, public". A garage other than a private garage used for housing or care of more than four (4) self-propelled vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.
- (17) "Non-conforming use". A building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.
- (18) "Set back". The minimum horizontal distance between a lot line and a building or structure located upon such lot, as required by the provisions of this ordinance
- (19) "Story". That part of any building comprised between any floor and the floor or roof next above. In case any floor or the combined area of floors at any one level extends over less than 20 percent of the horizontal area included within the outside walls at that level, the same shall not be considered as a floor for the purpose of determining story heights.
- (20) "Yard". An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- (21) "Front Yard". A yard between the building and the front line of the lot, excluding all street and public right-of-way.
- (22) "Rear Yard". A yard, unoccupied except by an accessory building as hereinafter permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot.
- (23) "Side Yard". A yard between the building and the sideline of the lot and extending from the street line to the rear yard.
- (24) "Public Right-of-Way". The area of a platted street which is no less than sixty (60) feet in width, extending thirty (30) feet in either direction from the center line of the street.

SECTION 6-64-4 ESTABLISHMENT OF DISTRICTS. The City of Alburnett, Iowa, is hereby divided into the following types of districts:

- (1) R-1 Residential District: One family residential district.
- (2) R-2 Residential District: Two family residential district.
- (3) R-3 Residential District: Mobile Home Park (see Chapter 63)
- (4) M-1 Residential District: Multiple family residential district
- (5) B-1 Business District: Retail business district.
- (6) I-1 Industrial District: Any type of manufacturing or other similar plant area in the City.
- (7) A-1 Agricultural District: Agricultural and other permitted uses.

Such districts are bounded and defined as shown on a map entitled "Zoning Map of City of Alburnett, Iowa," adopted on November 11, 1968, and certified by the City Clerk, which map is hereby made a part of and incorporated into this ordinance with all explanatory matter therein.

SECTION 6-64-5 APPLICATION OF REGULATIONS. Except as hereinafter provided:

(1) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(2) No building shall hereafter be erected or altered:

- (a) To exceed the height;
- (b) To accommodate or house a greater number of families;
- (c) To occupy a greater percentage of lot area; or

(d) To have narrower or smaller rear yards, side yards, front yards than are specified herein for the district in which such building is located.

3) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

SECTION 6-64-6 ADMINISTRATION AND ENFORCEMENT. This ordinance shall be enforced by the Mayor or Building Inspector or such other person or agency designated by the City Council for that purpose. No building permit or certificate of occupancy shall be issued by him/her except where the provisions of this ordinance have been complied with.

SECTION 6-64-7 PERMITS AND CERTIFICATES OF OCCUPANCY. No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until

a certificate of occupancy and a building permit shall have been issued by the building inspector in accordance with the provisions of this ordinance and the building code.

SECTION 6-64-8 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five members, each to be appointed for a term of five years, excepting that when the Board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. The Board shall elect a chairman from its membership, and appoint a secretary. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Matters of procedure, powers, and judicial review relating to this Board are regulated by statute.

SECTION 6-64-9 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance chapter.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of this ordinance as 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, and so that the spirit of the ordinance shall be observed and substantial justice done.

SECTION 6-64-10 REVIEW OF VARIANCES BY CITY COUNCIL. Variances granted by the Board of Adjustment shall be reported by the chairperson of the Board to the next regular meeting of the City Council. The effective date of a variance granted by the Board of Adjustment shall be immediately following such meeting of the City Council. The City Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand. Appeal of a final decision of the Board of Adjustment shall be by petition to a court of appropriate jurisdiction.

SECTION 6-64-11 GENERAL PROCEDURES FOR BOARD OF ADJUSTMENT. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Decisions by the Board shall require an affirmative vote of at least three members of the Board. The Board shall keep minutes of its proceedings, showing the vote of each member, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. All such materials shall be public record.

SECTION 6-64-12 NONCONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance. However, a nonconforming use which is permitted to continue under this Section may not be substantially altered in a manner which would result in an increased negative impact on surrounding land users in that zoning district.

SECTION 6-64-13 ABANDONMENT. Whenever a nonconforming use has been discontinued for a period of two years, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

R-1 RESIDENTIAL DISTRICTS

SECTION 6-64-14 R-1 RESIDENTIAL DISTRICTS. The following uses of land are permitted in all R- 1 Residential Districts:

- (1) One family dwelling units.
- (2) Churches and places of worship and parochial schools.
- (2) Public Schools, public libraries, parks, playgrounds.
- (3) Police and fire stations.
- (5) Greenhouses and customary agricultural operations, but no livestock or fowl are to be raised in the district.
- (6) Small home occupations, provided that there shall be no signs or other evidence of such use other than a small announcement or professional sign not over two square feet in size, and the operation does not violate any of the provisions of City Ordinance Chapter 3, Disorderly Conduct.
- (7) Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.

SECTION 6-64-15 DENSITY OF POPULATION. Lot area in R-1 residential districts shall not be less than 8,000 square feet and lot width not less than 80 feet. There shall be no more than one dwelling placed on each lot of the above size.

SECTION 6-64-16 PERCENTAGE OF LOT COVERED BY BUILDINGS, DWELLINGS AND OTHER STRUCTURES. All dwellings or other structures, including accessory buildings located in R-1 residential districts, shall not cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

SECTION 6-64-17 HEIGHT OF BUILDINGS. No dwelling or other structure shall be erected to a height in excess of 35 feet.

SECTION 6-64-18 YARDS AND OTHER OPEN SPACES. Each lot shall have front, side, and rear yards not less than the following depth and width:

- (1) Front yard depth of 25 feet.
- (2) Each side yard width of 7 feet, total side yards of 14 feet except that a detached garage may be located within 4 feet of a side lot line.
- (3) Rear yard depth of 25 feet.

(4) Buildings on corner lots must be setback 25 feet on the side street as well as the front street.

R-2 RESIDENTIAL DISTRICTS

SECTION 6-64-19 R-2 RESIDENTIAL DISTRICTS. The following uses of land are permitted in all R—2 Residential Districts:

- (1) All uses permitted in R-1 residential districts subject to all the restrictions specified in R-1 districts.
- (2) Rooming and boarding houses, bed and breakfast tourist homes.
- (3) Hospitals and sanitariums.
- (4) Cemetery and the necessary incidental structures with the approval of the Board of Adjustment and subject to such conditions as are deemed appropriate by such board.
- (5) Customary agricultural operations including a garden, nursery, greenhouse, and usual farm buildings, subject to the following restrictions:
 - (a) No building in which farm animals are kept shall be closer than 200 feet to any adjoining lot line.
 - (b) No storage or manure or odor or dust-producing substance or use shall be permitted within 100 feet of any adjoining lot line.
 - (c) No greenhouse heating plant shall be operated within 75 feet of any adjoining lot line.
 - (d) No products shall be publicly displayed or offered for sale from the roadside.
- (6) Public utility structures necessary for the service of the area.
- (7) One sign advertising the sale or rent of buildings upon which it is located. such sign shall not exceed six (6) square feet in area and shall be distant from the street line not less than one-half the front yard depth.
- (8) Two family dwellings.
- (9) Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business, unless otherwise provided for.

SECTION 6-64-20 DENSITY OF POPULATION. Lot area shall not be less than 5,000 square feet and lot width not less than 50 feet. There shall be no more than one dwelling placed on each lot of the above size.

SECTION 6-64-21 PERCENTAGE OF LOT COVERED BY BUILDINGS, DWELLINGS, AND OTHER STRUCTURES. All dwellings or other structures, including accessory buildings located in R-2 residential districts, shall not cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

SECTION 6-64-22 HEIGHT OF BUILDINGS. No dwelling or other structure shall be erected to a height in excess of 45 feet or exceed 3 stories, unless hereinafter provided.

SECTION 6-64-23 YARDS AND OTHER OPEN SPACES. Each lot shall have front, side, and rear yards not less than the following depth and width:

- (1) Front yard depth of 25 feet.
- (2) Each side yard width of 5 feet
- (3) Rear yard depth of 25 feet.
- (4) Buildings on corner lots must be setback 25 feet on the side street as well as the front street.

SECTION 6-64-24 RESERVED.

SECTION 6-64-25 DISTANCE BETWEEN BUILDINGS ON SAME PLOT. No principal buildings shall be closer to any other principal building than the average of the heights of said buildings.

SECTION 6-64-26 AUTOMOBILE STORAGE OR PARKING. There shall be provided automobile storage or parking spaces equal to not less than one and one-half automobile parking spaces for each family unit in such structure provided, however, that no front yard shall be used for the open air parking or storage of any motor vehicle.

R-3 MOBILE HOME RESIDENTIAL DISTRICTS

SECTION 6-64-27 R-3 MOBILE HOME RESIDENTIAL DISTRICTS. Refer to Chapter 63 of this Code of Ordinance.

M-1 MULTIPLE FAMILY RESIDENTIAL DISTRICTS

SECTION 6-64-28 M-1 MULTIPLE FAMILY DISTRICTS. The following uses of land are permitted in all M-1 residential districts:

- (1) Any use permitted in the R-1 or R-2 residential districts.
- (2) Fraternity and sorority houses.
- (3) Multiple family dwellings.
- (4) Accessory buildings customarily incidental to any of the above uses not involving the conduct of a business, including private storage garages.

SECTION 6-64-29 DENSITY OF POPULATION. Lot area in M-1 residential districts shall not be less than 10,000 square feet and lot width not less than 100 feet. There shall be no more than one dwelling placed on each lot of the above size.

SECTION 6-64-30 PERCENTAGE OF LOT COVERED BY BUILDINGS, DWELLINGS, AND OTHER STRUCTURES. All dwellings and other structures, including accessory buildings located in M-1 residential districts, shall not cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

SECTION 6-64-31 HEIGHT OF BUILDINGS. No building shall exceed 2 1/2 stories or 35 feet in height.

SECTION 6-64-32 YARDS AND OTHER OPEN SPACES. Each lot shall have front, side, and rear yards not less than the following depth and width:

- (1) Front yard depth of 25 feet.
- (2) Side yards in M-1 districts shall be as follows:
 - (a) Each two family dwelling shall have a minimum single side yard width of 7 feet and a minimum total side yard width of 14 feet.
 - (b) Each multiple family dwelling shall have a minimum single side yard width of 10 feet and a minimum total side yard width of 25 feet.
- (3) Rear yard depth of not less than 10 percent of the depth of the lot.

SECTION 6-64-33 AUTOMOBILE STORAGE OR PARKING. Off street parking must be provided equivalent to 1 1/2 automobile parking spaces, but not less than 40 square feet, for each family unit. The computation as to parking spaces shall be raised to the next highest number, if the original computation ends in a fraction. Parking spaces may not be located within the area of the required front yard. The same parking uses permitted in R-1 or R-2 residential districts shall be the same for M-1 residential districts.

B-1 BUSINESS DISTRICTS

SECTION 6-64-34 B-1 BUSINESS DISTRICTS. The following regulations and uses permitted shall apply to all general business districts:

- (1) All uses permitted in any residential district subject to all the provisions specified for such residential districts.
- (2) Stores and shops for the conducting of any lawful retail business.
- (3) Taverns.
- (4) Personal service shops.
- (5) Banks, theaters, offices, restaurants.

(6) Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such Board and upon the securing of a permit therefore, subject to the following provisions:

(a) Pumps, lubricating or other devices are located at least 20 feet from any street line or highway right-of-way.

(b) All fuel, oil, or similar substances are stored at least 35 feet distant from any street or lot line.

(7) Wholesale businesses engaged in storing products in bulk and warehouses for such materials as: building material; contractors equipment; farm equipment and implements; clothing; drugs; feed; hardware or similar products.

(8) The wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted subject to conformance to all rules and regulations promulgated by the Fire Chief and fire or safety ordinances pertinent to the storage of such products.

(9) Other uses permitted:

- (a) Advertising signs and billboards
- (b) Amusement places
- (c) Apartment houses I
- (d) Auction rooms
- (e) Bakeries
- (f) Electric rep air shops
- (g) Freight stations
- (h) Hotels
- (i) Laundries
- (j) Blacksmith and locksmith shops
- (k) Telegraph and telephone service stations
- (l) Painting and decorating shops
- (m) Photographic galleries
- (n) Plumbing shops

- (o) Police and Fire department stations
- (p) Post offices
- (q) Printing shop
- (r) Railroad passenger station
- (s) Recreation buildings and structures
- (t) Roofing and plastering shops or both
- (u) Sales and/or show rooms
- (v) Shoe repair shops
- (w) Undertaking establishments

(x) Other uses which in the opinion of the Board of Adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

SECTION 6-64-35 DENSITY OF POPULATION. Lot area in B-1 business districts shall not be less than 24 feet in width and 50 feet in depth.

SECTION 6-64-36 PERCENTAGE OF LOT COVERED BY BUILDINGS AND OTHER STRUCTURES. No building with its accessory building, to be used for said commercial purposes, shall occupy in excess of 90 percent of the area of the lot.

SECTION 6-64-37 HEIGHT OF BUILDINGS. No building shall be erected to a height in excess of 50 feet.

SECTION 6-64-38 YARDS AND OTHER OPEN SPACES. Each lot shall have front, side and rear yards not less than the following depth and width:

(1) Commercial establishments shall have a rear yard of not less than 10 percent of the depth of the lot and a side yard (if provided) of not less than 3 feet in width.

(2) Residential buildings shall have a lot area and lot width, front, side, and rear yards equal to that required in the least restricted district for the same type of dwelling. (R-2 for single family dwellings. M-1 for multi-family dwellings.)

I-1 INDUSTRIAL DISTRICTS

SECTION 6-64-39 I-1 INDUSTRIAL DISTRICTS. The following uses and regulations are permitted in all I-1 industrial districts:

(1) All uses not otherwise prohibited by law, except any residential use or uses otherwise prohibited by ordinance.

(2) Junk yards or automobile wrecking yards, scrap iron, scrap paper or rag storage. Sorting or baling must be enclosed within a fence, or by other means of concealment as approved by the Board of Adjustment.

SECTION 6-64-40 USES PROHIBITED. All uses of land, buildings, and structures or industrial processes are prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions. And, in general, those uses which have been declared a nuisance in any court of record, or which may be unreasonable, obnoxious, unhealthful, or offensive by reason of the emission of odor, dust, smoke, or noise.

SECTION 6-64-41 REVIEW BY BOARD OF ADJUSTMENT. The above prohibitions are subject to review by the Board of Adjustment and such uses may be permitted, if approved by the Board and subject to the securing of a permit therefore and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals, or general welfare of the community.

SECTION 6-64-42 HEIGHT OF BUILDINGS. No building in this district shall exceed three stories or 45 feet in height.

SECTION 6-64-43 YARDS AND OTHER OPEN SPACES. Each lot shall have a front yard not less than 25 feet in depth.

A-1 AGRICULTURAL DISTRICTS

SECTION 6-64-44 A-1 AGRICULTURAL DISTRICTS. The following uses of land are permitted in all A-1 agricultural districts:

(1) Agricultural uses for general farming, including general agricultural activities, truck farms, nurseries, green houses, orchards, boarding and riding stables, and kennels, provided:

(a) Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced on the premises.

(b) No poultry or livestock shall be housed, kept, or confined within 100 feet of any residence or residential zoning district.

(c) Only animals raised on the premises may be rendered, slaughtered, or dressed.

(2) Residential uses as follows:

(a) Single family detached dwellings.

(b) Home occupations.

(3) Public, quasi-public, and governmental buildings and facilities as follows:

(a) Golf courses and country clubs when located on at least 10 acres, but not including commercial driving ranges, pitch and putt, or miniature golf courses.

(b) Public parks and playgrounds, public and private game and forest preserves, and similar conservation facilities.

(4) Churches, synagogues, chapels, and similar places of religious worship and instruction, when located in a permanent structure on a site of at least one acre.

(5) Public elementary, junior high, and senior high schools and private non-boarding schools having a curriculum similar to that in the permitted public schools.

SECTION 6-64-45 DENSITY OF POPULATION. Lot area in A-1 agricultural districts shall not be less than one acre and minimum lot width shall be 150 feet.

SECTION 6-64-46 HEIGHT OF BUILDINGS. No building in this district shall exceed 35 feet in height.

SECTION 6-64-47 YARDS AND OTHER OPEN SPACES. Each lot shall have a front and side yard not less than the following depth and width;

(1) Front yard depth of 50 feet.

(2) Side yard width of 10 feet.

(3) Buildings on corner lots must be set back 50 feet on the side street as well as the front street.

SECTION 6-64-48 AMENDMENTS TO THIS CHAPTER. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, or repealed by the City Council from time to time either upon its own motion or upon recommendation of the Planning and Zoning Commission. Provided:

(1) No such amendment, supplement or change shall be adopted until after a notice thereof is duly posted or published by the law of this State.

(2) When a proposed amendment, supplement, or change does not originate with the Planning and Zoning Commission, the same shall be submitted to said Commission thirty (30) days in advance of the date on which action is taken, for its recommendation thereon.

(3) This requirement shall not act as a stay upon the proposed action by the City Council where said Commission fails to submit its recommendation to the Council within thirty days after receiving written notice requesting the same.

FENCES AND HEDGE REGULATIONS FOR ALL ZONING DISTRICTS

SECTION 6-64-49 FENCE AND HEDGES REGULATIONS.

(1) Fences and hedges when located within a front, side or rear yard, or within five (5) feet of a lot line shall be subject to the following location and height restrictions:

(a) No portion of a fence shall exceed seven (7) feet in height.

(b) Fence and hedges shall be located so no part thereof is within three (3) feet of an alley or three (3) feet of a street right of way.

(c) In residential districts, fences within the front yard shall not exceed four (4) feet in height.

(d) Before issuing a non-fee permit for a fence proposed to be located on a lot-line that is shared by two Different property owners, the City of Alburnett will require the following conditions to be met:

(i) The owners of the properties that share the lot-line on which the proposed fence will be located must sign a written agreement that outlines the material the fence will be constructed from, the location of the fence, the height of the fence, and the agreement of both property owners to all of the above conditions.

(ii) The agreement must then be filed with the County Recorder.

(iii) A copy of the agreement and proof of its filing with the County Recorder must be presented to the City Official responsible for the issuing of fence permits before the permit will be issued.

(iii) If agreement cannot be reached between the property owners on a shared lot-line fence, any fence constructed on either property must be a minimum of three (3) feet from said shared lot-line.

(2) Fenced enclosures shall be provided for outdoor swimming pools with a depth of eighteen (18) inches or more, and shall be subject to the following requirements:

(a) Fences must be at least four (4) feet in height from ground level but not to exceed seven (7) feet from the top rim of the pool, and have no spaces that would allow a four (4) inch diameter sphere to pass through.

(b) Fences must have a self-closing and self-latching device on the gate.

(c) Fences must be located so no part thereof is within three (3) feet of an alley or three (3) feet of a street right-of-way.

(3) Barbed wire and electric fences shall be subject to the following requirements:

(a) Barbed wire and electric fences shall not be allowed in residential or commercial zones.

(b) Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) of a street right-of-way where a "public sidewalk does not exist.

(c) Electric fences shall not be permitted in any district except for the enclosure of livestock operations in Agricultural zones, (A-1).

(d) No electric fence shall carry a charge greater than twenty-five (25) milliamperes nor a pulsating current longer than one-tenth (1/10) per second in a one-second cycle. All electric fence chargers shall carry the seal of an approved testing laboratory.

(4) Visibility at Intersection: On a corner lot in any agricultural or residential district, no fence, wall, hedge or other planting, signs or structure that will obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting street shall be erected, placed or maintained within the triangular area formed, the right-of-way lines as such corner and a straight line joining said right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

(5) Temporary Fencing: No permit will be required for temporary fencing.

SECTION 6-64-50 SUPPLEMENTAL REGULATIONS.

(1) Permitted Encroachment in Yards.

(a) Every part of a required yard shall be open to the sky except where accessory buildings are permitted and except for the ordinary projections from principal buildings of sills, belt courses, cornices, fireplace chimneys, gutters, and downspouts, and ornamental features projecting not to exceed 24 inches.

(b) A roof or deck may project into a required side yard, provided that every part of such structure is unenclosed and is removed at least five feet from the nearest side lot line.

(c) A covered porch or a paved terrace, including a roof, roof extension, or canopy associated therewith, may project into a front yard for a distance not exceeding five (5) feet that the sides of such porch or terrace are unenclosed. A balcony located about the ground floor may project into a front yard a distance not exceeding five (5) feet, provided that no steps associated with the balcony are located in the front yard.

(d) Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may project not more than five feet into the rear yard, provided that such projection does not obstruct light and ventilation.

(e) Solar energy collectors and heat storage units to supply building may project into the required rear or side yard not exceed 24 inches but shall not project into the required front yard.

(f) Detached accessory buildings and structures shall:

(i) Not be located in a required front yard.

(ii) If located partially or completely between the side lot line and the main building on the lot, detached accessory buildings and structures shall meet the minimum side yard requirements established for the principal building to which it is accessory

(iii) Not be closer than 3 feet to another lot line. However a roof or canopy of an accessory building may project in to a required side yard a point one-third the distance to the lot line from an exterior wall.

(iv) Shall not occupy more than 40% of the required rear yard

(v) Be set back from any adjacent street in accordance with the minimum distance required for a principal building on a lot

(vi) No portion of an accessory building shall be located closer than three (3) feet to the principal building.

(vii) The height of accessory buildings shall not exceed the maximum height limits set for permitted uses in the district

(g) Air conditioning units and furnaces to supply the building may project into the required side yard not to exceed 36 inches, but shall not project into the required front yard.

(h) Platforms, porches, patios or open decks not over any basement or story and not supporting roof or unusual loads may project into a required rear yard, provided that every part of such structure is unenclosed and is removed at least thirteen feet from the rear lot line.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 65

STORM WATER UTILITY

6-65-1	Purpose
6-65-2	Definitions
6-65-3	Storm Water Drainage District Established
6-65-4	Rates
6-65-5	Payment of Bills
6-65-6	Lien for Nonpayment

SECTION 6-65-1 PURPOSE. The purpose of this chapter is to establish a storm Water Utility and provide a means of funding the construction, operation and maintenance of storm water management facilities including, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains, and cleaning of streets. The Council finds that the construction, operation and maintenance of the City’s storm and surface water drainage system should be funded through charging users of property which may connect drainage system or discharge directly, or indirectly, into the storm and surface water drainage system.

SECTION 6-65-2 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

(1) “Connection” means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance for impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.

(2) “Customer” means, in addition to any person receiving storm water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

(3) “Storm and surface water drainage system” means any combination of publicly owned storm and surface after quantity and quality facilities, pumping, or lifting facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyances, treatment, and disposal of the storm and surface after system within the City, to which sanitary sewerage flows are not intentionally admitted.

(4) “User” shall mean any person who uses property that maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

SECTION 6-65-3 STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED.

Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation and maintenance of storm water management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.

(Code of Iowa, Sec. 384.84[5])

SECTION 6-65-4 RATES. Each customer shall pay for storm and surface water drainage system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential commercial, and industrial customer within the City of Alburnett. The Council may adopt rules, charges, rates and fees for the use of the City's storm and surface water system, and for services provided by the city relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension, and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. A fee of \$1.50 per month will be charged and added to every utility customer's account each billing cycle.

SECTION 6-65-5 PAYMENT OF BILLS. All Storm Water Drainage System District charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Chapter 55 and Chapter 56 of this Code of Ordinances. All City services may be discontinued in accordance with the provisions contained in Chapter 55 and Chapter 56 if the combined service account become delinquent, and the provisions contained in Chapter 55 and Chapter 56 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

(Code of Iowa Sec. 384.84[2b] and [2d])

SECTION 6-65-6 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 66

DISASTER RECOVERY AND RECONSTRUCTION

6-66-1	Authority
6-66-2	Purposes
6-66-3	Definitions
6-66-4	Recovery Organization
6-66-5	Recovery Plan
6-66-6	General Provisions
6-66-7	Temporary Regulations
6-66-8	Demolition of Damaged Buildings
6-66-9	Temporary and Permanent Housing
6-66-10	Hazard Mitigation Program
6-66-11	Recovery and Reconstruction Strategy

SECTION 6-66-1 AUTHORITY. This ordinance is adopted by the Linn County Board of Supervisors and the respective City Councils acting under authority of the City Municipal code, State Code 29C Emergency Management, and all applicable federal laws and regulations.

SECTION 6-66-2 PURPOSES. It is the intent of the Linn County Board of Supervisors and the respective City Councils under this chapter to:

Authorize creation of an organization to plan and prepare in advance of a major disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;

Direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;

Authorize in advance of a major disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency;

Identify means by which the county and the cities will take cooperative action with other governmental entities in expedition recovery;

And implement means by which the county and the cities will consult with and assist citizens, businesses and community organizations during the planning and implementation of recovery and reconstruction procedures.

SECTION 6-66-3 DEFINITIONS. As used in this ordinance, the following definitions shall apply:

(1) **ASSESSED VALUE.** The value of a property, building, or other structured routinely assessed by the County or City Assessor for tax purposes. The assessed value will be pre-event value of the property as reflected in the Assessor's records at the time of the disaster event, unless extenuation circumstances can be established and approved by the Assessor.

(2) **BUILDING OFFICIAL.** The person at the county or municipal level authorized to enforce established building codes.

(3) **DAMAGE ASSESSMENT SURVEY.** A field survey to determine levels of damage for structures and/or to post placards designating the condition of structures.

(4) **DEVELOPMENT MORATORIUM.** A temporary hold, for a defined period of time, on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development and occupancy of private property in the interests of protection of life and property.

(5) **CHAIR.** Shall mean the Chair of the Recovery Organization or an authorized representative and/or the Chair of the Recovery Task Force.

(6) **DISASTER ASSISTANCE CENTERS (DACs).** A multi-agency center organized by FEMA for coordinating assistance to disaster victims.

(7) **DISASTER FIELD OFFICE (DFO).** A center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of federal, state and local agencies as identified in the Federal Response Plan (FRP) and determined by disaster circumstances.

(8) **DISASTER SURVEY REPORT (DSR).** Shall mean a claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a major disaster, as authorized under the Stafford Act and related federal regulation, plans and policies.

(9) **EMERGENCY.** Shall mean a local emergency, as define by the Iowa State Code, which has been declared by the Board of Supervisors and the Mayor/or Mayors of the affected municipalities for a specific disaster and that has not been terminated.

(10) **EVENT.** Shall mean any natural, man-made, or civil occurrence, which results in the declaration of a state of emergency and shall include tornadoes, fires, floods, winter storms, hazardous material releases, as referenced in the Hazard Mitigation Plan.

(11) **FEDERAL REPOSSES PLAN (FRP).** A plan prepared by FEMA and over two dozen other federal departments and agencies to coordinate efforts of a large number of federal, state and local agencies in providing response and recovery assistance in an expeditious manner.

(12) **FLOOD INSURANCE RATE MAP (FIRM).** A map showing the outer boundaries of the floodway and floodplain as determined by the Flood Insurance Administration through the National Flood Insurance Program.

(13) **HAZARD MITIGATION GRANT PROGRAM.** A program for assistance to federal, state and local agencies whereby a grant is provided by FEMA as an incentive for implementing mutually desired mitigation programs, as authorized by the Stafford Act and related federal regulation, plans and policies.

(14) **HISTORIC BUILDING OR STRUCTURE.** Shall mean any building or structure included on the national register of historic places, the state register of historic places or points of interest, or a local register of historic places.

(15) **INDIVIDUAL ASSISTANCE PROGRAM.** A program for providing small grants to individuals and households affected by a disaster to offset loss of equipment, damage to homes, or the cost of relocation to another home, as authorized under the Stafford Act and related federal regulations.

(16) **IN-KIND.** Shall mean the same as the prior building or structure in size, height and shape, type of construction, number of units, general location and appearance.

(17) **MAJOR DISASTER.** Shall mean a locally declared emergency also proclaimed as a state of emergency by the Governor of the State and by the President of the United States.

(18) **MULTI-AGENCY HAZARD MITIGATION TEAM.** A team of representatives from FEMA, other federal agencies, state emergency management agencies and related state and local agencies, formed to identify, evaluate and report on post-disaster mitigation needs.

(19) **PUBLIC ASSISTANCE PROGRAM.** A program for providing reimbursement to federal, state and local agencies and non-profit organizations for repair and replacement of facilities regulations, plans and policies.

(20) **RECOVERY.** Shall mean the process by which most of private and public buildings and structures not severely damaged or destroyed in a major disaster are repaired and most public and commercial services are restored to normal.

(21) **RECONSTRUCTION.** Shall mean the rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major community improvements, and full restoration of a healthy economy.

(22) **RECOVERY ORGANIZATION.** An interdepartmental organization, which coordinates staff actions in planning and implementing disaster recovery and reconstruction functions.

(23) **RECOVERY PLAN.** A pre-event plan for post-disaster recovery and reconstruction comprised of policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, as well as long-term mitigation.

(24) **RECOVERY STRATEGY.** A post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

(25) **HAZARD MITIGATION PLAN.** A plan, which addresses protection of the community from unreasonable risks, associated with the effects of earthquakes, landslides, flooding, wild land and urban fires, wind, coastal erosion, and other natural and technological disaster. This plan will be incorporated into the Countywide Multi-hazard Emergency Operations Plan.

(26) “STAFFORD ACT”. Shall mean the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

SECTION 6-66-4 RECOVERY ORGANIZATION. There is hereby identified, the Recovery Organization, for the purpose of coordinating county and city actions in planning and implementing disaster recovery and reconstruction activities. The Recovery Organization will be the existing Linn County Emergency Management Commission. This Commission is constituted under the provisions of Iowa Code 29C.9 and is comprised of the member of the Board of Supervisors, the Sheriff, and the Mayor of each municipality or their designated representative. The Commission is already charged to oversee multi-hazard emergency planning, response, mitigation, and recovery actions.

(1) **POWERS AND DUTIES.** The Recovery Organization shall have such powers as enable it to carry out the purposes, provisions and procedures of the Chapter, as identified in this chapter.

(2) **RECOVERY TASK FORCE.** The Recovery Organization shall include a Recovery Task Force comprised of the following officers and members:

The Chair of the Linn County Board of Supervisors shall be Acting Chair. The Acting Chair shall call the initial meeting of the Recovery Task Force. At the initial meeting, the members will elect the Chair and Vice Chair. The other members of the Recovery Task Force will be the Mayors of each affected municipal jurisdiction.

The Vice Chair of the Board of Supervisors, the Mayor Pro-Tempore or City Manager may act in the absence of the Chair of the Board of Supervisors, or Mayor of the affected jurisdiction.

The County and affected City Attorneys who shall be Legal Advisers as requested by their respective elected official;

Other supporting staff may include the County and affected City Building Officials, County and affected City Engineers, Community Development/Planning Director, Fire Chiefs, Emergency Management Director, General Services Directors, Sheriff, Police Chiefs, Public Works Director, Utilities Director, together with representatives from such other departments and offices as may be deemed necessary by the Chair of effective operations;

In the actions of the Recovery Task force, each jurisdiction will have one vote.

(3) **OPERATIONS AND MEETINGS.** The Chair of the emergency Management Commission shall have responsibility for Recovery Organization operations. When an emergency declaration is not in force, the Recovery Organization shall meet monthly or more frequently, upon call of the Chair of the Emergency Management Commission. After a declaration of an emergency and for the duration of that declared emergency period, the Recovery Task force shall meet daily or as frequently as determined by the Task Force.

(4) **SUCCESSION.** In the absence of the Chair of either the Recovery Organization or Recovery Task Force, the Vice Chair shall serve as Acting Chair of the respective organization and shall be empowered to carry out the duties and responsibilities of the Chair.

(5) ORGANIZATION. The Recovery Task Force may create such standing or ad hoc committees as determined necessary by the Chair.

(6) RELATION TO EMERGENCY MANAGEMENT ORGANIZATION. The Recovery Organization shall be the Linn County Emergency Management Commission, which has interrelated functions and similar membership. The Emergency Management Director should be considered for any staff support as deemed necessary.

SECTION 6-66-5 RECOVERY PLAN. Before a major disaster, the Recovery Organization shall prepare a pre-event plan for post-disaster recovery and reconstruction, referred to as the Recovery Plan, which shall be comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery, rebuilding, and long-term hazard mitigation.

(1) RECOVERY PLAN CONTENT. The Recovery Plan shall address policies, implementation actions and designated responsibilities for such subjects as business resumption, damage assessment, demolitions, debris removal and storage, expedited repair permitting, fiscal reserves, hazards evaluation, hazard mitigation, historical buildings, illegal buildings and uses, moratorium procedures, nonconforming buildings and uses, rebuilding plans, redevelopment procedures, relation to emergency response plan and comprehensive general plan, restoration of infrastructure, restoration of standard operating procedures, temporary and replacement housing, and such other subjects as may be appropriate to expeditious and wise recovery.

(2) COORDINATION OF RECOVERY PLAN WITH FEMA AND OTHER AGENCIES. The Recovery Plan shall identify relationships of planned recovery actions with those of state, federal or mutual aid agencies involved in disaster recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administrations (EPA), the Department of Transportation (DOT), the U. S. Army Corps of Engineers (COE), the Iowa Emergency Management Division (IEMD) and other entities which may provide assistance in the event of a major disaster. The Recovery Organization shall distribute a draft copy of the plan to such agencies in sufficient time for comment prior to action on the Recovery Plan by the County Board of Supervisors and the respective City Councils.

(3) RECOVERY PLAN ADOPTION. Following formulation, the Recovery Plan shall be submitted by the Recovery Organization for review and approval. The Recovery Organization shall hold one or more public hearings to receive comments from the public on the Recovery Plan. Following one or more public hearings, the Recovery Organization may adopt the Recovery Plan by resolution, including any modifications deemed appropriate, or transmit the plan back to the Recovery Plan Development subcommittee for further modification prior to final action.

(4) RECOVERY PLAN IMPLEMENTATION. The Recovery Task force shall be responsible for coordinating the implementation of the plan after a major disaster. The coordination of the recovery effort will be the responsibility of the Task force, while the implementation of the recovery effort shall be the responsibility of the affected jurisdiction.

(5) RECOVERY PLAN TRAINING AND EXERCISE. The Recovery Organization shall organize and conduct periodic training and exercises annually, or more often as necessary, in order to develop, convey and update the contents of the Recovery Plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the County Multi-Hazard

Emergency Operations Plan.

(6) **RECOVERY PLAN CONSULTATION WITH CITIZENS.** The Recovery Organization shall schedule and conduct community meetings, periodically convene advisory committees comprised of representatives of homeowner, business and community organizations, or implement such other means as to provide information and receive input from members of the public regarding preparation, adoption or amendment of the Recovery Plan.

(7) **RECOVERY PLAN AMENDMENTS.** During implementation of the Recovery Plan, the Recovery Organization shall address key issues, strategies and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the Recovery Organization shall consult with County and City departments, business and community organizations and other government entities to obtain information pertinent to possible Recovery Plan amendments.

(8) **RECOVERY PLAN COORDINATION WITH RELATED PLANS.** The Recovery Plan shall be prepared in coordination with related elements of the Linn County Multi-Hazard Emergency Operations Plan, or such other plans as may be pertinent. Such related plan elements shall be periodically amended by the Emergency Management Commission to be consistent with key provisions of the Recovery Plan, and vice versa.

SECTION 6-66-6 GENERAL PROVISIONS. The following general provisions shall be applicable to implementation of this chapter following a major disaster:

(1) **POWERS AND PROCEDURES.** Following a declaration of local emergency in a major disaster and while such declaration is in force, the Recovery Task Force shall have authority to exercise powers and procedures authorized by this chapter, subject to extension modification or replacement of all or portions of these provisions by separate ordinance adopted by the Board of Supervisors and affected City Councils.

(2) **POST-DISASTER OPERATIONS.** The Recovery Task Force shall coordinate post-disaster recovery and reconstruction operations with the local jurisdictions, which may include but is not limited to the following:

(a) Activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;

(b) Activate and deploy hazards evaluation teams to locate and determine the severity of natural or technological hazards, which may influence the location, timing and procedures for repair and rebuilding, processes;

(c) Maintain liaison with the Linn County Emergency Operations Center (EOC) and other public and private entities, such as, the American Red Cross, and the State Emergency Management Division in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;

(d) Establish “one-stop” field offices located in or near impacted areas, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;

(e) Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;

(f) Recommend to the Board of Supervisors and the affected City Councils and other appropriate entities necessary actions for reconstruction of damaged infrastructure; prepare plans and proposals for action by the Board of Supervisors and affected City Councils for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of heavily damaged areas;

(g) Formulate proposals for action by the Board of Supervisors and affected City Councils to amend the Linn County Multi-Hazard Emergency Operations Plan and other relevant pre-disaster plans, programs and regulations in response to new needs generated by the disaster;

(h) Such other recovery and reconstruction activities identified in the Recovery Plan or by this chapter, or as deemed by the Recovery Task Force as necessary to public health, safety and well-being.

(3) **COORDINATION WITH FEMA AND OTHER AGENCIES.** The Recovery Task force shall coordinate recovery and reconstruction actions with those of state, federal or mutual aid agencies involved in disaster response and recovery, including by not limited to the Federal Emergency management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the U.S. Army Corps of Engineers (COE), the State emergency Management Division and other entities which provide assistance in the event of a major disaster. Intergovernmental coordination tasks may include but are not limited to the following:

(a) Assign trained personnel to provide information and logistical support to the FEMA Disaster Field Office; supply personnel to provide information support from FEMA Disaster Assistance Centers (DACs).

(b) Participate in damage assessment surveys conducted in cooperation with FEMA and other entities participate in the Multi-Agency Hazard Mitigation Team with FEMA and other entities;

(c) Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;

(d) Coordinate within city government the preparation and submittal of Disaster Survey Reports (DSRs) to FEMA. Determine whether damaged structures and units are within floodplains identified on Flood Insurance Rate Mate (FIRM) maps and whether substantial damage has occurred.

(e) Implement such other coordination tasks as may be required under the specific circumstances of the disaster.

(4) **CONSULTATION WITH RESIDENTS.** The Recovery Task Force shall schedule and conduct community meetings, convene ad hoc advisory committees comprised or representatives of business and community organizations, or implement such other means as to provide information and receive input from members of the public regarding measures undertaken under the authority of this chapter.

SECTION 6-66-7 TEMPORARY REGULATIONS. The Recovery Task force shall provide consultation on the local authority to administer the provisions of this section temporarily modifying provisions of the County and Municipal Codes dealing with building and occupancy permits, demolition permits, and restriction on the use, development or occupancy of private property, provided that such action, in the opinion of the Recovery Task Force, is reasonably justifiable for protection of life and property, mitigation of hazardous conditions, avoidance of undue displacement of households or business, or prompt restoration of public infrastructure. This consultation or coordination is to reduce conflicting guidance from multiple jurisdictions.

(1) **DURATION.** The provisions of this section shall be in effect for a period of six months from the date of a local emergency declaration following a major disaster or until termination of the local emergency declaration, whichever occurs earlier, or until these provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Board of Supervisors and affected City councils through separate ordinances.

(2) **DAMAGE ASSESSMENT.** The Recovery Task Force shall coordinate damage assessment teams having authority to conduct field surveys of damaged structures and post placards designating the condition of such structures as follows:

(a) **INSPECTED - - LAWFUL OCCUPANCY PERMITTED (GREEN TAG).** Is to be posted on any building in which no apparent structural hard has been found. This does not mean there are not other forms of damage, which may temporarily affect occupancy.

(b) **RESTRICTED (YELLOW TAG).** Is to be posted on any building in which damage has resulted in some form of restriction to continued occupancy. The individual posting this placard shall note in general terms the type of damage encountered and shall clearly and concisely not the restrictions on continued occupancy.

(c) **UNSAFE - - DO NOT ENTER OR OCCUPY (RED TAG).** Is to be posted on any building that has been damaged to the extent that continued occupancy poses a threat to life safety. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note in general terms the type of damage encountered. This placard is not to be considered a demolition order.

(d) **SUBSTANTIAL DAMAGE – (BLUE TAG).** Is a supplemental placard, usually issued by the jurisdiction flood Plain Manager for flood related damages.

(e) This chapter and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard.

(f) Once a placard has been attached to a building, it shall not be removed, altered or covered until done so by an authorized representative of the department or upon written notification from the department. Failure to comply with this prohibition will be considered a misdemeanor punishable by a \$500.00 fine.

(3) **DEVELOPMENT MORATORIUM.** The Recovery Task Force shall coordinate the affected jurisdictions having the authority to establish a moratorium on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development and occupancy of private property authorized under other chapters and sections of the County and Municipal Codes and related ordinances, provided that, in the opinion of the Recovery Task Force, such action is reasonably justifiable for protection of life and property and subject to the following:

(a) **POSTING.** Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements which are temporarily held in abeyance;

(b) **DURATION.** The moratorium shall be in effect subject to review by the Board of Supervisors and the affected City Councils at the earliest possible time, but for not longer than 90 days, at which time the Council shall take action to extend, modify or terminate such moratorium by separate ordinance.

(4) **DEBRIS CLEARANCE.** The Recovery Task Force shall coordinate with the jurisdictions having the authority to remove from public rights-of-way debris and rubble, trees, damaged or destroyed cars, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the Task Force such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of firefighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. This action is to facilitate a coordinated course of action that will meet the immediate needs of the community and to address resource allocation to accomplish the task in the most efficient manner.

(5) **ONE-STOP CENTER FOR PERMIT EXPEDITING.** The Recovery Task Force shall coordinate the establishment of one-stop centers, staffed by representatives of pertinent departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The Recovery Task Force shall coordinate such centers and procedures in coordination with other governmental entities, which may provide services and support, such as FEMA, SBA, JUD, COE, or the State Emergency Management Division.

(6) **TEMPORARY USE PERMITS.** The Recovery Task Force shall coordinate with the jurisdictions having the authority to issue permits in any zone for the temporary use of property, which will aid in the immediate restoration of an area adversely impacted by a major disaster, subject to the following provisions:

(a) CRITICAL RESPONSE FACILITIES. Any police, fire emergency medical or emergency communications facility which will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency;

(b) OTHER TEMPORARY USES. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:

(A) will not be detrimental to the immediate neighborhood;

(B) will not adversely affect the Comprehensive General Plan or any applicable specific plan; and

(C) will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.

(7) TEMPORARY REPAIR PERMITS. Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other chapters of the County and Municipal Codes. The building official must be notified of such repairs within ten working days, and regular permits with fees may then be required.

(8) DEFERRAL OF FEES FOR RECONSTRUCTION PERMITS. Except for temporary repairs issued under provisions of this chapter, all other repairs, reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other chapters of this Code. Fees for such repair and reconstruction permits may be deferred until issuance of certificates of occupancy.

(9) NONCONFORMING BUILDINGS AND USES. Buildings damaged or destroyed in the disaster which are legally nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, parking or other provisions and the zoning ordinance may only be repaired, reconstructed, or replaced in conformance with adopted building or zoning regulations.

SECTION 6-66-8 DEMOLITION OF DAMAGED BUILDINGS. The Recovery Task Force shall coordinate with the jurisdictions having authority to order the condemnation and demolition of historic buildings and structures damaged in the disaster under the standard provisions of the County and Municipal Codes.

SECTION 6-66-9 TEMPORARY AND PERMANENT HOUSING. The Recovery Task Force shall assign staff to work with FEMA, SBA, HUD, COE, the State Emergency Management Division and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing which will help avoid undue displacement of people and businesses. Such programs may include deployment of mobile homes and mobile home parks under the temporary use permit procedures provided in Section 7 of this chapter, use of SBA loans and available Section 8 and Community Development Block Grants funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a major disaster.

SECTION 6-66-10 HAZARD MITIGATION PROGRAM. Prior to a major disaster, the Emergency Management Commission/Recovery Organization shall establish a comprehensive hazard mitigation program, which included both long-term and short-term components:

(1) **HAZARD MITIGATION PLAN.** The long-term components shall be prepared and adopted by resolution of the Board of Supervisors and the respective City Councils as the County-wide Multi-Jurisdictional Hazard Mitigation Plan, for the purpose of enhancing long-term mitigation against future disaster. The hazard mitigation plan shall identify and map the presence, location, extent and severity of natural, man-made, or civil hazards, such as:

- (a) severe flooding;
- (b) wild land and urban fires;
- (c) seismic hazards such as ground shaking and deformation, fault rupture, liquefaction, and dam failure;
- (d) slope instability, mudslides, landslides and subsidence;
- (e) tornadoes and other high winds;
- (f) technological hazards, such as oil spills, natural gas leakage and fires, hazardous and toxic materials contamination, nuclear power plant and radiological accidents, other industrial accidents, and ground, air, and rail transportation accidents;
- (g) civil incidents such as riots, terrorist actions, and crowd control issues.
- (h) The safety element shall determine and assess the community's vulnerability to such known hazards and shall propose measures to be taken both before and after a major disaster to mitigate such hazards.

(2) **SHORT – TERM ACTION PROGRAM.** A short-term hazard mitigation program shall be included in the Recovery Plan. It shall be comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, and use an development restrictions or structural measures in areas affected by flooding, urban/wild land fire, wind, seismic or other natural hazards, or remediation of known technological hazards such as toxic contamination.

(3) **POST-DISASTER ACTIONS.** Following a major disaster, the Recovery Task Force shall participate in the Multi-Agency Hazard Mitigation Team with FEMA and other entities, as called for in section 409 of the Stafford Act and related federal regulations. As appropriate, the Recovery Task Force may recommend to the Board of Supervisors and the affected city Councils that the County and affected Cities participate in the Hazard Mitigation Grant Program, authorized in Section 404 of the Stafford Act in order to partially offset costs of recommended hazard mitigation.

(4) **NEW INFORMATION.** As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practical possible within Linn County Multi-Hazard Emergency Operations Plan and the Recovery Plan through amendments.

SECTION 6-66-11 RECOVERY AND RECONSTRUCTION STRATEGY. At the earliest practicable time following the declaration of local emergency in a major disaster, the Recovery Task Force shall prepare a reconstruction.

(1) **FUNCTIONS.** To be known as the Recovery Strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

(2) **REVIEW.** The Recovery Strategy shall be forwarded to the Board of Supervisors and the affected City council for review and approval following consultation with FEMA, other governmental agencies, and business and citizen representatives. The Recovery Strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes or ordinances that might otherwise contradict or otherwise block strategic action. The Recovery Task Force shall periodically report to the Board of Supervisors and the affected City Councils regarding progress toward implementation of the Recovery Strategy, together with any adjustments which may be called for by changing circumstances and conditions.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 67

WATER WELL PROTECTION

5-67-1	Definition
5-67-2	Shallow Well Protection
5-67-3	Deep Well Protection
5-67-4	Nonconforming Uses

SECTION 5-67-1 DEFINITIONS. For use in this chapter, the following terms are defined:

(1) Deep public well - means a public well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

(2) Shallow public well - means a public well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

SECTION 5-67-2 SHALLOW WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility from a shallow public well within the City.

- (1) Well house floor drains - 5 feet;
- (2) Water treatment plant wastes - 50 feet;
- (3) Sanitary and industrial discharges - 400 feet;
- (4) Well house floor drains to surface:
 - (a) None within 5 feet;
 - (b) 5 to 50 feet - if sanitary sewer main pipe;
- (5) Well house floor drains to sewers, water plant wastes to sanitary sewer, sanitary and storm sewers and drains:
 - (a) 0 to 25 feet - prohibited;

- (b) 25 to 75 feet - if water main pipe;
- (c) 75 to 200 feet - if sanitary sewer main pipe;
- (6) Sewer force mains:
 - (a) 0 to 75 feet - prohibited;
 - (b) 75 to 400 feet - if water main pipe;
 - (c) 400 to 1000 feet - if water main or sanitary sewer main pipe;
- (7) Water plant treatment process wastes that are treated onsite:
 - (a) 0 to 5 feet - prohibited;
 - (b) 5 to 50 feet - if sanitary sewer main pipe;
- (8) Irrigation of wastewater - 400 feet;
- (9) Land application of solid wastes - 400 feet;
- (10) Cesspools & earth pit privies - 400 feet;
- (11) Concrete vaults & septic tanks - 200 feet;
- (12) Lagoons - 1000 feet;
- (13) Mechanical wastewater treatment plants - 400 feet;
- (14) Soil absorption fields - 400 feet;
- (15) Chemicals:
 - (a) Application to ground surface - 200 feet;
 - (b) Chemical & mineral storage above ground - 200 feet;
 - (c) Chemical & mineral storage on or under ground - 400 feet;
 - (c) Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia) - 400 feet;
- (16) Animal pasturage - 50 feet;
- (17) Animal enclosure - 400 feet;
- (18) Earthen silage storage trench or pit - 200 feet;

- (19) Animal wastes:
 - (a) Land application of liquid or slurry - 400 feet;
 - (b) Land application of solids - 400 feet;
 - (c) Solids stockpile - 400 feet;
 - (d) Storage basin or lagoon - 1000 feet;
 - (e) Storage tank - 400 feet;

- (20) Miscellaneous:
 - (a) Basements, pits, sumps - 10 feet;
 - (b) Cemeteries - 200 feet;
 - (c) Cisterns - 100 feet;
 - (d) Flowing streams or other surface water bodies - 50 feet;
 - (e) Railroads - 200 feet;
 - (f) Private wells - 400 feet;
 - (g) Solid waste landfills and disposal sites - 1000 feet.

SECTION 5-67-3 DEEP WELL PROTECTION. No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth from a deep public well within the City:

- (1) Well house floor drains - 5 feet;
- (2) Water treatment plant wastes - 50 feet;
- (3) Sanitary & industrial discharges - 400 feet;
- (4) Well house floor drains to surface:
 - (a) 0 to 5 feet: prohibited;
 - (b) 5 to 50 feet: if sanitary sewer pipe;
- (5) Well house floor drains to sewers, water plant wastes to sanitary sewer, sanitary and storm sewers and drains:
 - (a) 0 to 25 feet: prohibited;

- (b) 25 to 75 feet: if water main pipe;
- (c) 75 to 200 feet: if sanitary sewer pipe;
- (6) Sewer force mains:
 - (a) 0 to 75 feet: prohibited;
 - (b) 75 to 400 feet if water main pipe;
 - (c) 400 to 1000 feet: if water main or sanitary sewer pipe;
- (7) Water plant treatment process wastes that are treated onsite:
 - (a) 0 to 5 feet: prohibited;
 - (b) 5 to 50 feet: if sanitary sewer pipe;
- (8) Irrigation of wastewater - 200 feet;
- (9) Land application of solid wastes - 200 feet;
- (10) Cesspools & earth pit privies - 200 feet;
- (11) Concrete vaults & septic tanks - 100 feet;
- (12) Lagoons - 400 feet;
- (13) Mechanical wastewater treatment plants - 200 feet;
- (14) Soil absorption fields - 200 feet;
- (15) Chemicals:
 - (a) Application to ground surface - 100 feet;
 - (b) Chemical & mineral storage above ground - 100 feet;
 - (c) Chemical & mineral storage on or under ground - 200 feet;
 - (d) Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia) - 200 feet;
- (16) Animal pasturage - 50 feet;
- (17) Animal enclosure - 200 feet;
- (18) Earthen silage storage trench or pit - 100 feet;

- (19) Animal wastes:
 - (a) Land application of liquid or slurry - 200 feet;
 - (b) Land application of solids - 200 feet;
 - (c) Solids stockpile - 200 feet;
 - (d) Storage basin or lagoon - 4000 feet;
 - (e) Storage tank - 200 feet;

- (20) Miscellaneous:
 - (a) Basements, pits, sumps - 10 feet;
 - (b) Cemeteries - 200 feet;
 - (c) Cisterns - 50 feet;
 - (d) Flowing streams or other surface water bodies - 50 feet;
 - (e) Railroads - 100 feet;
 - (f) Private wells - 200 feet;
 - (g) Solid waste landfills and disposal sites - 1000 feet.

SECTION 5-67-4 NONCONFORMING USES. The use of structures or facilities existing as of July 1, 2009, may be continued even though such use may not conform with the regulations of this chapter, in other words, such structures or facilities may continue to be located within the distances set forth. However, such structures or facilities not in conformance with the terms of this chapter may not be enlarged, extended, reconstructed or substituted subsequent to such date.