

BUILDING AND PROPERTY REGULATIONS

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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

1. "Owner" means the owner of the principal building.
2. "Principal building" means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

(Code of Iowa, Sec. 364.12[3d])

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two (2) inches in width and three (3) inches in height and of a contrasting color with their background.

(Code of Iowa, Sec. 364.12[3d])

3. Failure to Comply. If an owner refuses to number a building as 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 a property tax.

(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line

of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b & h])

CHAPTER 152

COMMUNICATIONS TOWER AND ANTENNA INSTALLATION CODE

152.01 Purpose and General Policy	152.10 Placement of Facilities and Related Lease Fees
152.02 Definitions	152.11 Abandonment
152.03 Local Regulation and Compliance With the Telecommunications Act of 1996	152.12 Termination
152.04 Lease Required	152.13 Home Rule
152.05 Fee Required	152.14 New Technologies
152.06 Limit On Term	152.15 Liability For Damages
152.07 Priorities and Placement Requirements	152.16 Protocol For Complaints
152.08 Application Process	152.17 Privately Owned Tower
152.09 Noise and Emission Standards	152.18 Grain Elevators
	152.19 Tower Height

152.01 PURPOSE AND GENERAL POLICY. The Council finds that in order to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize wireless communication technologies, in order to protect public and private investments, ensure the health, safety and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the City to a return on its investment on public property, it is necessary for the City to establish uniform rules and policies. This chapter is to be interpreted in light of these findings for the benefit of the citizens of the City.

152.02 DEFINITIONS. As used in this chapter:

1. "Antenna" means a device, dish or array used to transmit or receive telecommunications signals.
2. "Communications tower" means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.
3. "Height" of a communications tower is the distance from the base of the tower to the top of the structure.
4. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
5. "Wind generator" means

152.03 LOCAL REGULATION AND COMPLIANCE WITH THE TELECOMMUNICATIONS ACT OF 1996. The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on City property for their communications towers and antennas.

1. To minimize the overall number of towers located in the City, providers may be required to participate in collocation agreements.
2. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.
3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.
4. Revenues from site leases of City-owned-and-controlled land and structures shall reflect fair compensation for use of City property and administration of this chapter.

152.04 LEASE REQUIRED. No person or other entity shall use any public property without first obtaining a lease from the City.

152.05 FEE REQUIRED. No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.

152.06 LIMIT ON TERM. No lease for the use of public property shall be granted for a term of more than 15 years.

152.07 PRIORITIES AND PLACEMENT REQUIREMENTS.

1. Priority. Priority of the use of City-owned land for communications antennas and towers will be given to the following entities in descending order of priority:
 - A. All functions of the City.
 - B. Public safety agencies that are not a part of the City, including law enforcement, fire and ambulance services, and private entities with a public safety agreement with the City.
 - C. Other governmental agencies for uses which are not related to public safety.

- D. Entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.
2. Placement on City-Owned Property. The placement of communications antennas or towers on City-owned property must comply with the following requirements:
- A. The antenna or tower will not interfere with the purpose for which the City-owned property is intended.
 - B. The antenna or tower will have no adverse impact on surrounding private property. Antennas or towers will be allowed in districts zoned as "TE" if a unipole is utilized. No antenna or tower will be allowed closer than 500 feet to any residence.
 - C. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to City property and facilities and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards.
 - D. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of antenna or tower removal.
 - E. The antennas or towers will not interfere with other uses which have a higher priority as discussed in the paragraphs above.
 - F. Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
 - G. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's antenna or tower.
 - H. The user must obtain all necessary land use approval.
 - I. The applicant will cooperate with the City's objective to promote collocations and thus limit the number of separate antenna sites requested.
3. Placement on Private Property. The placement of communications antennas or towers on private property must comply with the following requirements:

- A. The antenna or tower will be allowed on private property in districts zoned "TE" if a unipole structure is utilized.
- B. The antenna or tower will have no adverse impact on surrounding private property.
- C. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to other property.
- D. No antenna or tower will be located closer than 500 feet from any residence.
- E. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of antenna or tower removal.
- F. The user must obtain all necessary land use approval.
- G. All applicants will be required to utilize an existing antenna or tower before applying for a new location. The City requires collocation of antenna or existing towers unless an engineering study reflects that collocation is impossible due to interference or signals.

152.08 APPLICATION PROCESS.

1. Documents Accompanying Application. All applicants who wish to locate a communications antenna or tower on City-owned or private property must submit to the Zoning Administrator a completed application accompanied by a fee in an amount to be determined by City Council and the following documents, if applicable:
 - A. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
 - B. A site plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.
 - C. A current map or update for an existing map on file showing locations of applicant's antennas, facilities, existing

towers and proposed towers which are reflected in public records, serving any property within the City.

D. A report from a registered structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision, standards.

E. Identification of the owners of all antennas and equipment to be located on the site.

F. Written authorization from the site owner for the application.

G. Evidence that a valid FCC license for the proposed activity has been issued.

H. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

I. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

J. Additional information, as required, to determine that all applicable zoning regulations are met.

K. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This setback requirement shall not apply to (i) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City, or (ii) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.

2. Additional Requirements. Applicant must also show evidence that all of the following conditions which are applicable are met:

A. Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

B. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of the applicant.

C. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

D. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-half mile radius of the proposed new tower site, including City-owned property, and written documentation that the applicant (i) made diligent but unsuccessful efforts for a minimum of forty (40) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by the City and other persons located within a one-half mile radius of the proposed tower site, or (ii) written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another person's tower or support structure within a one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

E. Applicants must show that a new tower is designed to accommodate additional antenna equal in number to applicant's present and future requirements.

F. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

G. All towers and communications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof, roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring

FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.

H. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Clerk a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the City, in form approved by the City Attorney.

I. Land use regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower, except no antenna or tower shall be closer than 500 feet to any structure used as a residence. The following height conditions apply:

(1) Industrial ("TE" District) – Free-standing (unipole) tower with height not exceeding 200 feet is a permitted conditional use; height exceeding 200 feet requires special exception.

(2) Agricultural ("AG" District) – Free-standing (unipole) or guyed tower with height not exceeding 300 feet is a permitted conditional use; height exceeding 300 feet requires special exception.

J. A tower must be a minimum distance equal to one and one-half the height of the tower from any structure, historic property, or architecturally significant property, and must be set back from all lot line distances equal to the district setback requirements or 125% of the tower height, whichever is greater. This does not apply to any structure used in conjunction with the tower operation. See also, restriction regarding distance from residences in Section 152.07.

All responses to applications for siting of telecommunications towers and facilities shall be in writing and shall be made within sixty (60) days after all application materials are received.

152.09 NOISE AND EMISSION STANDARDS. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a back-up generator, where the noise standards may be exceeded temporarily. The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

152.10 PLACEMENT OF FACILITIES AND RELATED LEASE FEES. The placement and maintenance of communications antennas or towers on City-owned sites, such as water towers and parks, will be allowed when the following additional requirements are met.

1. Water Tower or Reservoir Sites. The City's water towers represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, their protection is of prime importance. As access to the City's water storage system increases, so does the potential for contamination of the public water supply. For these reasons, the placement of communications towers or antennas on water towers or reservoir sites will be allowed only when the following requirements are met:

- A. The applicant must have written approval from the Public Works Director each time access to the facility is desired. This will minimize the risk of contamination to the water supply.
- B. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facility.
- C. The presence of the facility will not increase the water tower maintenance cost to the City.
- D. The presence of the facility will not be harmful to the health or safety of the workers maintaining the water tower.

Fees assessed for placement of antennas on City water towers shall be negotiated and approved by the Council.

2. Parks. The presence of certain communications antennas or towers represents a potential conflict with the purpose of certain City-owned parks and recreational facilities. Towers shall be prohibited in designated conservation areas. Communications antennas or towers will

be considered only in the following parks after the recommendation of the Park Board and approval of the Council.

- A. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.
- B. Commercial recreational areas and major ball fields.
- C. Park maintenance facilities.

Fees to be charged for the placement of antennas or towers in any City park shall be negotiated and approved by the Council.

152.11 ABANDONMENT. In the event the use of any communications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official who shall have the right to request documentation and/or affidavits from the communications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (ii) dismantle and remove the tower. At the earliest, 181 days from the date of abandonment, without reactivating or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire. The land shall be left in as good as or better condition than before the tower occupancy.

152.12 TERMINATION. The Council may terminate any lease if it is determined that any one of the following conditions exist.

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use.
2. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.
3. A user violates any of the standards in this chapter or the conditions attached to the City's lease agreement.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for a hearing before the Council regarding the proposed action. This procedure need not be followed in emergency situations.

152.13 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforced against the holders of any lease.

152.14 NEW TECHNOLOGIES. Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease present the opportunity to the holder of the lease to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the Council which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

152.15 LIABILITY FOR DAMAGES. The applicant shall assume liability for any and all damages, claims, or suits that occur or may occur from the erection, location, or use of said antenna and/or tower, whether on City-owned property or private property, and shall hold the City harmless and indemnify the City for any damages incurred or judgments rendered as a result of the erection, operation, or location of said antenna and/or tower on City-owned property.

152.16 PROTOCOL FOR COMPLAINTS. Any complaints arising from the erection, location, or operation of an antenna and/or tower shall be first addressed to the company owning or leasing the antenna and/or tower. If the complaint is not adequately addressed, the complaint shall be addressed with the Council. If the complaint is still not adequately addressed, the complaint will be referred to the FCC (Federal Communications Commission) or the appropriate department thereof.

152.17 PRIVATELY OWNED TOWER. Any tower meant to receive or transmit wireless signals for private use shall not exceed 45 feet from ground to top of tower.

152.18 GRAIN ELEVATORS. Grain elevators must be approved by Council before plans are submitted to the Planning and Zoning Commission.

152.19 TOWER HEIGHT. The height of any tower that is not a telecommunications tower will be determined by the Planning and Zoning Commission.

NOTE: Temporary buildings for the uses incidental to construction work may be allowed. Such buildings shall be removed upon the completion or abandonment of the construction work.

(Ch. 152 Added by Ord. 517 – Jan. 08 Supp.)

[The next page is 725]

CHAPTER 155

BUILDING CODE

155.01 Uniform Codes Adopted by Reference
155.02 Copies on File
155.03 Available for Public Inspection
155.04 Conflicts and/or Duplications

155.05 Amendments to the Uniform Building Code
155.06 Board of Appeals
155.07 Contractors' Bonds

155.01 UNIFORM CODES ADOPTED BY REFERENCE. Pursuant to the authority of §380.10, Code of Iowa, *The Uniform Building Code*, 1997 Edition, with accompanying standards, and the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, copyrighted by the International Conference of Building Officials, except as hereinafter amended by this chapter, are hereby adopted by reference for the purpose of providing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures within the City. The provisions of said Codes, except as amended herein, shall be controlling in all matters contemplated therein within the City. The provisions of this chapter shall be known as the "Building Code."

155.02 COPIES ON FILE. Official copies of said Codes, including amendments as adopted, are on file in the office of the Building Official.

155.03 AVAILABLE FOR PUBLIC INSPECTION. Copies of said Codes, as amended, shall be kept available at the Building Official's office for public inspection.

155.04 CONFLICTS AND/OR DUPLICATIONS. Provisions in the Building Code to the contrary notwithstanding, nothing in this chapter shall be deemed to repeal or invalidate by implication any provision of this Code of Ordinances, and where other ordinances of the City, such as the Zoning Ordinance, Subdivision Ordinance, Plumbing Ordinance and Electrical Ordinance shall, in any way, duplicate or conflict with the provisions of the Building Code adopted under the terms of this chapter, the more strict provisions shall prevail.

155.05 AMENDMENTS TO THE UNIFORM BUILDING CODE.

1. Strike therefrom Section 103, and insert in lieu thereof the following as Section 103:

- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a municipal infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violations of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be subject to the penalty provided in the Code of Ordinances.
2. Strike therefrom Section 107.3, and insert in lieu thereof the following as Section 107.3:
 - a. When it is necessary, in the opinion of the Building Official, to have plans checked by an outside agency, the cost of the said plan check shall be borne by the applicant.
 - b. There shall be paid to the City for the issuance of each building permit a fee as established by resolution of the City Council. The schedule shall be periodically amended as deemed appropriate by the Council.
 3. Strike therefrom Section 310.4, and insert in lieu thereof the following as Section 310.4:
 - a. Access and Exit Facilities and Emergency Escapes. Exits shall be provided as specified in Chapter 33. Access to and egress from, buildings required to be assessable shall be provided as specified in Chapter 11. Every sleeping room below the fourth story and dwelling unit basements which have habitable rooms shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full, clear opening without the use of separate tools. All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four (24) inches. The minimum net clear openable width dimension shall be twenty (20) inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than forty-four (44) inches above-the floor. Bars, grilles, grates, or similar devices may be installed on emergency escape or rescue windows or doors, provided:
 - (1) The devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and
 - (2) The building is equipped with smoke detectors installed in accordance with Section 310.9.

4. Strike therefrom Section 1605. 1, and insert in lieu thereof the following as Section 1605.1:

a. General. All buildings and portions thereof shall be designed and constructed to sustain, within the stress limitations specified in this Code, all dead loads and all other loads specified in this chapter or elsewhere in this Code. Impact loads shall be considered in the design of any structure where impact loads occur.

b. Exception. Unless otherwise required by the Building Official, buildings or portions thereof which are constructed in accordance with the conventional framing requirements specified in chapter 23 of this Code shall be deemed to meet the requirements of this section. Wind and earthquake loads need not be assumed to act simultaneously. Roofs shall sustain, in addition to all "dead loads" and in lieu of "live loads" established by this Code, a snow load of thirty (30) pounds per square foot. Footings and foundations, when required by this Code to extend below the frost line, shall be a minimum of forty-two (42) inches below the finished exterior grade of the building or structure.

5. Strike therefrom Section 1806.2, and insert in lieu thereof the following as Section 1806.2:

a. Bearing Walls. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundations system which shall be of sufficient size to support all loads. Where a design is not provided, the minimum foundation requirements for stud bearing walls shall be as set forth in Table No. 18-I-D.

b. Exceptions. A one-story wood or metal frame building not used for human occupancy and not over 120 square feet in floor area may be constructed with walls supported on a wood foundation plate when approved by the Building Official.

(1) The support of buildings by posts embedded in earth shall be designed as specified in section 1806.7. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Section 1807.9.

(2) A one-story wood frame building which is not used for human occupancy and which does not exceed six hundred (600) square feet in area, including additions, may be constructed upon a four (4) inch wire reinforced concrete slab without frost footings.

6. Strike therefrom all of the appendix chapters.

7. Foundation Retaining Walls for Group R-3 Occupancies. Notwithstanding other design requirements of Chapters 18, 19, and 21, foundation retaining walls for Group R-3 occupancies of Type V

construction may be constructed in accordance with the provisions of this section, provided that the use or building site conditions affecting such walls are within the limitations specified herein.

A. General Requirements. The maximum height of the foundation shall be seven feet, eight inches (7' 8") measured between the foundation plate and a concrete floor slab having a minimum thickness of three and one-half (3½) inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required. The foundation plate shall be attached to the wall with one-half (½) inch steel bolts as prescribed in subsection 1806.6 of the Building Code. Materials used for backfilling shall be carefully placed granular soil of average or high permeability. The wood and earth separation requirements of Subsection 2317.8 of the Building Code shall be observed at all times. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability of expansive soils are encountered, or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required. Foundation walls retaining four (4) feet or more of unbalanced fill, an enclosing useable space, shall have an approved footing drainage system either removing ground water by gravity to a natural surface waterway or collecting ground water in a sump and discharging it to a natural surface waterway or storm sewer. In no instance shall this water be placed in the City sanitary sewer system. Collected ground water shall not be discharged directly onto a street, alley, or sidewalk. All footings shall be of cast-in-place concrete having a minimum compressive strength of three thousand (3,000) pounds per square inch at twenty-eight (28) days, and shall be reinforced longitudinally with not less than one-half (½) inch diameter steel bar for one story construction, or two (2) one-half (½) inch diameter steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to insure no less than three (3) inches of concrete over on all sides.

B. Hollow Concrete Masonry Foundation Walls. Hollow concrete masonry units shall be set in Type M or Type S mortar. Foundation walls having a nominal thickness of not less than twelve (12) inches may be unreinforced. Other foundation walls shall comply with the following requirements:

(1) The nominal thickness of concrete masonry units shall not be less than eight (8) inches.

(2) When a foundation wall has a horizontal clear-span of more than twelve (12) feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of reinforcing steel per lineal foot of wall. The following schedule shall be deemed to meet these requirements:

Reinforcing Schedule (0.075 in²/LIN. FT.)

#3 @ 1' - 4"

#4 @ 2' - 8"

#5 @ 4' - 0"

#6 @ 6' - 0"

#7 @ 8' - 0"

All reinforcing steel shall be deformed bars spaced no more than 8' - 0" on center. All grout shall comply with Section 2103 of this Code.

(3) Cast-in-Place Plain Concrete Foundation Walls. Cast-in-place plain concrete foundation walls constructed under the provisions of this subsection shall be of concrete having a minimum compressive strength at twenty-eight (28) days of not less than three thousand (3,000) pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of Chapter 19 of the Building Code. In addition:

a. The minimum thickness of wall shall be seven and one-half (7½) inches.

b. Walls shall be reinforced with not less than three one-half (½) inch diameter deformed steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall. Reinforcing bars and methods of placement shall be in accordance with Chapter 19 of the Building Code.

155.06 BOARD OF APPEALS.

1. General Powers. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board, except that when any matter arises under the Fire Code, the Fire Chief rather than the Building Official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Board of Appeals shall be appointed by the Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

2. Limitations on Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Building or Fire Codes nor shall the board be empowered to waive requirements of said Codes.

155.07 CONTRACTORS' BONDS. Each general contractor doing business or working within the City shall be bonded in the amount of ten thousand dollars (\$10,000.00). Such bond shall be secured by a responsible surety bonding company authorized to operate within the State and such contractor shall file evidence thereof with the Clerk.

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CHAPTER 156

ELECTRICAL CODE

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156.01 CODE ADOPTED BY REFERENCE. Pursuant to the authority of §380.10, Code of Iowa, the *National Electrical Code*, 1996 Edition, copyrighted by the National Fire Protection Association, except as hereinafter amended by this chapter, is hereby adopted by reference for the purpose of providing minimum provisions to safeguard life or limb, health, property and public welfare by regulating, licensing and controlling the design, installation, quality of materials, location and maintenance of all electrical installations and uses within the City. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the City. The provisions of this chapter shall be known as the "Electrical Code."

156.02 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the Building Official.

156.03 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the Building Official's office for public inspection.

156.04 AMENDMENTS TO THE NATIONAL ELECTRICAL CODE.
(NONE).

156.05 SCOPE. The provisions of the Electrical Code shall apply to the electrical conductors and equipment installed within or on public and private structures and other premises; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises, also mobile homes and travel trailers. Additions to, alterations thereof, and repairs to existing electrical equipment, if covered by the Electrical Code, shall comply with the provisions of the Electrical Code; and further, the Electrical Inspector may, when such additions, alterations or repairs are made, order further reasonable additions or alterations in a building, structure, or on premises, when a danger to life or property may result if such further additions or alterations were not made. Installations which were in compliance with the Electrical Code in existence at the time such installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property. For the purposes of the Electrical Code, the term "electrical work" shall apply to all uses, installations, alterations, repairs, removals, replacements, connections, disconnections and maintenance of all electrical equipment. The term "electrical equipment" shall include all electrical materials, wiring, conductors, fittings, apparatus, devices, appliances, fixtures, signs, or parts thereof, used in electrical work.

156.06 APPLICATION TO MOVED BUILDINGS. Structures moved into or within the City shall comply with the provisions of the Electrical Code for new structures.

156.07 EXISTING BUILDINGS. If an existing building is damaged by fire, or otherwise, or altered in a manner to require the replacement of fifty percent (50%) or more of the wiring equipment, the entire building shall be made to conform to the requirements of the Electrical Code for new buildings. If the type of occupancy of an existing building is partially or entirely changed, the electrical wiring shall be made to conform to the requirements of the Electrical Code for the new type of occupancy.

156.08 CONFORMITY WITH STANDARDS. Conformity with the standards of the Underwriters' Laboratories Incorporated as approved by the United States of American Standards Institute shall be evidence of conformity with approved standards for electrical equipment.

156.09 FURNISHING CURRENT PRIOR TO APPROVAL OF WIRING. No person or corporation generating current for electric light, heat, or power in the City shall connect its system or furnish current for electrical purposes to any building or premises which has not been inspected and approved by the

Electrical Inspector. Any person or corporation shall, upon written notice from the Electrical Inspector to do so, immediately disconnect such building or premise from its source of current.

156.10 VIOLATIONS. It is unlawful for any person to install, alter, repair, maintain, improve or use any electrical equipment, or to perform any electrical work in the City, or cause the same to be done, contrary to or in violation of any of the provisions of the Electrical Code.

156.11 VIOLATION AND PENALTY. Any violation of this chapter, in addition to any other penalty provided, shall constitute a municipal infraction and shall be punishable as provided in this Code of Ordinances.

156.12 PERMITS REQUIRED. No person shall perform any electrical work or install electrical equipment in or upon any building or property without first securing from the office of the Electrical Inspector a permit therefor; nor shall any alteration or change be made in the wiring of any building; or in any electrical installation therein or thereon, either before or after inspection, nor shall any electric current be connected to any wires, or apparatus, without notifying the Electrical Inspector and securing a permit therefor. A separate permit shall be obtained for each structure.

156.13 ISSUANCE. After proper application on forms provided by the Electrical Inspector, permits shall be issued in the name of the person holding an active electrician's license and the name of the firm the electrician represents. All applications for electrical permits shall be signed by the licensed electrician, or the homeowner doing homeowner's own work.

156.14 NON-TRANSFERABLE; PERMIT RESTRICTIONS. Permits are not transferable. Electrical work performed under permits issued under the provisions of this chapter must be done under the direction of the electrician securing such permit, the electrician's firm or corporation.

156.15 DOUBLE FEE FOR FAILURE TO OBTAIN PERMIT. Except in emergency situations, as determined by the Electrical Inspector, where work for which an electrical permit is required by the Electrical Code is started or proceeded with by any person prior to obtaining a required permit, the regular fees as specified in the Electrical Code for such work shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of the Electrical Code in the execution of the work or from any other penalties prescribed herein. No additional permits shall be issued to any person who owes the City the double fee described in this section.

156.16 HOME OWNERS. In cases where an owner-occupant of a single family dwelling desires to install wiring or electrical equipment or perform any electrical work in owner-occupant single family structure, the owner-occupant may appear before the Electrical Inspector and show that the owner-occupant is competent to do the specific work for which the owner-occupant desires an electrical permit, and after each showing, may obtain an electrical permit by paying the proper fee. For purposes of this section a single family structure shall mean a detached residence designed for or occupied by one family only.

156.17 REVOCATION OF PERMIT; EXPIRATION. Any permit required by the provisions of the Electrical Code may be revoked by the Electrical Inspector upon the violation of any provisions of the Electrical Code. Every permit issued under the provisions of the Electrical Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be one-half ($\frac{1}{2}$) the amount required for a new permit for such work, provided that such suspension or abandonment has not exceeded one year.

156.18 FEES; FEE EXEMPTION; RE-INSPECTION FEES. There shall be paid to the City for the issuance of each electrical permit a fee as established by resolution of the Council. The schedule shall be periodically amended as deemed appropriate by the Council.

1. Electricians performing electrical work for political subdivisions of the State of Iowa or the Federal government may obtain permits for such work without paying the fees described herein.
2. At the discretion of the Electrical Inspector, a re-inspection fee in the amount of ten dollars (\$10.00) may be charged to the holder of a permit if a re-inspection is necessary due to permit holder calling for an inspection before the work is ready for inspection or if corrections must be made that require re-inspection.

156.19 COLLECTION OF FEES; REFUND OF PERMIT FEES. All fees due the City for examinations, licenses, certificates and permits shall be collected in the office of the Electrical Inspector and paid thereafter to the City Treasurer. If, within thirty (30) days of the date of issuance, the holder of an electrical permit decides not to commence the work described in such permit, the holder of the permit may, upon application to the Electrical Inspector, be

refunded that portion of the permit fee which is in excess of five dollars (\$5.00). The refund of any fee of five dollars (\$5.00) or less shall not be made.

156.20 INSPECTIONS. It shall be the duty of the person to whom the permit was issued, for which a permit is required, to notify the Electrical Inspector that said work is ready for inspection. The Electrical Inspector shall, without undue delay, perform the required inspection. When the electrical work is completed, the person to whom the permit was issued shall notify the Electrical Inspector that the work is ready for final inspection.

156.21 COVERING OR CONCEALING WORK. No electrical work for which a permit is required shall be concealed in any manner from access or sight until such work has been inspected and approved by the Electrical Inspector.

156.22 REMOVAL OF COVERING. The Electrical Inspector shall have the authority to remove or cause to remove the lath, plaster, boarding or other obstruction which may prevent the proper inspection of wires or electrical equipment.

156.23 CORRECTING DEFECTIVE WORK. When an electrical conductor is notified that defects exist in conductor's electrical work, the conductor shall make corrections promptly. Corrections shall be made within thirty (30) days after notification, and if not so made, the electrical contractor shall not be issued any other permits until such defects are corrected and approval given by the Electrical Inspector.

156.24 ANNUAL INSPECTION. The Electrical Inspector is hereby empowered to make an annual inspection of all electrical wires and equipment in the City and shall keep an accurate record of inspections and the conditions of electrical equipment, and whenever it shall be ascertained by inspection, as provided in this section, that any electrical installation or part thereof in any building is so defective as to render the same dangerous to person or property, the Electrical Inspector shall at once cause notice to be given served upon the owner or person in charge, or the occupant of the same to remedy the defects within a reasonable time, to be stated in such notice, and if defects are not remedied within the time fixed by such notice, the Electrical Inspector may cause the electric current to be disconnected from such building and the electric current shall not again be turned on until all defects or improper conditions have been removed or repaired in conformance with the provisions of the Electrical Code.

156.25 APPOINTMENT OF INSPECTORS. The Electrical Inspectors shall be appointed by the Building Inspector and be under supervision of the Building Official for the enforcement of the Electrical Code and regulations of the City.
(Ord. 485 - Oct. 04 Supp.)

156.26 ELECTRICAL INSPECTORS. Inspectors shall have the following powers, duties and authority:

1. **Entry and Power to Disconnect.** Electrical inspectors shall have the right to enter upon any property during reasonable hours in the discharge of their official duties and shall have the authority to cause the disconnection of any wiring or equipment where such wiring or equipment is dangerous to life or property or may interfere with the work of the Fire Department.

2. **Inspection Authorized.** The Electrical Inspectors are hereby authorized, directed and empowered to inspect any and all electrical installations within the City, to condemn and order removed or remodeled and put in proper and safe condition for the prevention of fire and the safety of life, all electrical heating and lighting apparatus, motors, machinery, fixtures and connections, electrical equipment used in the utilization of electrical current for light, heat or power purposes and to control the disposition and arrangements of the same so that persons and property shall not be in danger therefrom.

156.27 CONFLICT OF INTEREST PROHIBITED. The Electrical Inspector and inspector's assistants shall not engage in the business of the sale, installation or maintenance of electrical equipment, either directly or indirectly, and they shall have no financial interest in any form engaged in such business in the City while holding office.

156.28 ELECTRICIAN'S LICENSE REQUIRED. No person shall engage in the activity, or represent himself or herself to the public as engaging in the activity, of installing, altering, maintaining, or repairing any electrical equipment within the scope of this chapter unless such person shall have first obtained from the City an electrician's license, except that the holders of current electrician's licenses granted by the City prior to the passage of the Electrical Code shall be issued renewals of this license without taking the examinations herein provided. Such licenses shall be issued without examination, upon payment of the required license fee, in the case of any person holding an electrician's license from another Iowa municipal corporation recognized by the board as having similar licensing standards. A licensed electrician shall be on the job at all times while electrical work is in progress.

156.29 RESTRICTED ELECTRICIAN'S LICENSE. Any person, firm or corporation regularly employed as an appliance dealer or installer or an employee performing such service may be qualified by the board of examiners and be licensed as a restricted electrician. Any person so licensed shall work only on the type of appliance or equipment which licensee or licensee's employer sells or services and is restricted to doing service, repair, control work and make electrical connections only from the distribution panel to the equipment which licensee or licensee's employer sells or services. This type of equipment shall include, but is not limited to, water heaters, air conditioners, clothes washers, clothes dryers, stoves, ovens, garbage disposers, dishwashers, water softeners and heating equipment. Any person, firm or corporation in the business of installing or making electrical connections to signs, billboards or outdoor advertising displays may be qualified by the board of examiners and be licensed as a restricted electrician. Any person so licensed shall work only on the signs, billboards, or outdoor advertising displays the licensee sells or services and is restricted to making electrical connections from the distribution panel to the equipment only.

156.30 EXEMPTIONS. The provisions of this chapter shall not apply to:

1. Utility Companies. The electrical work of a public utility company, telephone or telegraph companies, or the person performing electrical work for such companies, where such electrical work is an integral part of the plant used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.
2. Railroad. A regular employee of any railroad who does electrical work only as a part of that employment.

156.31 ISSUANCE TO INDIVIDUALS ONLY. Whenever an electrician's license is issued, it shall be in the name of the person who has qualified for same. No license shall be issued in the name of a firm or corporation.

156.32 CESSATION OF MEMBERSHIP IN FIRM. In the event a firm's or corporation's licensed member ceases to be a member of the firm or corporation, then such firm or corporation shall not be permitted to do any further electrical work except that work under previously issued permits may, at the discretion of the Electrical Inspector, be continued and finished. An electrician who terminates the electrician's association with a firm or corporation shall notify the Electrical Inspector of such termination.

156.33 ELECTRICIAN'S INSURANCE AND BOND. Each electrician, or the firm or corporation employing an electrician doing electrical work under this chapter, shall furnish the Electrical Inspector a copy of insurance providing for coverage in the amounts of fifty thousand dollars (\$50,000) for property damage, one hundred thousand dollars (\$100,000) for bodily injury, and one hundred thousand dollars (\$100,000) for completed operations. Additionally, an electrician's license bond shall be provided in the amount of five thousand dollars (\$5,000). Both the insurance coverage and bond shall be renewed effective January 1 and be in full force and effect from January 1 to December 31 for each respective year. Holders of a restricted electrician's license shall be required to provide an electrician's license bond in the amount of five thousand dollars (\$5,000).

156.34 LICENSE APPLICATIONS, LICENSE AND RENEWALS. Any person desiring to take examinations for any of the licenses or certificates required by the Electrical Code shall make application thereof to the Electrical Inspector on blanks furnished by the inspector and each application shall be accompanied by a receipt from the City for the examination fee, as set out hereinafter, which fee shall be paid for each examination or re-examination. The examination shall be practical, written or oral, or a combination thereof, and shall be of such a nature as to test the capabilities of all applicants for the same type of license uniformly. The applicant shall clearly demonstrate to the board the applicant's qualifications for the particular license and show satisfactory knowledge of the methods and standards for doing electrical work under the Electrical Code of the City. If an applicant fails to pass an examination, the applicant may apply for re-examination after the expiration of six months and upon payment of another examination fee.

156.35 LICENSE FEES. There shall be paid to the City for the issuance of each electrician's license a fee as established by resolution of the Council. The schedule shall be periodically amended as deemed appropriate by the Council.

156.36 LICENSE EXPIRATION AND RENEWAL. All licenses shall expire on January 1 of each year. Any license that has so expired may be renewed within sixty (60) days after the expiration date upon payment of the renewal fee plus ten dollars (\$10.00). Upon the expiration of the aforementioned sixty (60) day period, no license or certificate shall be renewed except upon recommendation of the board and payment of the renewal fee plus ten dollars(\$10.00).

156.37 ELECTRICAL BOARD; CREATION AND AUTHORITY. There is hereby created an Electrical Board, referred to hereinafter as "the board," with authority to:

1. Code Review. Periodically review the Electrical Code and make recommendations thereto to the Council.
2. License Electricians. Prepare and conduct written examinations and examine the qualifications of the applicants for the license and certificates required by this chapter.
3. Suspend or Revoke Licenses. Suspend or revoke any of the licenses or certificates required by this chapter for due cause, within the limits prescribed hereafter.
4. Appeals. Act as a board of appeals to hear grievances arising from a decision of the Electrical Inspector and to provide for reasonable interpretations consistent with the provisions of the Electrical Code. Any person may, upon written request, appeal a previous decision of the electrical inspection or the board for consideration.

156.38 MEMBERSHIP OF BOARD. The board shall consist of five (5) members, four (4) of whom shall be appointed by the Mayor with the approval of the Council. All members of the board shall hold office until their successors have been qualified and appointed. The term of each member other than the Electrical Inspector shall be four (4) years, provided, however, that the original appointments to the board shall be made as follows: one (1) member shall be appointed to serve for a period of one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; and one (1) member for four (4) years. The board shall consist of the following persons: one representative of the public who is qualified by technical or professional experience or training in electrical work; two licensed (active) electrical contractors who shall not be members of the same electrical business or interest; one professional engineer (electrical) or representative of the electrical utility company; and the Electrical Inspector of the City, who shall act as permanent secretary to the board. The Electrical Board shall elect annually one of its members as Chairperson. The Chairperson shall preside at all meetings of the board.

156.39 VACANCIES. All vacancies occurring on the board by removal, resignation or death shall be filled by appointment as determined previously. Any member of the board may be removed by the Council for malfeasance in office, incapacity or neglect of duty. All appointments made under this section shall be for the unexpired term of the position vacated.

156.40 MEETINGS. The board shall conduct regularly scheduled meetings for examination during the months of January, April, July and October of each year. Special meetings may be called at any time by the Chairperson of the board or the Electrical Inspector or upon the written request of two members of the board to the Chairperson or the Electrical Inspector. The Council shall provide suitable space in which the board may hold its meetings, and all necessary equipment and facilities for holding examinations.

156.41 QUORUM. A quorum shall consist of three (3) members of the board. In proceedings relative to the suspension or revocation of licenses or certificates, at least three (3) members must concur in each suspension or revocation.

156.42 VOTING. All members of the board shall have one vote on any and all matters coming before the board, except that no member of the board shall vote on any questions that the member is engaged as a contractor, material dealer, designer or consultant, or in which the member has any direct interest. The Electrical Inspector shall not vote on any question involving an appeal in the Electrical Inspector's previous decision and, in the event of a tie vote, said previous decision shall be affirmed.

156.43 GENERAL RULES. The Electrical Inspector shall keep a full and correct detailed record of the official proceedings of the board and preserve all documents, books, and papers relating to examinations for licenses and certificates and hearings of complaints and charges.

156.44 LEGAL COUNSEL. The board shall have the right to request legal counsel from the City when such counsel is desired, or other legal counsel as required.

156.45 ELECTRICAL BOARD. It shall be the responsibility and duty of the board:

1. Examination. To prescribe rules and regulations for the conduct of examinations of applicants for licenses and certificates and to prepare the subject matter for examinations suitable to determine the qualifications of applicants for licenses and certificates herein prescribed.
2. Certify Applicants. To rule upon the qualifications of all applicants and certify qualified applicants, together with their respective examinations ratings, within thirty (30) days after the date upon which such examination is held, which the Electrical Inspector shall cause such license or certificate to be issued.

3. Homeowners Permit. To adopt a responsible method whereby the Electrical Inspector is authorized to conduct qualifying examinations for a homeowner's permit as described in the Electrical Code.

4. Revoke or Suspend License. To revoke or suspend any license or certificate herein prescribed for violations of the Electrical Code, but only after the person charged therewith has been given notice and an opportunity to be heard in that person's own defense as provided herein. Said hearing shall be held at the earliest convenience of all parties concerned, but in any case shall be within five (5) days, excluding Saturdays, Sundays and holidays, after written notice has been served on the person charged with the violation. The board shall hear all interested parties who have pertinent written or oral evidence or information to present for consideration. Suspensions shall be for any period up to six (6) months, and during the period of such suspension, the license or certificate of the offender shall be void and said offender shall not perform any work for which a license or certificate is required. After the termination of such period of suspension, such license or certificate shall be reactivated by the Electrical Inspector, provided that renewal fees which have become due thereon, as herein set out, have been paid.

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CHAPTER 157

PLUMBING CODE

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157.01 STATE PLUMBING CODE ADOPTED BY REFERENCE.

Pursuant to the authority of §380.10, Code of Iowa, the *State Plumbing Code* referred to in §135.11(5), Code of Iowa, except as hereinafter amended by this chapter, is hereby adopted by reference for the purpose of providing minimum provisions to safeguard life or limb, health, property and public welfare by regulating, licensing and controlling the design, installation, quality of materials, location and maintenance of all plumbing in buildings and premises within the City and of plumbing in buildings and premises located outside the corporate limits of the City but which are served by individual connections to the municipal water supply or sewer system located inside the corporate limits, except that the following higher standards shall be applicable. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the City. The provisions of this chapter shall be known as the "Plumbing Code."

157.02 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the Building Official.

157.03 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the Building Official's office for public inspection.

157.04 AMENDMENTS TO THE STATE PLUMBING CODE. (None.)

157.05 SCOPE. The provisions of the Plumbing Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement,

maintenance or use of any plumbing system, except as otherwise provided for in the Plumbing Code.

157.06 EXISTING INSTALLATIONS. Any plumbing system lawfully installed prior to the effective date of the Plumbing Code may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with prior codes and the original design and location and no hazard to the public health, safety or welfare has been created by such system.

157.07 MAINTENANCE. The owner or the owner's designated agent shall be responsible for the maintenance of the plumbing system in a safe and sanitary condition.

157.08 NUISANCE. Any portion of a plumbing system found by the administrative authority to be unsanitary, as defined herein, is hereby declared to be a nuisance.

157.09 AUTHORITY TO ABATE. Where a nuisance exists or a plumbing system is maintained in violation of the Plumbing Code or any notice issued pursuant to this chapter, the administrative authority shall require the nuisance or violation to be abated and, where necessary, shall seek such abatement in the manner provided by law.

157.10 ADMINISTRATIVE AUTHORITY. The administrative authority shall be the Building Inspector or the Building Inspector's designee.

(Ord. 485 - Oct. 04 Supp.)

157.11 DUTIES AND POWERS OF ADMINISTRATIVE AUTHORITY. The administrative authority may appoint such assistants, deputies, inspectors or other employees as are authorized to carry out the functions imposed upon the administrative authority by this chapter.

157.12 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of the Plumbing Code, or whenever the administrative authority or an authorized representative has reasonable cause to believe there exists in any building or upon any premises any condition which makes such building or premise unsafe, as defined in the Plumbing Code, the administrative authority or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the administrative authority by the Plumbing Code, provided that if such building or premises be occupied, the authority shall first present proper credentials and demand entry; and if such building or premises be unoccupied,

the authority shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrative authority or an authorized representative shall have recourse to every remedy provided by law to secure entry. "Authorized representative" shall include the persons named in Section 157.11 of this chapter.

157.13 ENTRY REFUSED. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the administrative authority or an authorized representative for the purpose of inspection and examination pursuant to the Plumbing Code. Any person violating this subsection shall be guilty of a misdemeanor.

157.14 VIOLATION AND PENALTIES. Any person, firm or corporation violating any provision of the Plumbing Code shall be deemed guilty of a simple misdemeanor. Each separate day or portion thereof during which any violation of the Plumbing Code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this Code of Ordinances. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of the Plumbing Code. No permit presuming to give authority to violate or cancel the provisions of the Plumbing Code shall be valid, except insofar as the work or use which it authorized is lawful.

157.15 CORRECTION OF ERROR. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Plumbing Code or of any other ordinance or from revoking any certificate of approval when issued in error.

157.16 EXPIRATION OF PERMITS. Every permit issued by the administrative authority under the provisions of the Plumbing Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so and the fee therefor shall be one-half (½) the amount required for a new permit for such work, provided no changes have been made or will be made in

the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one (1) year.

157.17 PERMIT REQUIRED. It is unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the administrative authority. A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in permittee's employ.

157.18 WORK NOT REQUIRING PERMIT. No permit shall be required in the case of any repair work as follows: the stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drain pipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as herein provided. No permit shall be required for the cleaning of stoppage or the repairing of leaks in pipes, valves or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

157.19 APPLICATION FOR PERMIT. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The administrative authority may require plans, specifications or drawings and such other information as the applicant may deem necessary.

157.20 PERMIT ISSUED. If the administrative authority determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the Plumbing Code, the administrative authority shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

157.21 COST OF PERMIT. Every applicant for a permit to do work regulated by the Plumbing Code shall state in writing on the application form provided for that purpose the character of the work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as may be required. Such applicant shall pay for each permit,

at the time of issuance, a fee in accordance with the schedule of such fees adopted by resolution of the Council. Any person who shall commence any work for which a permit is required by the Plumbing Code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work; provided, however, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit therefor before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged. For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc. involved. When interceptor traps or mobile home site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to an appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer. When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

157.22 ALL WORK TO BE INSPECTED. All plumbing and drainage systems shall be inspected by the administrative authority to insure compliance with all the requirements of the Plumbing Code.

157.23 NOTIFICATION. It is the duty of the person doing the work authorized by the permit to notify the administrative authority, orally or in writing, that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the test prescribed elsewhere in the Plumbing Code before giving the above notification.

157.24 STOP ORDERS. Whenever any work is being done contrary to the provisions of the Plumbing Code, the administrative authority or an authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the administrative authority to proceed with the work.

157.25 SUSPENSION OR REVOCATION. The administrative authority may, in writing, suspend or revoke a permit issued under provisions of the Plumbing Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provisions of the Plumbing Code.

157.26 LIABILITY. The administrative authority or any employee charged with the enforcement of the Plumbing Code, acting in good faith and without malice for the City in the discharge of authority's duties, shall not thereby render himself or herself liable personally and the authority or employee hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act of omission in the discharge of authority's duties. Any suit brought against the administrative authority or employees because of such act or omission performed by the authority or employee in the enforcement of any provisions of the Plumbing Code shall be defended by the City Attorney until final termination of the proceedings.

157.27 BOARD OF APPEALS. The plumbing examining board shall act as Board of Appeals in making a correct determination of any appeal arising from actions of the administrative authority. Appeals shall be made in writing and the appellant may appear in person before the board or be represented by an attorney and may introduce evidence to support appellant's claims. Appeals shall be heard at reasonable times at the convenience of the board but not later than thirty (30) days after receipt thereof. The appellant shall cause to be made at the appellant's own expense any tests or research required by the board to substantiate appellant's claims.

157.28 LICENSING OF PLUMBERS.

1. Purpose. The purpose of examining and licensing plumbers is to protect public safety, health and welfare.
2. Definitions. For use in this chapter, the following terms are defined:
 - A. "Apprentice plumber" means any person engaged in the business of installing plumbing, other than a journeyman plumber or master plumber. An apprentice plumber must be employed by or work under the supervision of a journeyman or master plumber.
 - B. "Journeyman plumber" means a person who has the necessary qualifications, training, experience and technical knowledge to do plumbing work, and is licensed to do so by the

City, in accordance with the applicable rules and regulations as set by the State of Iowa and the City. A journeyman plumber shall not be issued permits to do plumbing work but shall be under the employ of a bonded master plumber.

C. "Master plumber" means a person who undertakes or offers to undertake to plan for, lay out, supervise and install plumbing work as defined by this chapter. A master plumber shall be required by examination to display a higher degree of competency and knowledge than a journeyman plumber and may be issued permits, upon proper application, after posting a plumber's bond as required by Section 157.29 of this Code of Ordinances. Any person having been issued a master plumber's license by the City shall be considered a licensed journeyman plumber as well.

D. "Plumbing" means the pipes and fixtures associated with the distribution, use and disposal of water to, in and from buildings.

3. License Required. It is the duty of any person, before engaging in the plumbing business, to make application for examination by the Board of Examiners of Plumbers. After such person shall have made an application, the Plumbing Inspector shall notify applicant in writing at least three (3) days before the examining board shall meet. Any master plumber who engages in the practical installation of any plumbing work which is by law subject to official inspection or who does work usually performed by a journeyman plumber shall be required to have a journeyman plumber's license as well as a master plumber's license.

4. Temporary License. Upon the payment of the fee prescribed by this chapter, a temporary license may be issued by the Clerk of the Board of Examiners of Plumbers to any applicant for a license, when the applicant produces satisfactory evidence that the applicant is entitled thereto. A temporary license will entitle the holder thereof to the privilege and protection of this chapter until such applicant shall have been examined by the Board of Examiners and the applicant's qualifications determined. Temporary licenses shall not be renewed. Any applicant failing to pass the examination may be re-examined after the expiration of sixty (60) days.

5. License Not Transferable. No plumbing license shall be transferable.

6. Expiration of License. Plumbing licenses shall expire on December 31 of each year, but may be renewed from year to year upon

payment of the renewal fee provided for in subsection 12 of this section, provided that application for renewal is made in writing on or before December 31. Upon failure to make application for renewal, the applicant becomes subject to a new examination.

7. Revocation of License. Any license issued by the Board of Examiners of Plumbers may be revoked by the Board of Examiners for violation of the provisions of this chapter or of the rules of the local or State board of health.

8. Registration of Apprentice Plumbers. For the purpose of determining length of service as an apprentice plumber, all master plumbers may register with the City Plumbing Inspector those people in their employ who are serving as apprentice plumbers and who are actively doing plumbing work under the supervision of a licensed master or journeyman plumber. Apprentices shall be registered annually on January 1 on a form provided by the Plumbing Inspector.

9. Application for Examination. Any person desiring to be examined for a license as a journeyman plumber or master plumber shall make application therefor to the Plumbing Inspector on blanks to be furnished by the City. Each application shall be accompanied by the payment of the examination fee provided for in this chapter, which sum shall be in full payment of all charges connected therewith.

10. Apprenticeship Required. Any person desiring to be examined as a journeyman or master plumber shall show evidence to the Board of Examiners of having served at least eight thousand (8,000) hours apprenticeship under a licensed journeyman plumber prior to being permitted to take such examination. The Board of Examiners shall allow credit, not to exceed two thousand (2,000) hours, for completion of an accredited apprenticeship training program or formal classroom training approved by the board. Credit shall be on the basis of three (3) hours' credit for each hour of classroom attendance.

11. License Examination. The Board of Examiners of Plumbers shall examine all applicants as to their qualifications to engage in the trade of plumbing and shall issue a license to each applicant found qualified to the satisfaction of the board. The board shall not grant to any person a license as journeyman or master plumber, except as otherwise specifically provided, who has not furnished the board with satisfactory proof that the applicant is a competent, safe and proper person to engage in such trade. For the purpose of determining such facts, the board shall subject the applicant to such examination in respect thereto as it may

deem necessary before granting such license in accordance with the rules adopted by the Board of Examiners.

12. Examination Fees. The fee for examination by the Board of Examiners shall be fifty dollars (\$50.00) for a master or employing plumber. The fee shall be twenty-five dollars (\$25. 00) for a journeyman plumber. Fees for the renewal of a master or employing plumber's license shall be fifteen dollars (\$15.00). Fees for renewal of a journeyman plumber's license shall be seven dollars fifty cents (\$7.50).

157.29 PLUMBER'S BOND. No person shall be entitled to the issuance of a license under the provisions of this chapter until such person has furnished a corporate surety bond in the amount of five thousand dollars (\$5,000), conditioned upon faithful observance of the laws and regulations of the City and of the State relating to plumbing work, upon prompt payment to the City of all sums that may become due or owing to the City by reason of this chapter, upon the payment of all fines that may be assessed under this chapter and to indemnify the City and keep it harmless from liabilities or damages arising from negligence in the carrying out of such plumbing work; also, to provide against loss to any property owner occasioned by plumbing work not in accordance with the Plumbing Code which is ordered removed and replaced by the Plumbing Inspector of the City. Such bond shall be kept in force continuously with the license of any person obtaining a plumbing license pursuant to this chapter.

157.30 EXAMINING BOARD.

1. There is hereby created a Board of Examiners of Plumbers, hereinafter referred to as the board, to consist of five members. Board members shall be appointed by the Mayor with the concurrence of the Council. One member shall be a plumber licensed as a master and/or journeyman by the City. The Mayor shall give preference to individuals licensed as a master plumber in selecting this member. One member shall be either the Jasper County sanitarian or a member of the Jasper County Board of Health. Two members shall be representatives of the public who are not plumbers and who are qualified by technical or professional experience or are generally knowledgeable of plumbing installations. One member shall be the Plumbing Inspector of the City, who shall act as permanent secretary to the board. All members of the board shall be residents of the City, except that this provision may be waived by the Mayor for the Jasper County sanitarian or Board of Health member. Any appointed member may be removed from office for cause by a two-thirds (2/3) vote of the Council.

2. Term of Board Members. The Plumbing Inspector shall serve continuously without appointment. All other members of the board shall serve three (3) year staggered terms after their initial appointment. All members shall serve until their successors are duly appointed and qualified. To implement staggered terms of office, initial terms of office shall expire as follows: one member to serve until January 1, 1999; one member to serve until January 1, 2000; and two members to serve until January 1, 2001. Thereafter, all terms shall be for three years each.

3. Board Vacancy. Should a vacancy in the board occur, it shall be the duty of the Plumbing Inspector to notify the Council of such vacancy. The Council shall immediately appoint a new member to the board to fill the vacancy.

4. Meeting Room; Expenses; Compensation. The Council shall provide suitable rooms in which the Board of Examiners of Plumbers may hold its meetings and shall provide for the necessary incidental expenses incurred by the board. Members of the board shall serve without compensation.

5. Quorum, Vote, Chairperson. Three (3) members of the Board of Examiners of Plumbers shall constitute a quorum for the transacting of all business. Any action taken by the board shall require a majority vote of all members of the board. The failure of the board to take action shall sustain the position of the Plumbing Inspector. The board shall elect annually one of its members as Chairperson. The Chairperson shall preside at all meetings of the board.

157.31 INSPECTOR'S DECISION APPEALED. Any person affected by a decision of the Plumbing Inspector may request and shall be granted a hearing on the decision, provided that such person shall file in the office of the Plumbing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within fifteen (15) days after the day that the person received notice of the decision. Upon receipt of such petition, the Plumbing Inspector shall set a time and place for such hearing and shall give petitioner written notice thereof at least three (3) days before the date set for the hearing, unless such three (3) day notice requirement is waived, in writing, by the petitioner. At such hearing the petitioner shall be given an opportunity to be heard to show why the decision of the Plumbing Inspector should be modified or withdrawn. The Plumbing Inspector shall have the opportunity to be heard to show why a decision should be affirmed. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, unless, for good cause, a postponement of the hearing is granted.

157.32 BOARD ACTION ON APPEAL. After such hearing, the board shall affirm, modify or withdraw the decision of the Plumbing Inspector. The proceedings at any hearing before the board, including the findings and decision of the Plumbing Inspector, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Plumbing Inspector. Such record shall include a copy of every notice or order issued in connection with the matter.

157.33 APPEAL TO COUNCIL. In the event any person shall feel aggrieved by any action of the board, that person may appeal from such action to the Council by filing written notice of an appeal within ten (10) days from the date of the action. The Council shall give the appealing party and the Plumbing Board five (5) days' written notice by certified mail of the date, time, and place of hearing. All interested persons shall be given an opportunity to be heard at such hearing and the Council may affirm, modify, or overrule the action of the board.

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CHAPTER 158

FIRE CODE

158.01 Uniform Fire Code Adopted by Reference	158.08 Storage of Liquefied Petroleum Gas
158.02 Copies on File	158.09 Storage of Explosives and Blasting Agents
158.03 Available for Public Inspection	158.10 Use of Candles and Other Open Flame Devices
158.04 Amendments to the Uniform Fire Code	158.11 Appeals
158.05 Establishment and Duties of Bureau of Fire Prevention	158.12 New Materials Processes or Occupancies Which May Require Permits
158.06 Definition	158.13 Penalties
158.07 Flammable or Combustible Liquids in Outside Above Ground Tanks	

158.01 UNIFORM FIRE CODE ADOPTED BY REFERENCE. Pursuant to the authority of §380.10, Code of Iowa, the *Uniform Fire Code* and the *Uniform Fire Code Standards*, 1997 Edition, copyrighted by the Western Fire Chiefs and the International Conference of Building Officials, except as hereinafter amended by this chapter, are hereby adopted by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion within the City. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the City. The provisions of this chapter shall be known as the "Fire Code."

158.02 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the Building Official.

158.03 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the Building Official's office for public inspection.

158.04 AMENDMENTS TO THE UNIFORM FIRE CODE.

Section 105	Permits	Deleted
Section 1101.3	Permits and Plans	Deleted
Section 2501.3	Permits and Plans	Deleted
Section 2901.2	Permits	Deleted
Appendix II-F, Section 3	Permits and Plans	Deleted

158.05 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

1. The *Uniform Fire Code* shall be enforced by the Fire Department of the City, which shall be operated under the supervision of the Fire Chief.
2. The Fire Chief may detail such members of the Fire Department as inspectors as shall from time to time become necessary. The Fire Chief shall recommend to the City Administrator the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department and the appointments made after examination shall be for an indefinite term, with removal only for cause.

158.06 DEFINITION. Whenever the word "jurisdiction" is used in the *Uniform Fire Code*, it means the City.

158.07 FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS. The limits referred to in Section 7902.2.2.1 and Section 7904.2.5.4.2 of the *Uniform Fire Code* in which the storage of flammable or combustible liquids is restricted are hereby established as follows: Corporate City limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan for the City.

158.08 STORAGE OF LIQUEFIED PETROLEUM GAS. The limits referred to in §8204.2 of the *Uniform Fire Code*, in which storage of liquefied petroleum gas is restricted are hereby established as follows: Corporate City limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan for the City.

158.09 STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The limits referred to in Section 7701.7.2 of the *Uniform Fire Code*, in which storage of explosives and blasting agents is prohibited are hereby established as follows: Corporate City limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan of the City.

158.10 USE OF CANDLES AND OTHER OPEN FLAME DEVICES.

1. Candelabra with flame lighted candles shall be supported by a sturdy broad base to prevent overturning and shall be located away from occupants using the area and away from possible contact with drapes, curtains or other combustibles.
2. When the following safeguards have been taken, hand-held flame-lighted candles may be used:
 - A. Hand-held candles shall not be passed from one person to another while lighted.
 - B. Monitors shall be assigned to observe the occupants of the room or building where hand-held candles are used, and flame-suppressing blankets shall be provided to assist in suppression of fire which might involve a person's hair or clothing.
 - C. Fire extinguishers shall be provided as required for normal occupancy use.
 - D. Attention shall be directed at maintaining proper aisle-ways and exits during such public assemblies.

158.11 APPEALS. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intent and meaning of the Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Building Code Board of Appeals within thirty (30) days from the date of the decision appealed. When the Building Code Board of Appeals hears appeals under the Fire Code, the Fire Chief shall be an ex officio member and shall act as secretary to the board.

158.12 NEW MATERIALS PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Building Official, the Fire Chief and the City Engineer shall act as a committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said Code. The Fire Chief shall post such list in a conspicuous place in the Chief's office and distribute copies thereof to interested parties.

1. All homes which have been burnt to the ground with basements must fill the open basement within thirty (30) days if they have not applied for a building permit. The open basement area must be barricaded for safety reasons immediately. *(Ord. 509 - Oct. 07 Supp.)*

158.13 PENALTIES.

1. Any person who shall violate any of the provisions of this Code or standards hereby adopted or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and for which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the Board of Appeals, within the time fixed herein, shall be guilty of a municipal infraction and on conviction thereof be subject to the penalty imposed by the Code of Ordinances; the imposition of one penalty for any violation shall not excuse the violation of permit to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified each day prohibited conditions are maintained shall constitute a separate offense.
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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CHAPTER 159

MINIMUM HOUSING CODE

159.01 Purpose	159.09 Permit Suspended; Appeal
159.02 Scope	159.10 Inspections
159.03 Title	159.11 Notice of Violation
159.04 Definitions	159.12 Housing Appeals Board
159.05 Permit Required	159.13 Housing Quality Standards
159.06 Permit Denied; Appeal	159.14 Unfit Dwellings; Legal Procedures of Condemnation
159.07 Permit Fee	159.15 Penalties and Remedies
159.08 Permit Suspended	

159.01 PURPOSE. It is hereby declared that the purpose of this chapter is to protect, preserve and promote the physical health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned rental dwellings for the purpose of maintaining adequate sanitation and public health and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all rental dwellings now in existence or hereafter constructed.

159.02 SCOPE. The provisions of this chapter shall apply uniformly to the construction, maintenance, use and occupancy of all residential buildings and structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings within the jurisdiction of the City, irrespective of the date of construction. The provisions of this chapter do not apply to buildings and structures licensed and inspected by the State for a particular use or uses in which residential living is an incident to such use; provided, however, if such building or structure or a portion thereof is used for a part of the day or night for purposes which would otherwise make it subject to this chapter, then and to that extent the provisions of this chapter shall apply. Whenever any portion of a building or structure is subject to this chapter, then all dwelling units and rooming units, including any occupied by the owner or authorized agent, are subject to the provisions of this chapter.

159.03 TITLE. This chapter shall be known and may be cited as the Minimum Housing Code of the City, hereinafter referred to as "the Housing Code."

159.04 DEFINITIONS. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" are used by this chapter, they

shall be construed as though they were followed by the words "or any part thereof." In addition, the following definitions apply in the interpretation of this chapter:

1. "Basement" means a portion of a building located partly underground but having at least one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height above adjoining ground level.
2. "Cellar" means a portion of a building located partly or wholly underground and having less than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height above the adjoining ground level.
3. "Dormitory" means any dwelling where group sleeping accommodations are provided for persons not members of the same family groups in which several occupy large rooms or a series of closely associated rooms under joint occupancy and single management.
4. "Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.
5. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitual unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
6. "Exit" means that portion of a means of egress which is separated from all spaces of the building or structure by construction or equipment as required in this chapter to provide a protected way of travel to the exit discharge.
7. "Exit access" means that portion of a means of egress which leads to an entrance to an exit.
8. "Exit discharge" means that portion of a means of egress between the termination of an exit and a public way.
9. "Exterminating" means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Housing Inspector.
10. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
11. "Habitable room" means a room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, excluding bathrooms, recreation rooms, water closet compartments,

laundries, pantries, foyers or communicating corridors, closets and storing spaces.

12. "Housing Inspector" means the official or officials of the City appointed to administer the provisions of this chapter.

13. "Infestation" means the presence within or around a dwelling of any insects, rodents, or other pests.

14. "Multiple dwelling" means any dwelling containing more than two (2) dwelling units.

15. "Occupant" means any person over one (1) year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

16. "Operation" means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

17. "Owner" means any person who, alone or jointly or severally with others:

A. Has legal title to any dwelling unit, with or without accompanying actual possession thereof, or

B. Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner.

18. "Permit" means a certificate certifying that the unit for which it is issued is in compliance with the applicable provisions of this chapter, which certificate shall expire at the end of one (1) year following its date of issuance, unless sooner suspended or revoked as hereinafter provided, and shall be renewed annually.

19. "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, shower baths, clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections and to water, sewer or gas lines.

20. "Rooming house" means any dwelling, or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator to persons except those whose relationship to the owner or operator by blood, marriage or legal adoption was the basis for occupancy.

21. "Rooming unit" means any group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking and eating purposes.

22. "Rubbish" means combustible and non-combustible waste materials, except garbage, and the term includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

23. "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.

24. "Temporary permit" means a certificate certifying that the unit for which it is issued is not in compliance with the applicable provisions of this chapter and which certifies that the unit for which it is issued may be occupied for a time specified in said certificate pending the completion of the necessary improvements needed to bring it into compliance, said time period being determined by a reasonable time necessary for the completion of said improvements, not to exceed one (1) year, and said temporary permit shall be in effect for said time period unless sooner suspended or revoked as provided in this chapter and shall not be renewable with the exception that one renewal may be granted if the original permit and the renewal do not exceed one (1) year.

159.05 PERMIT REQUIRED. No person shall lease, rent, let, permit, or otherwise allow the occupancy of a dwelling, dwelling unit, or rooming unit, directly or through an authorized agent, unless the person holds a valid rental permit or a temporary permit for said dwelling, issued by the housing inspector in the name of the operator for a specific dwelling or dwelling unit. The permit or temporary permit shall be displayed in a conspicuous place within the dwelling at all time. Each temporary permit shall have clearly stamped thereon the words "TEMPORARY PERMIT" and the duration of said permit.

159.06 PERMIT DENIED; APPEAL. Any person whose application for a permit to operate a rental dwelling has been denied may request and shall be granted a hearing on the matter before the Housing Appeals Board under the procedure provided by Section 159.12.

159.07 PERMIT FEE. Before the Housing Inspector shall issue any permit or temporary permit under the provision of this chapter, there shall be paid by the owner or operator of the rental dwelling unit a fee, the amount of which shall be set by resolution of the Council. The fee for a temporary permit shall be the same as for a permit and a separate fee shall be due for each and every renewal of a temporary permit and a separate fee shall be required for a regular permit issued after a temporary permit has expired or the unit has come into compliance.

159.08 PERMIT SUSPENDED. Whenever, upon inspection of any rental dwelling unit, the Housing Inspector finds that conditions or practices exist which are in violation of any provisions of this chapter, the Housing Inspector shall give notice in writing to the operator of such unit that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Inspector, the operator's permit will be suspended. At the end of such period, the Housing Inspector shall re-inspect such unit and if the Housing Inspector finds that such conditions or practices have not been corrected, the Housing Inspector shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rental dwelling unit and no person shall occupy for sleeping or living purposes therein, provided that in instances where violations of this chapter are confined to one (1) of several dwelling units or rooming units within a dwelling and, in the judgment of the Housing Inspector, do not constitute a hazard to health or safety elsewhere, the Housing Inspector may limit the application of the requirement to vacate premises to the areas in which the violations exist.

159.09 PERMIT SUSPENDED; APPEAL. Any person whose permit to operate a rental dwelling unit has been suspended or who has received notice from the Housing Inspector that a permit is to be suspended unless existing conditions or practices are corrected, may request, and shall be granted, a hearing on the matter before the Housing Appeals Board under the procedure provided by Section 159.12 of this chapter, provided that if no petition for such hearing is filed within ten (10) days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

159.10 INSPECTIONS. The Housing Inspector, or a duty authorized agent, is hereby authorized and directed to make inspections to determine the condition of all owner occupied dwellings, rental dwelling units, rooming units, and premises located within the City in order that the Housing Inspector or designee may perform the duty of safeguarding the health and safety of the

occupants of dwellings and of the general public. The provisions of this chapter shall be enforced against owner-occupied single family dwellings and the occupants thereof only (a) upon receipt of a complaint from a party identifying himself or herself, made or filed with City officials by a person not in the City's employ, or (b) when such dwelling is directly involved in a project or program of structural improvement which is subsidized in whole or in part by public funds, and then only to the extent defined in that project or program. For the purpose of making such inspections, the Housing Inspector or a duly authorized agent is hereby authorized to enter, examine and survey at all reasonable times all owner occupied dwellings, rental dwellings, rental dwelling units, rooming units and premises, with the consent of the owner or a duly authorized agent. Such inspections shall be at reasonable times on the week days between the hours of 7:30 a.m. and 4:30 p.m., or at any other time when the owner or a responsible occupant or the authorized agent is by arrangement present. In the event that the owner, occupant, or authorized agent of the said owner shall refuse to allow the Housing Inspector or a duly authorized agent free access to such owner occupied dwellings, rental dwelling, rental dwelling units, rooming units and premises at reasonable times, then and in the event the Housing Inspector or a duly authorized agent shall secure a search warrant to inspect such units or premises on the basis of the refusal of the owner, occupants, or authorized agent to allow said inspector.

159.11 NOTICE OF VIOLATION. Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Housing Inspector shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

1. Be put in writing.
2. Include a statement of the reasons why it is being issued.
3. Allow a specific time for the performance of any act it requires.
4. Be served upon the owner or owner's agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon the owner, owner's agent, or occupant personally or if a copy thereof is sent by certified mail to the last known address, or if owner, owner's agent or occupant is served with such notice by any other method authorized or required under the laws of the State.

Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter.

159.12 HOUSING APPEALS BOARD. For the purposes specified in this chapter there is hereby created a Housing Appeals Board, which shall be the Building Code Board of Appeals.

1. Hearing. Any person affected by any notice that has been issued in connection with the enforcement of any provisions of this chapter may request, and shall be granted, a hearing on the matter before the Housing Appeals Board, provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition the Housing Inspector shall set a time and place for such hearing, shall give the petitioner written notice thereof, and shall take no further enforcement action pending the outcome of the hearing. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed, provided that upon application of the petitioner, the Housing Inspector may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if, in the Housing Inspector's judgment, the petitioner has submitted a good and sufficient reason for such postponement.

2. Action by Board. After such hearing, the Housing Appeals Board shall by written order sustain, modify, or withdraw the violation(s) cited in the Housing Inspector's notice, and reinstate or revoke the permit accordingly in said order, after consideration of whether the provisions of this chapter have been complied with.

3. Record and Appeal. The proceedings at such hearing, including the findings and decision of the Housing Appeals Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Housing Inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. No hearing shall be valid unless a majority of the board is present and no decision at a hearing shall be valid and binding unless reached by a majority of the whole board. Any person aggrieved by the decision of the Housing Appeals Board may seek relief therefrom by appeal to the Iowa District Court, in and for Jasper County, Iowa.

4. Emergency Order. Whenever the Housing Inspector finds that an emergency exists which threatens immediately the public health, the Housing Inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the Housing Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but, upon petition to the Housing Inspector, shall be afforded a hearing at the earliest expedient time. After such hearing, depending upon its findings as to whether the provisions of this chapter have been complied with, the Housing Appeals Board shall continue such order in effect, modify it or revoke it.

5. Conflict. Enforcement of the Housing Code shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of the Housing Code, this section shall govern insofar as applicable.

6. Liability. The City or any employee is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of the Housing Code. The Housing Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the City or any City employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.

159.13 HOUSING QUALITY STANDARDS. The following housing quality standards are derived from the housing quality standards as promulgated by the United States Department of Housing and Urban Development and published in the Federal Register, Volume 43, Number 251, on Friday, December 29, 1978, and are adopted to establish a Housing Code pursuant to House File 2536 (68th G.A., 1979).

1. Sanitary Facilities.

A. Performance Requirement. The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

- B. Acceptability Criteria. A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall drain into an approved public or private disposal system.
2. Food Preparation and Refuse Disposal.
- A. Performance Requirement. The dwelling unit shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.
- B. Acceptability Criteria. The unit shall contain the following equipment in proper operating condition: cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the owner or the family, and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services outdoors for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).
3. Space and Security.
- A. Performance Requirement. The dwelling unit shall afford the family adequate space and security.
- B. Acceptability Criteria. A living room, kitchen area, and bathroom shall be present and the dwelling unit shall contain at least one sleeping or living/sleeping room. Every dwelling unit shall have at least one room which shall have not less than one hundred fifty (150) square feet of floor area. Other habitable rooms except kitchens shall have an area of not less than seventy (70) square feet. Exterior doors and windows accessible from outside the unit shall be lockable.
4. Thermal Environment.
- A. Performance Requirement. The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.
- B. Acceptability Criteria. The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating

condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

5. Illumination and Electricity.

A. Performance Requirement. Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

B. Acceptability Criteria. Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two (2) 115V. duplex electrical convenience outlets shall be present and adequately located to limit the use of extension cords in the living area, kitchen area and each bedroom area. All electrical wiring shall be maintained in a safe condition, shall be used in a safe manner, and properly operate for the use for which it is intended.

6. Structure and Materials.

A. Performance Requirement. The dwelling shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. All dwellings shall be properly maintained and kept in good repair so they do not have a blighting influence on their neighborhood or the City.

B. Acceptability Criteria. Every footing, foundation, roof, gutter, leader, downspout, wall, door, window, skylight, ceiling, floor, plumbing fixture, heating apparatus, chimney vent, electrical equipment, and screen must be maintained in sound condition, rodent-proof and in good repair. All exterior foundation walls shall be properly graded and drained so as to be kept free of stagnant water. All exterior wood surfaces other than decay resistant woods shall be painted or protected by covering or treatment using non-toxic materials where readily accessible to children. All exterior stairways, porches, and other appurtenances shall be kept in sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon. All stairs shall have uniform risers and treads. All

repairs shall be done in a workmanlike manner and the site maintained in a safe and sanitary condition.

7. Interior Air Quality.

A. Performance Requirements. The dwelling units shall be free of pollutants in the air at levels which threaten the health of the occupants.

B. Acceptability Criteria. The dwelling units shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, excessive dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

8. Water Supply.

A. Performance Requirements. The water supply shall be free from contamination.

B. Acceptability Criteria. The unit shall be served by an approved public or private sanitary water supply.

9. Lead Based Paint.

A. Performance Requirement. The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 24 U.S. C. 4801; and the owner shall provide a certification that the dwelling is in accordance with such HUD regulations. If the property was constructed prior to 1978, the requirements of Title IV of the Lead Based Paint Poisoning Prevention Act apply.

B. Acceptability Criteria. Same as Performance Requirement.

10. Access Performance Requirements. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties and the building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows). Every sleeping room below the fourth story shall have at least one operable window with a finished sill height of not more than forty-four (44) inches above the floor or an exterior door approved for emergency egress or rescue.

11. Site and Neighborhood Performance Requirements. The site and neighborhood shall not be subject to serious adverse environmental

conditions, natural or man made, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides, abnormal air pollution, smoke or dust, excessive noise, vibration or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards.

12. Sanitary Condition.

A. Performance Requirement. The unit and its equipment shall be in sanitary condition.

B. Acceptability Criteria. The units and its equipment shall be free of vermin and rodent infestation.

13. Early Warning Fire Protection System.

A. Performance Requirement. The owner shall provide and maintain smoke detectors for each rental dwelling unit and rooming unit. If the smoke detector within an individual dwelling unit or rooming unit requires routine replacement of batteries for proper operation, the owner or operator may require the tenant of the dwelling unit or rooming unit to be responsible for such. In this event, the owner or operator shall adequately notify the tenant of this responsibility. Smoke detectors located in common areas of multiple dwellings or rooming houses, such as stairways, corridors and basements shall be maintained by the owner or operator of the dwelling. No person shall alter or tamper with a smoke detector or otherwise interfere with its operating characteristics.

B. Acceptability Criteria. All dwelling units shall be provided with smoke detectors as approved by the Housing Inspector. The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. All detectors shall be located according to the manufacturers' directions. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

14. Additional Provisions. Additional provisions for multiple dwellings and rooming houses containing more than four (4) persons not related to the owner or operator by blood, marriage or legal adoption.

A. Performance Requirement. All multiple dwellings and rooming houses shall comply to the fire safety rules provided for in Section 680-5.803(100) of the Iowa Administrative Code.

B. Acceptability Criteria.

(1) Exits. Each living unit and rooming unit shall have access to at least two separate exits which are remote from each other and are reached by travel in different directions, except that a common path of travel may be permitted for the first twenty (20) feet; that is, a dead-end corridor serving apartments may be permitted not to exceed twenty (20) feet in length.

(2) Exception No. 1. Each living unit or rooming unit which has an exit directly to the street or yard at ground level or by way of an outside stairway or an enclosed stairway with fire resistance rating of one (1) hour or more serving that unit only and not communicating with any floor below the level of exit discharge or other area not a part of the unit served may have a single exit.

(3) Exception No. 2. A building of any height with not more than four (4) dwelling or rooming units per floor with a smoke proof tower or outside stair as the exit, immediately accessible to all units served thereby, may have a single exit. ("Immediately accessible" means a travel distance of twenty (20) feet maximum from the door of a unit to the door of an open-air vestibule or balcony leading to a smoke proof tower.)

(4) Exception No. 3. Any building three (3) stories or less in height with no floor below the level of exit discharge, or, in case there is such a floor, with the street floor construction of at least one (1) hour fire resistance may have a single exit, under the following conditions:

a. The stairway is completely enclosed with a partition having a fire resistance rating of at least one (1) hour with self-closing $\frac{3}{4}$ -hour fire protection rated doors protecting all openings between the stairway enclosure and the building.

b. The stairway does not serve any floor below the level of exit discharge.

c. All corridors serving as access to exits have at least a one (1) hour fire resistance rating.

d. There is not more than twenty (20) feet of travel distance to reach an exit from the entrance door of any dwelling unit or rooming unit.

C. Protection of Vertical Openings.

(1) All stairways, elevator shafts and other vertical openings shall be enclosed or protected with material equal to one-hour, fire resistive construction. All required exit stairs which are located so that it is necessary to pass through the lobby or other open space to reach the outside of the building shall be continuously enclosed down to the lobby level. In lieu of protecting vertical openings, the owner may elect to install a detection and alarm system approved by the Housing Inspector.

(2) Unprotected vertical openings may be permitted in fire resistive buildings with Class A finish, or in sprinklered buildings, not to exceed two floors. This paragraph is to permit open stairways from the lobby to the mezzanine level or open stairs from the lobby to basement areas used for hotel purposes.

(3) Wire glass, not to exceed nine hundred (900) square inches in any single frame, may be used in stairway doors.

(4) All doors to stairway enclosures shall be protected by a fire assembly having a one-hour fire protection rating and shall be a self-closing type.

D. Interior Finish. The exit ways, lobbies, public assembly meeting rooms and corridors shall have Class A interior finish. Class A finish shall mean the use of materials having a flame spread of less than 25 as rated by the National Board of Underwriters Laboratories.

E. Exit Lighting and Signs. All apartment buildings two (2) or more stories high and having more than ten (10) apartment units shall have corridor and exit signs. The illumination of corridor and exit signs shall be such that people of normal vision can move freely and the exit signs shall be legible at all times from any common corridor area.

F. Hazardous Occupancies. Hazardous occupancies in apartment buildings, such as boiler rooms, utility rooms and general storage areas, shall be protected by walls and fire doors constructed of materials providing at least a minimum of one-hour fire rating. In lieu of this protection, a detection and alarm system approved by the Housing Inspector shall be provided.

G. Fire Protection Equipment and Devices. Approved type fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants and spaced so that no person will have to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in areas that constitute a special hazard. Type and number of portable fire extinguishers shall be determined by the Housing Inspector. As an alternative, each multiple dwelling unit may be equipped with a fire extinguisher having a 2A rating to be provided by the owner and maintained by the tenant.

159.14 UNFIT DWELLINGS; LEGAL PROCEDURES OF CONDEMNATION.

No person shall let to another for occupancy any rental dwelling or rental unit for the purpose of living, sleeping, cooking or eating thereon which does not comply with the following requirements:

1. Unfit for Human Habitation. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Housing Inspector.
 - A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - B. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - C. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
2. Vacated Immediately. Any dwelling or dwelling unit, or any portion thereof, condemned as unfit for human habitation and so designed and placarded by the Housing Inspector shall be vacated immediately as ordered by the Housing Inspector.

3. Elimination of Defects. No dwelling or dwelling unit, or portion thereof, which has been condemned and placarded as unfit for human habitation, shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Housing Inspector. The Housing Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

4. Deface or Remove Placard. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection 3 above.

5. Appeal. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request, and shall be granted, a hearing on the matter before the Housing Appeals Board under the procedure set forth in Section 159.12 of this chapter.

159.15 PENALTIES AND REMEDIES. Violation of the provisions of this chapter shall constitute a simple misdemeanor subject to the penalty provided in this Code of Ordinances, or in the alternative, the Council may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of the Minimum Housing Code of the City, as amended.

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CHAPTER 160

FLOOD PLAIN REGULATIONS

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160.01 PURPOSE. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. **Restrict Use.** Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
2. **Vulnerable Uses Protected.** Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. **Unsuitable Land Purchases.** Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. **Flood Insurance.** Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Base flood" means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. "Existing construction" means 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."

5. "Existing factory-built home park or subdivision" means 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) was completed before the effective date of these flood plain management regulations.

6. "Expansion of existing factory-built home park or subdivision" means 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).

7. "Factory-built home" means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also 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.

8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. "Flood" means 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.

10. "Flood elevation" means 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 floodwaters related to the occurrence of the 100-year flood.

11. "Flood Insurance Rate Map (FIRM)" means 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.
12. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.
13. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
14. "Floodproofing" means 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.
15. "Floodway" means 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.
16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. "Historic structure" means any structure that is:
 - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

18. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.09(4)(A); and

B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

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

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. "New factory-built home park or subdivision" means 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 these flood plain management regulations.

21. "100-Year Flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
23. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone A on the Flood Insurance Rate Map.
24. "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.
25. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
26. "Substantial damage" means 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.

27. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to 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."

B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Jasper County and Incorporated Areas, Panels 134, 142, 153, and 161, dated October 16, 2007, which is hereby adopted and made a part of this chapter.

(Ord. 506 -- Jun. 07 Supp.)

160.04 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

160.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Zoning Board of Adjustment and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

160.09 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.

- D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot 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 Zoning Board of Adjustment, 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. Nonresidential buildings. All new or substantially improved nonresidential 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 floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are 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:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into

the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities other than on-site systems shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. 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 Special Flood Hazard Area.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

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

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

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

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

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.09(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

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 Section 160.09 (5) of this chapter 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.

160.10 ADMINISTRATION. The Mayor shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit 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.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.
5. Notify adjacent communities and/or 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.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.11 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.12 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. **Work To Be Done.** Description of the work to be covered by the permit for which application is to be made.
2. **Location.** Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. **Use or Occupancy.** Indication of the use or occupancy for which the proposed work is intended.
4. **Flood Elevation.** Elevation of the 100-year flood.
5. **Floor Elevation.** Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
6. **Cost of Improvement.** For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. **Other.** Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.13 ACTION ON 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 chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Zoning Board of Adjustment.

160.14 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.15 VARIANCES. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

160.16 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Zoning Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.

6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

160.17 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.16, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.
5. Floodproofing measures.

160.18 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

- A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. 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 percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. 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.

160.19 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

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GENERAL PROVISIONS AND DEFINITIONS

165.01 SHORT TITLE. This chapter shall be known and may be cited as the “City of Colfax, Iowa, Zoning Ordinance.”

165.02 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, safety, and general welfare in the City of Colfax, Iowa.

165.03 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in

conformity with all the regulations herein specified for the district in which it is located.

2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist.

165.04 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the Seal of the City, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.04(1) of Ordinance No. _____ of the City of Colfax, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made on the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the City of Colfax, Iowa."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

165.05 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

8. Where a district boundary line divides a lot which was in single ownership at the time of adoption of this chapter, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;

9. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line of the vacation.

10. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.06 DEFINITIONS. For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "shall" is mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" or "parcel."

1. "Abutting" means having property or district lines in common.
2. "Access" means a way of approaching or entering a property from a public street or alley.
3. "Accessory Buildings" means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main

building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

4. "Accessory Use" means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. "Agriculture" means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
6. "Alley" means a public way, other than a street, affording secondary means of access to abutting property.
7. "Basement" means a story having part but not more than one-half ($\frac{1}{2}$) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
8. "Bed and Breakfast Houses" means a house or portion thereof where short-term lodging, rooms, and meals are provided for three (3) or more persons. The operator shall live on the premises.
9. "Board" means the Board of Adjustment.
10. "Boarding Houses" means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
11. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures, or vehicles originally designed for transportation purposes.
12. "Building, Height of" means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
14. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, recreational vehicle, or mobile home.
15. "Dwelling, Multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families.
16. "Dwelling, Single-family" means a building designed for or occupied exclusively by and for residence purposes by one (1) family.
17. "Dwelling, Two-family" means a building designed for or occupied exclusively by and for residence purposes by two (2) families.
18. "Family" means one (1) or more persons related by blood, marriage, or adoption occupying a single dwelling unit. A family shall include not more than four (4) persons not related by blood, marriage, or adoption; however, domestic employees employed on the premises may be housed on the premises without being counted as a family or families.
19. "Family Home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, "family home" does not mean an individual foster care family home licensed under Chapter 237, Code of Iowa.
20. "Frost-Free Foundation" means foundation supporting a structure and which is required to be at least forty-eight (48) inches below grade.
21. "Garage" means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
22. "Garage, Private" means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
23. "Garage, Public or Storage" means a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

24. "Grade" means the average elevation of the finished ground at the exterior walls of the main building.

25. "Health Care Facility" means any residential care facility, intermediate care facility, or skilled nursing facility.

A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.

26. "Home Occupation" means an occupation conducted in a dwelling unit, provided that:

A. No persons other than members of the family residing on the premises shall be engaged in such occupation, except by special exception of the Board of Adjustment, in which case the

Board may allow up to one (1) additional person from outside the family to be employed.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty (50) percent of the gross floor area of one (1) floor of the dwelling unit shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No home occupation shall be conducted in any accessory building except by special exception of the Board of Adjustment.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

27. "Hospital" means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and

shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

28. "Hotel" means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

29. "Junk Yard" means any area where waste, discarded or salvaged materials, or junk or junk vehicles as defined in Chapter 51, are stored, kept, bought, sold, exchanged, baled, packed, disassembled or handled, including places or yards for storage of salvaged house materials or structural steel materials or salvaged equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. (*Ord. 565 - Mar. 11 Supp.*)

30. "Kennel (Commercial)" means an establishment in which three (3) or more dogs or domestic animals more than four (4) months old are housed, groomed, bred, boarded, trained, or sold.

31. "Lodging House" means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

32. "Lot" means for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

33. "Lot Frontage" means the front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

34. "Lot Measurements":

A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where eighty (80) percent requirement shall not apply.

35. "Lot of Record" means a lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

36. "Lot Types" - The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

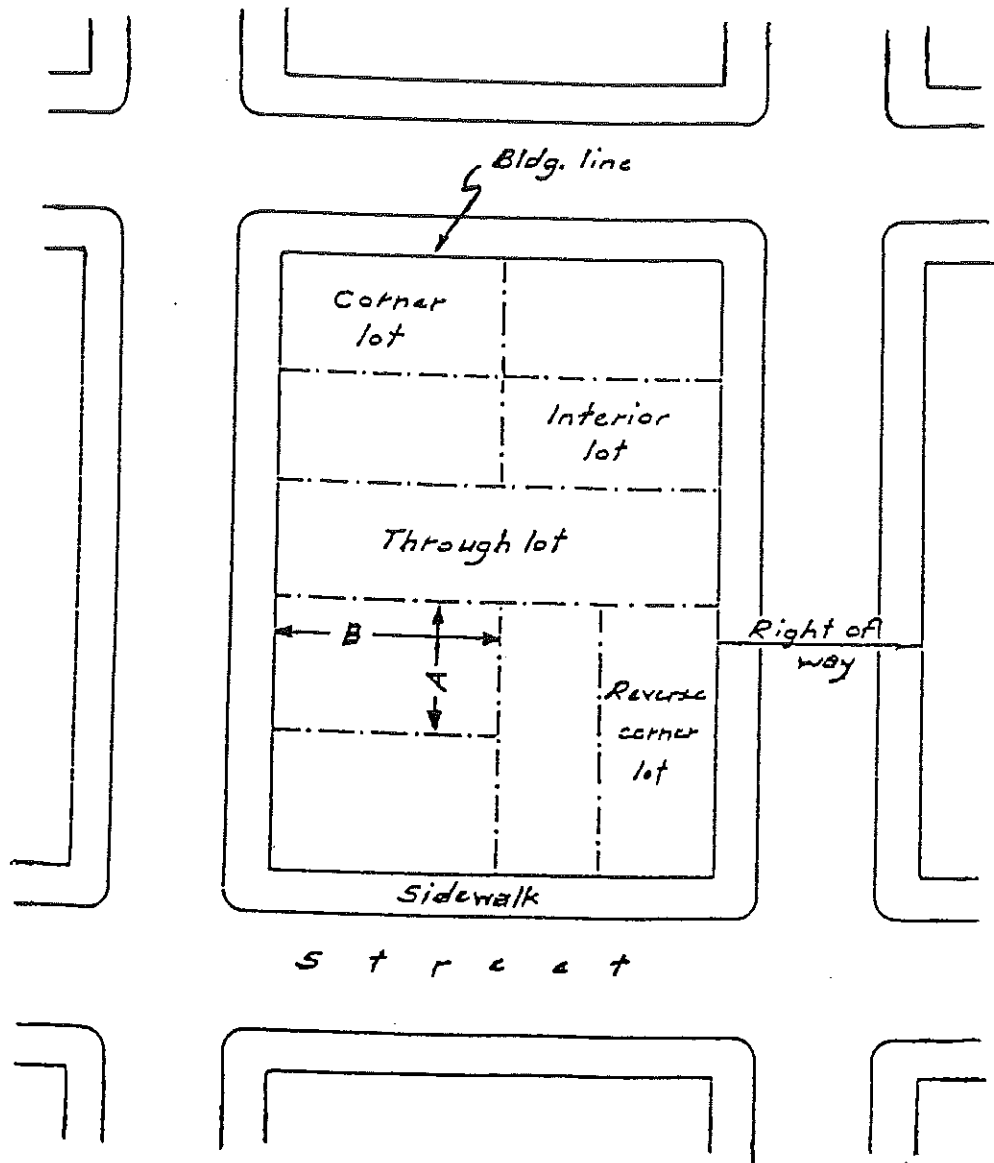
A. "Corner" lot - a lot located at the intersection of two (2) or more streets.

B. "Interior" lot - a lot other than a corner lot with only one (1) frontage on a street other than an alley.

C. "Through" lot - a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.

D. "Reversed Corner" lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART - LOT



A - Width of lot

B - Depth of lot

37. "Manufactured Home" means a manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in 435.26 of the Code of Iowa and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

38. "Mobile Home" means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include camp car and house car.

39. "Modular Home" means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

40. "Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)" means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

41. "Nonconformities" means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter's enactment.

42. "Nursing or Convalescent Home" means a building or structure having accommodations and where care is provided for invalid, infirm,

aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

43. "Parking Space" means an area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

44. "Permitted Use" means a use by right which is specifically authorized in a particular zoning district.

45. "Preschool/Child Care Center" means an establishment providing for the care, supervision and protection of children for a fee.

46. "Principal Use" means the main use of land or structures as distinguished from an accessory use.

47. "Projections (into yards)" means parts of buildings such as architectural features that extend beyond the building's exterior wall.

48. "Recreational Vehicle" means a vehicular type, portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, boats and boat trailers, and self-propelled motor homes.

49. "Service Station (Gas Station)" means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

50. "Setback" means the required distance between every structure and lot line on the lot in which it is located.

51. "Signs" means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

52. "Signs, Off-Premises" means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving

public service information (date, time, temperature, weather, information, etc.).

53. "Signs, On-Premises" means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

54. "Statement of Intent" means a statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

55. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

56. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

57. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

58. "Street Line" means the right-of-way line of a street.

59. "Structural Alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

60. "Structure" means anything constructed or erected and enclosed which requires location on the ground or attached to something having location on the ground, including signs and billboards and excluding temporary political and real estate signs but not including fences or walls used as fences.

61. "Swimming Pool" means an artificial basin and its appurtenances, either constructed or operated for swimming, wading or diving, and includes a swimming pool, wading pool, waterslide or associated bathhouse. "Swimming pool" does not include a decorative fountain which does not serve primarily as a wading or swimming pool and the drain of said fountain is not connected to any type of suction device for

removing or the recirculation of the water. "Swimming pool" does not include temporary children's wading pools under two (2) feet in depth.

(Ord. 440 – Sep. 01 Supp.)

62. "Use" means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

63. "Variance" means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, and which further meets the criteria established in Section 165.61(3)(A) of this chapter.

64. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

65. "Yard, Front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be either side for the purpose of selecting the rear yard. Corner lots shall meet the front yard requirements on each street frontage. (See chart on following page)

66. "Yard, Rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. (See chart on following page)

67. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On corner lots the yard not designated as front or rear yard shall be considered the side yard. Each corner lot shall have two (2) fronts, a rear and one (1) side yard. (See chart on following page)

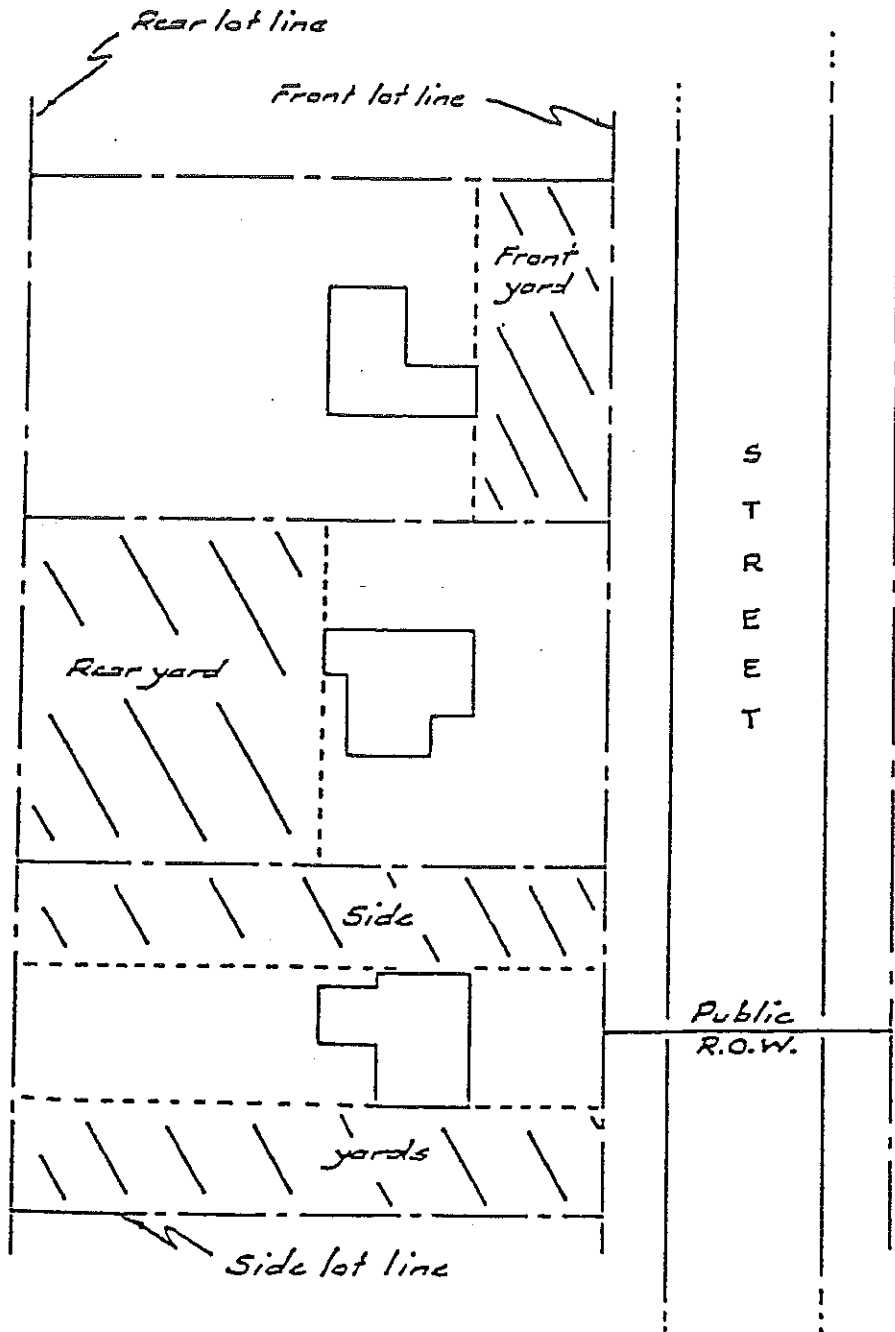
68. "Zoning Administrator" means the local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment.

Permits are issued by the Zoning Administrator and reviewed/approved by the City Council.

69. "Zoning District" means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

70. "Zoning Map" means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

CHART - YARD



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