

WORTHINGTON CODE OF ORDINANCES

**CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION
7600 COMMERCE PARK
DUBUQUE, IOWA 52002**

TABLE OF CONTENTS

	PAGE
TITLE I GENERAL PROVISIONS	1
CHAPTER 1 GENERAL PROVISIONS.....	1
CHAPTER 2 RIGHT OF ENTRY	5
CHAPTER 3 PENALTY	6
TITLE II POLICY AND ADMINISTRATION.....	12
CHAPTER 1 CITY CHARTER.....	12
CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS.....	13
CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS.....	15
CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS.....	30
CHAPTER 5 CITY FINANCE	31
CHAPTER 6 POSTING.....	35
CHAPTER 7 CITY ELECTION.....	36
TITLE III COMMUNITY PROTECTION	40
CHAPTER 1 OFFENSES	40
CHAPTER 2 NUISANCES	50
CHAPTER 3 TRAFFIC CODE	58
CHAPTER 4 RESERVED	87
CHAPTER 5 FIRE PROTECTION	89
CHAPTER 6 CURFEW FOR MINORS.....	90
CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	98
CHAPTER 8 CIGARETTE LICENSE.....	101
CHAPTER 9 ALCOHOLIC BEVERAGES	106
CHAPTER 10 JUNK VEHICLES	108
CHAPTER 11 BUILDING NUMBERS	122
TITLE IV MENTAL AND PHYSICAL HEALTH.....	123
CHAPTER 1 ANIMAL CONTROL - DOGS.....	123
CHAPTER 2 ANIMAL CONTROL - DOMESTIC & VICIOUS ANIMALS.....	125
TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE.....	138
CHAPTER 1 LIBRARY SERVICES	138

	PAGE
TITLE VI PHYSICAL ENVIRONMENT	142
CHAPTER 1 MOBILE HOME REGULATION	142
CHAPTER 2 UTILITIES – BILLING CHARGE	145
CHAPTER 3 UTILITIES – SANITARY SYSTEMS.....	154
CHAPTER 4 UTILITIES - WATER SYSTEM.....	164
CHAPTER 5 UTILITIES - REFUSE COLLECTION.....	176
CHAPTER 6 CABLE TELEVISION	185
CHAPTER 7 SUBDIVISION REGULATIONS	186
CHAPTER 8 SIDEWALK REGULATIONS	208
CHAPTER 9 FLOOD CONTROL.....	217
CHAPTER 10 BUILDING PERMITS AND REGULATIONS	239
CHAPTER 11 STREET NAMES	243
CHAPTER 12 STREET CUTS AND EXCAVATIONS.....	244
CHAPTER 13 TREES	246
CHAPTER 14 TAX INCREMENT FINANCING.....	251
CHAPTER 15 INDUSTRIAL PROPERTY TAX EXEMPTION	253
 TITLE VII SPECIAL ORDINANCES	 258
CHAPTER 1 STREET GRADES	258
CHAPTER 2 VACATED STREETS AND ALLEYS.....	261
CHAPTER 3 ELECTRIC FRANCHISE	262
CHAPTER 4 GAS FRANCHISE.....	263
CHAPTER 5 TELEPHONE FRANCHISE	267
CHAPTER 6 CABLE TV FRANCHISE	268
CHAPTER 7 SEX OFFENDER RESIDENCY RESTRICTED- REPEALED ...	269

TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-5	Amendment
1-1-2	Grammatical Interpretation	1-1-6	Severability
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-7	Schedule of City Council Meetings
1-1-4	Construction		

1-1-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground;
(Ord. 172, Passed November 4, 2013)
2. "Chief of Police" means marshal and "marshal" means Chief of Police;
3. "City" means the City of Worthington, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
4. "Clerk" means Clerk-Treasurer.
5. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
6. "Council" means the City Council of the City. All its members or all council persons mean the total number of council persons provided by the City charter under the general laws of the state;
7. "County" means the County of Dubuque, Iowa;
8. "Fiscal Year" means July 1 to June 30.
9. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
10. "May" confers a power;

11. "Month" means a calendar month;
12. "Must" states a requirement;
13. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
14. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
15. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
16. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;
17. "Person" means natural person any other legal entity or the manager, lessee, agent, servant, officer or employee of any of them;
(Ord. No.162, Passed October 17, 2005)
18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
19. "Preceding" and "following" mean next before and next after, respectively;
20. "Property" includes real and personal property;
21. "Real property" includes an interest in land;
(Ord. No.162, Passed October 17, 2005)
22. "Shall" imposes a duty;
23. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
24. "State" means the State of Iowa;
25. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;
26. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

27. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. "Written" includes printed, typewritten, or electronically transmitted such as facsimile or electronic mail:

(Ord. No.162, Passed October 17, 2005)

29. "Year" means a calendar year;

30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

31. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the ordinances of the City;

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this Code and all proceeds under it are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Worthington Municipal Code of 1996 constituting this municipal

Code, and shall include proper references to chapter and section to maintain the orderly codification of the ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

(Ord. No.162, Passed October 17, 2005)

1-1-7 SCHEDULE OF CITY COUNCIL MEETINGS. The regular meetings of the City Council are hereby set for the first and third Mondays of the month at 6:30 p.m. The City Council may, by simple motion, change the meeting date or set special meetings directed by holidays and special circumstances.

(Ord. No. 89, Passed July 10, 1978)

(Amended by 1996 Codification)

(Ord. 172, Passed November 4, 2013)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 **RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

- 1-3-1 General Penalty
1-3-2 Civil Penalty--Municipal
Infraction
- 1-3-3 Scheduled Fines

1-3-1 GENERAL PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Worthington is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Worthington shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed thirty days.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 364.3(2))

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.
(Code of Iowa, Sec. 364.22))

1. Definitions.

a. Municipal Infraction. Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Worthington, or any ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Worthington, or any ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Worthington.

c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

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

Schedule of Civil Penalties

First offense--Not more than five hundred dollars (\$500.00).

Second offense--Not more than seven hundred fifty dollars (\$750.00).

All other repeat offenses--Not more than one thousand dollars (\$1,000.00).

(Amended during codification 1999)

(Ord. No.162, Passed October 17, 2005)

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

c. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations.

a. Any officer authorized by the City to ensure the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, substituted service, by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

(Ord. No.162, Passed October 17, 2005)

c. The original of the citation shall be filed with the clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.

(Ord. 172, Passed November 4, 2013)

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

(1) The name and address of the defendant.

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

(3) The location and time of the infraction.

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

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

- (6) The time and place of court appearance.
- (7) The penalty for failure to appear in court.
- (8) The legal description of the affected property, if applicable.
(Ord. 172, Passed November 4, 2013)

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or Iowa Code.

Pages 9-11 Reserved

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-4	Number and Term of City Council
2-1-2	Form of Government	2-1-5	Term of Mayor
2-1-3	Powers and Duties	2-1-6	Copies on File

2-1-1 CHARTER. This ordinance may be cited as the Charter of the City of Worthington, Iowa.
(Ord. No. 86, Passed September 7, 1976)

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Worthington, Iowa, is the Mayor-Council form of government.
(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the City of Worthington, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of five City Council members elected at large, to staggered four year terms.
(Code of Iowa, Sec. 372.4)
(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of two years.
(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Clerk-Treasurer shall keep an official copy of the charter on file with the official records of the City Clerk-Treasurer, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk-Treasurer's office for public inspection.
(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-5	Bonds Required
2-2-2	Appointments of Officers	2-2-6	Surety
2-2-3	Terms of Appointive Officers	2-2-7	Blanket Position Bond
2-2-4	Vacancies in Offices	2-2-8	Bonds Filed

2-2-1 **CREATION OF APPOINTIVE OFFICERS.** There are hereby created the following appointive officers: Clerk-Treasurer, Police Chief, Attorney, Superintendent.

2-2-2 **APPOINTMENT OF OFFICERS.** The Mayor shall appoint a Mayor pro tempore and shall appoint and dismiss the Police Chief with the consent of a majority of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or ordinance.

(Ord. No.162, Passed October 17, 2005)

2-2-3 **TERMS OF APPOINTIVE OFFICERS.** The terms of all appointive officers that are not otherwise fixed by law or ordinance shall be two (2) years.

2-2-4 **VACANCIES IN OFFICES.** A vacancy in an appointive office shall be filled in the same manner as the original appointment. A vacancy in an elective office shall be filled by a majority vote of all members of the City Council, unless filled by election in accordance with state law.

2-2-5 **BONDS REQUIRED.** Each municipal officer required by law or ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-2-6 **SURETY.** Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 **BLANKET POSITION BOND.** The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a

surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk-Treasurer, except that the Clerk-Treasurer's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-6	Powers and Duties of the Clerk-Treasurer
2-3-2	Books and Records	2-3-7	Powers and Duties of the Police Chief
2-3-3	Deposits of Municipal Funds	2-3-8	Powers and Duties of the City Attorney
2-3-4	Transfer of Records and Property To Successor		
2-3-5	Powers and Duties of the Mayor		

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the City Council unless contrary to state law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the tenth day of each month, the Clerk-Treasurer shall deposit all funds collected on behalf of the municipality during the preceding month.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

(Code of Iowa, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. The Mayor may sign, veto, or take no action on an ordinance, amendment or resolution passed by the City Council. If the Mayor vetoes a measure, the Mayor must explain in writing the reason for such veto to the City Council. The City Council may repass a measure over the Mayor's veto by a two-thirds majority of the City Council members, if said action is taken within thirty days of the veto. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when posted, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 380.5 and 380.6(2))

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or ordinance.

5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.

6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ or discharge. The Mayor pro tempore shall have the right to vote as a member of the City Council.

(Code of Iowa, Sec. 372.14(3))

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City ordinance and the laws of the State of Iowa.

10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.

2-3-6 POWERS AND DUTIES OF THE CLERK-TREASURER. The duties of the Clerk-Treasurer shall be as follows:

1. The Clerk-Treasurer shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))

2. The Clerk-Treasurer shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.

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

3. The Clerk shall cause to be posted or published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk-Treasurer shall authenticate all such measures except motions with said Clerk-Treasurer's signature, certifying the time and place of publication when required.

(Ord. No.162, Passed October 17, 2005)

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

4. The Clerk-Treasurer shall maintain copies of all effective City ordinances and Codes for public review.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 380.7(4))

5. The Clerk-Treasurer shall publish notice of public hearings, elections and other official actions as required by state and City law.

(Code of Iowa, Sec. 362.3)

6. The Clerk-Treasurer shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

7. The Clerk-Treasurer shall be the chief accounting officer of the City.

8. The Clerk-Treasurer shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk-Treasurer shall certify the necessary tax levy for the following year to the county auditor and the county board of supervisors.

(Code of Iowa, Sec. 384.16(5))

10. The Clerk-Treasurer shall report to the City Council at the second meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk-Treasurer shall balance all funds with the bank statement after the 10th of each month.

12. The Clerk-Treasurer shall prepare the annual public report, publish it, and send a certified copy to the state auditor and other state officers as required by law.

(Code of Iowa, Sec. 384.22)

13. The Clerk-Treasurer shall maintain all City records as required by law.

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

14. The Clerk-Treasurer shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance.

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

15. The Clerk-Treasurer shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk-Treasurer shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk-Treasurer's control when it may be necessary to such officer in the discharge of the Clerk-Treasurer's duty. The Clerk-Treasurer shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk-Treasurer shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), and Sec. 22.2 and 22.7)

17. The Clerk-Treasurer shall attend all meetings of committees, boards and commissions of the City. The Clerk-Treasurer shall record and preserve a correct record of the proceedings of such meetings.

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

18. The Clerk-Treasurer shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk-Treasurer shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.

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

19. The Clerk-Treasurer shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

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

20. The Clerk-Treasurer shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

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

21. The Clerk-Treasurer shall preserve a complete record of every City election, regular or special and perform duties required by law or ordinance of the City Clerk-Treasurer in regard to elections.

(Code of Iowa, Sec. 376.4)

22. The Clerk-Treasurer shall draw all warrants/checks for the City upon the vote of the City Council.

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

23. The Clerk-Treasurer shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

24. The Clerk-Treasurer shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

25. The Clerk-Treasurer shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefore.

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

26. Annually, the Clerk-Treasurer shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

27. The Clerk-Treasurer shall keep the record of each fund separate.

28. The Clerk-Treasurer shall keep an accurate record for all money or securities received by the Clerk-Treasurer on behalf of the municipality and specify date, from whom, and for what purposes received.

29. The Clerk-Treasurer shall keep a separate account of all money received by the Clerk-Treasurer for special assessments.

30. The Clerk-Treasurer shall, immediately upon receipt of monies to be held in the Clerk-Treasurer's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

2-3-7 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

1. The Police Chief shall wear upon the Police Chief's outer garment and in plain view a badge engraved with "Police", and such uniform as may be specified by the City Council.

(Ord. No.162, Passed October 17, 2005)

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

2. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.

(Ord. No.162, Passed October 17, 2005)

3. The Police Chief shall be sergeant-at-arms of the council chamber when requested by the City Council.

4. The Police Chief shall report to the City Council upon activities as Police Chief when requested.

5. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The Police Chief shall have charge of the City jail when such is provided and of all persons held therein. The Police Chief shall execute all orders of the court referring to the jail. The Police Chief shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Police Chief shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the county.

7. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the county jail.

8. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.

9. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

10. The Police Chief may appoint one or more assistant Police Chiefs, who may perform the Police Chief's duties and who shall be members of the police force.

11. The Police Chief shall make such rules, not in conflict with the provisions of this ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the marshal determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the system until due consideration by the City Council may be had.

12. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.

13. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

14. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

1. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all ordinances before their final passage by the City Council and publication.

6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.

7. The City Attorney shall, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Ord. 162, Passed October 27, 2005)

8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

Pages 24-29 Reserved

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member
2-4-2 Mayor

2-4-3 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$30.00 for each meeting of the City Council.

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

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$60.00 for each meeting of the City Council.

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

2-4-3 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

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

(Ord. 140, Passed February 1, 1993)

(Ord. 166, Passed October 15, 2007)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-7	Administrative Transfers
2-5-2	Budget Amendment	2-5-8	Budget Officer
2-5-3	Budget Protest	2-5-9	Accounting
2-5-4	Accounts and Programs	2-5-10	Budget Accounts
2-5-5	Annual Report	2-5-11	Contingency Accounts
2-5-6	Council Transfers		

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the state City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

- a. Expenditures for each program.
- b. Income from sources other than property taxation.
- c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the state City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor, the Clerk-Treasurer shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk-Treasurer and at the City library, if any, or at three places designated by ordinance for posting notices.

(Ord. No.162, Passed October 17, 2005)

(Ord. 172, Passed November 4, 2013)

3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk-Treasurer shall certify the necessary tax levy for the following year to the county auditor and the county board of supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the county auditor.

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by state law, to any other City fund, unless specifically prohibited by state law.

4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in section 2-5-3 of this chapter, except that the committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

(Code of Iowa, Sec. 384.18)

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons.

(Code of Iowa, Sec. 384.19)

2-5-4 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the state City finance committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 ANNUAL REPORT. Not later than December first of each year the City shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the auditor of state.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS. When the City Clerk-Treasurer determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk-Treasurer shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk-Treasurer shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk-Treasurer shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-5-7 ADMINISTRATIVE TRANSFERS. The City Clerk-Treasurer shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk-Treasurer shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given

transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

(IAC, Sec. 545.2.4(384.388))

2-5-8 BUDGET OFFICER. The City Clerk-Treasurer shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk-Treasurer shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this ordinance.

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

2-5-9 ACCOUNTING. The Clerk-Treasurer shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk-Treasurer shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Clerk-Treasurer and Mayor.

(Code of Iowa, Sec. 384.20)

2-5-10 BUDGET ACCOUNTS. The Clerk-Treasurer shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or state law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-11 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk-Treasurer shall set up in the accounting records but the Clerk-Treasurer shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

All administrative transfers shall be reported in writing at the next regular meeting of the City Council after being made and the fact set out in the minutes for the information of the Mayor and City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POSTING

- 2-6-1 Purpose
2-6-2 Listing; Length of Notice
- 2-6-3 Removing Notice Unlawful

2-6-1 PURPOSE. The City of Worthington, Iowa has no newspaper published within the corporate limits of the City, and publications of notice of elections, ordinances and amendments may be made by posting in three public places which have been permanently designated by ordinance.
(Code of Iowa, Sec. 362.3(2))

2-6-2 LISTING, LENGTH OF NOTICE. The three public places where public notice of ordinances and other matters permitted to be posted are to be displayed are: City Hall, U.S. Post Office, State Bank of Worthington. The City Clerk-Treasurer is hereby directed to promptly post notices of elections, ordinances, and amendments, and to leave them so posted for not less than ten days after the first date of posting, and the City Clerk-Treasurer shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

(Code of Iowa, Sec. 380.7)

2-6-3 REMOVING NOTICE UNLAWFUL. Any unlawful removal of a public notice or posting shall not affect the validity of the Ordinance or action taken.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY ELECTIONS

2-7-1 Purpose

2-7-2 Nominating Method to be Used

2-7-1 **PURPOSE.** The purpose of this ordinance is to designate the methods by which candidates for elective municipal offices in the City of Worthington, Iowa shall be nominated.

2-7-2 **NOMINATING METHOD TO BE USED.** For municipal elections in the City of Worthington, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 44 and/or 45 of the Code of Iowa. The method prescribed herein for nominating candidates shall remain in effect until or unless changed by ordinance.

(Passed June 16, 1975)

Pages 37-39 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-5	Public Safety and Health
3-1-2	Public Peace	3-1-6	Public Property
3-1-3	Public Morals	3-1-7	Firearms and Weapons
3-1-4	Streets		Prohibited on City Property

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

6. Without authority, obstruct any street, sidewalk, highway or other public way.

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of

another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

(Ord. No.162, Passed October 17, 2005)

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

(Ord. No.162, Passed October 17, 2005)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without a permit.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.

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

4. Snow and Ice Removal.

a. Deposits from private premises. No person, without the express permission of the City Council, or the City Council's designee, shall remove, or cause to be removed, any snow, ice or accumulations thereof from any private premises and deposit the same, or cause the same to be deposited, upon any public street, alley or sidewalk within the City.

b. Deposits restricting safety, access of traffic. No person, without the express permission of the City Council, or the City Council's designee, shall move or displace, or cause to be moved or displaced, any snow, ice or accumulations thereof from any section or part of a public street, alley, or sidewalk to any other part of a public street, alley, or sidewalk when such movement or displacement restricts the safety or free access of motor vehicle and pedestrian traffic.

c. Deposits upon areas cleared for use of traffic. When the traveled portion of a street or alley has been cleared for use of motor vehicle or pedestrian traffic, no person, without the express permission of the City Council or the City Council's designee, shall place, or cause to be placed, any snow, ice or accumulations thereof upon the cleared areas of said streets or alleys.

d. Placement on private property. No person shall remove, or cause to be removed, any snow, ice or accumulations thereof from any private premises, public street, alley or sidewalk and

deposit the same, or cause the same to be deposited, upon other private property without the express consent of the owner of said property.

5. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expecting. No person shall expectorate on the ground or on the floor of any structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting glass, etc., on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife unless licensed by the Iowa Department of Public Safety or having in possession a permit from the County Sheriff.

(Ord. 172, Passed November 4, 2013)

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Discharging firearms and fireworks.

a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or

other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.

b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the chief of police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

7. Possession of Fireworks.

a. Definition. The term "fireworks" includes any explosive composition, or combination of explosives, substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion or detonation and includes blank cartridges, firecrackers, torpedoes, sky rockets, Roman Candles or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold star-producing sparklers on wires that contain no magnesium or chlorate or perchlorate, flutter sparklers in paper tubes that do not exceed 1/8 inch in diameter, toy snakes that contain no mercury, or caps used in cap pistols.

b. Exemption. The use of blank cartridges for a show or the theater, or for signal purposes in athletic events, or by railroads or trucks for signal purposes, or by recognized military organizations is exempt from this Subsection.

c. Prohibition. No person shall possess fireworks except as provided in this Chapter.
(Ord. No.162, Passed October 17, 2005)

8. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned

building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

9. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

10. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

(Ord. No.162, Passed October 17, 2005)

11. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

(Code of Iowa, Sec. 364.12(2))

12. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364,1)

13. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the chief of police for such purposes.

(Code of Iowa, Sec. 364.12)

3-1-6 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.

(Code of Iowa, Sec. 364.12)

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

(Code of Iowa, 364.12(2))

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, Sec. 364.12(2))

4. Injury to public library books or property. No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 716.1)

9. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or

injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 727.8)

11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

12. Park Hours. No person shall be in Veteran's Square Park between the hours of 10:30 P.M. and 6:00 A.M. A sign shall be erected in the park saying as follows: "Park Closed from 10:30 P.M. to 6:00 A.M."

3-1-7 FIREARMS AND WEAPONS PROHIBITED ON CITY PROPERTY. No person shall possess any weapon or firearm on any property that is owned, leased, or otherwise occupied by the City of Worthington, Iowa except city streets, sidewalks, and alleys.

The term "firearm" includes any device or instrument designed to propel, or used in the propulsion of any bullet, shot, pellet, slug, BB, dart, or other projectile by the action of an explosive, or by mechanical or electrical means, which, within or connected to the device or instrument and adopts the definition of weapons found in Section 724.1 and Section 724.4 of the Iowa Code

(Ord. 172, Passed November 4, 2013)

Pages 47-49 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-7	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-8	Abatement in Emergency
3-2-3	Other Conditions Regulated	3-2-9	Abatement by Municipality
3-2-4	Notice to Abate Nuisance or Condition	3-2-10	Collection of Cost of Abatement
3-2-5	Contents of Notice to Abate	3-2-11	Installment Payment of Cost of Abatement
3-2-6	Method of Service	3-2-12	Condemnation of Nuisance

3-2-1 DEFINITIONS. For use in this ordinance, the following terms are defined:

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 657.1)

a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 657.2(1))

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2(2))

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

(Code of Iowa, Sec. 657.2(3))

d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 657.2(4))

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

(Code of Iowa, Sec. 657.2(5))

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of any controlled substance or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 657.2(6))

g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.

(Code of Iowa, Sec. 657.2(7))

h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

i. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles unless it be in a building of fire resistant construction.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 657.2(10))

j. The emission of dense smoke, noxious fumes, or fly ash.

(Code of Iowa, Sec. 657.2(11))

k. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

(Code of Iowa, Sec. 657.2(12))

l. Trees infected with Dutch elm disease.

(Code of Iowa, Sec. 657.2(13))

m. Effluent from septic tank or drain field running or ponding on the ground in the open.

n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 716.1)

o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.

(Code of Iowa, Sec. 364.12(3)(c))

3. The numbering of buildings.

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

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

(Code of Iowa, Sec. 364.12(3)(e))

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

(Code of Iowa, Sec. 364.12(3)(f))

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

(Code of Iowa, Sec. 364.12(3)(g))

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists which is listed in Section 3, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the county auditor a written notice to abate the nuisance within a reasonable time after notice.

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

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 **METHOD OF SERVICE.** The notice may be served by certified mail or personal service to the property owner as shown by the records of the county auditor.

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

3-2-7 **REQUEST FOR HEARING AND APPEAL.** Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 **ABATEMENT IN EMERGENCY.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein, after notice to the property owner under the applicable provision of sections 3-2-4 and 3-2-5 and hearing as provided in section 3-2-7.

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

3-2-9 **ABATEMENT BY MUNICIPALITY.** If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk-Treasurer, who shall pay such expenses on behalf of the municipality.

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

3-2-10 **COLLECTION OF COST OF ABATEMENT.** The Clerk-Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate,

and if the amount shown by the statement has not been paid within one month, the City Clerk-Treasurer shall certify the costs to the county Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 364.12(3)(h))

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the county treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 364.12A)

Pages 55-57 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

3-3-1	Short Title	SPECIAL STOPS REQUIRED
3-3-2	Definitions	
3-3-3	Traffic Accident Reports	3-3-15 Through Highways
3-3-4	Police Department to Submit Annual Reports	3-3-16 Authority to Erect Stop Signs
		3-3-17 Stops at Intersecting Through Highways and Other Intersections
		3-3-18 Stop When Traffic Is Obstructed
		3-3-19 School Stops
	ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS	
3-3-5	Authority of Police and Fire Department Officials	PEDESTRIANS' RIGHTS AND DUTIES
3-3-6	Required Obedience to Provisions of this Chapter and State Law	3-3-20 Prohibited Crossing
		3-3-21 Pedestrians on Left
	TRAFFIC CONTROL DEVICES	METHOD OF PARKING
3-3-7	Authority to Install Traffic-Control Devices	3-3-22 Standing or Parking Close to Curb
3-3-8	Chief of Police to Designate Crosswalks, Establish, and Mark Traffic Lanes	3-3-23 Standing or Parking on the Left-Hand Side of One-Way Streets
3-3-9	Play Streets	3-3-24 Signs or Markings Indicating Angle Parking
		3-3-25 Obedience to Angle Parking Signs or Markings
	SPEED REGULATIONS	STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES
3-3-10	Changing State Speed Limits in Certain Zones	3-3-26 Stopping, Standing or Parking Prohibited in Specified Places
	TURNING MOVEMENTS	3-3-27 Authority to Paint Curbs and Erect Signs Prohibiting Standing or Parking
3-3-11	Turning Markers, Buttons and Signs	3-3-28 Authority to Impound Vehicles
3-3-12	Authority to Place Restricted Turn Signs	
3-3-13	Obedience to No-Turn Signs	STOPPING, STANDING OR PARKING
3-3-14	"U" Turns	3-3-29 Parking Signs Required
		3-3-30 Prohibited Parking During Snow Emergency
		3-3-31 Parking for Disabled Persons

MISCELLANEOUS DRIVING RULES

- 3-3-32 Vehicles Not to be Driven on Sidewalks
- 3-3-33 Clinging to Vehicles
- 3-3-34 Parking for Certain Purposes Prohibited
- 3-3-35 Driving Through Funeral or Other Procession
- 3-3-36 Drivers in a Procession
- 3-3-37 Funeral Processions to be Identified
- 3-3-38 Vehicular Noise
- 3-3-39 Engine and Compression Brakes

BICYCLE REGULATIONS

- 3-3-40 Definitions
- 3-3-41 Traffic Code Applies to Persons Riding Bicycles
- 3-3-42 Riding on Bicycles
- 3-3-43 Riding on Roadways and Bicycle Paths
- 3-3-44 Speed
- 3-3-45 Emerging from Alley or Driveway
- 3-3-46 Carrying Articles
- 3-3-47 Parking
- 3-3-48 Riding on Sidewalks
- 3-3-49 Lamps and Other Equipment on Bicycles

3-3-1 **SHORT TITLE.** This chapter may be known and cited as the "Traffic Code".

3-3-2 **DEFINITIONS.** Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

SNOWMOBILES

- 3-3-50 Snowmobile Definitions
- 3-3-51 Permitted Areas of Operation
- 3-3-52 Regulations
- 3-3-53 Equipment Required
- 3-3-54 Unattended Vehicles
- 3-3-55 Restriction of Operation
- 3-3-56 Traffic Regulation

OFF-ROAD VEHICLES

- 3-3-57 Definitions
- 3-3-58 Operation of All-Terrain Vehicles

GOLF CARTS

- 3-3-59 Definitions
- 3-3-60 Operations of Golf Carts

PENALTIES AND PROCEDURE ON ARREST

- 3-3-61 Citation Placed on Illegally Parked Vehicle
- 3-3-62 Presumption in Reference to Illegal Parking
- 3-3-63 Local Parking Fines
- 3-3-64 Failure to Pay Parking Citations

3. "Stop", when required means complete cessation of movement.

4. "Stop or stopping", when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the Police Department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the Police Department. The officers of the Police Department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the Fire Department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.98 Operation without registration.
2. 321.174A Operation of motor vehicle with expired license
3. 321.180 Violations of instruction permit limitations.
4. 321.193 Violation of conditions of restricted license.
5. 321.194 Violation of conditions of minor's school license.
6. 321.216 Unlawful use of license.
7. 321.218 Driving without a valid license (as to simple misdemeanor offenses only)
8. 321.219 Permitting unauthorized minor to drive.
9. 321.220 Permitting unauthorized person to drive.
10. 321.229 Failure to comply with lawful order of peace officer.
11. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
12. 321.232 Radar jamming devices.
13. 321.234A All-terrain vehicles – highway use
14. 321.236 (Parking) Violation of local ordinance (not a state offense).
15. 321.256 Failure to obey traffic control device.
16. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
17. 321.260 Unlawful possession of, or interference with traffic control device.

18. 321.262 Damage to vehicle
19. 321.264 Striking unattended vehicle.
20. 321.265 Striking fixtures upon a highway.
21. 321.275 Motorcycle and motorized bicycles violations.
22. 321.277 Reckless driving.
23. 321.278 Drag racing prohibited.
24. 321.285 Speed restrictions.
25. 321.288 Failure to maintain control.
26. 321.294 Failure to maintain minimum speed when directed by officer.
27. 321.295 Excessive speed on bridge.
28. 321.297 Driving on wrong side of two-way highway.
29. 321.298 Failure to yield half of roadway upon meeting vehicle.
30. 321.299 Passing on wrong side.
31. 321.302 Overtaking and passing
32. 321.303 Unsafe passing.
33. 321.304 Unlawful passing.
34. 321.305 Violating one-way traffic designation.
35. 321.306 Improper use of lanes.
36. 321.307 Following too closely.
37. 321.308 Following too closely (trucks and towing vehicles).
38. 321.309 Failure to use approved drawbar.
39. 321.310 Unlawful towing of four-wheeled trailer.

40. 321.311 Turning from improper lane.
41. 321.312 Making U-turn on curve or hill.
42. 321.313 Unsafe starting of a stopped vehicle.
43. 321.314 Unsafe turn or failure to give signal.
44. 321.315 Failure to give continuous turn signal.
45. 321.316 Failure to signal stop or rapid deceleration.
46. 321.317 Signal light requirements; see equipment violation.
47. 321.318 Incorrect hand signal.
48. 321.319 Failure to yield to vehicle on right.
49. 321.320 Failure to yield upon left turn.
50. 321.321 Failure to yield upon entering through highway.
51. 321.322 Failure to obey stop or yield sign.
52. 321.323 Unsafe backing on highway.
53. 321.324 Failure to yield to emergency vehicle.
54. 321.325 Pedestrian disobeying traffic control signal.
55. 321.326 Pedestrian walking on wrong side of highway.
56. 321.327 Pedestrian right-of-way.
57. 321.328 Pedestrian failing to use crosswalk.
58. 321.329 Vehicle failing to yield to pedestrian.
59. 321.330 Use of crosswalks
60. 321.331 Soliciting ride from within roadway.
61. 321.332 Unlawful use of white cane.

- 62. 321.333 Failure to yield to blind person.
- 63. 321.334 Penalties
- 64. 321.340 Driving in or through safety zone.
- 65. 321.341 Failure to properly stop at railroad crossing.
- 66. 321.342 Failure to obey stop sign at railroad crossing.
- 67. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
- 68. 321.344 Unlawful movement of construction equipment across railroad track.
- 69. 321.353 Unsafe entry into sidewalk or roadway.
- 70. 321.354 Stopping on traveled part of highway.
- 71. 321.358 Stopping, standing, or parking where prohibited.
- 72. 321.360 Prohibited parking in front of certain buildings.
- 73. 321.361 Parking too far from curb/angular parking.
- 74. 321.362 Parking without stopping engine and setting brake.
- 75. 321.363 Driving with obstructed view or control.
- 76. 321.365 Coasting upon downgrade.
- 77. 321.366 Improper use of median, curb, or controlled access facility.
- 78. 321.367 Failure to maintain distance fire-fighting vehicle.
- 79. 321.368 Crossing unprotected fire hose.
- 80. 321.369 Putting debris on highway/roadway.
- 81. 321.370 Removing injurious material.
- 82. 321.371 Clearing up wrecks.

83. 321.372 School bus provisions.
84. 321.377 Excessive speed of school bus.
85. 321.381 Driving or towing unsafe vehicle.
86. 321.382 Operating underpowered vehicle.
87. 321.383 Failure to display reflective device on slow-moving vehicles.
88. 321.384 Failure to use headlamps when required.
89. 321.385 Insufficient number of headlamps.
90. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
91. 321.387 Improper rear lamp.
92. 321.388 Improper registration plate lamp.
93. 321.389 Improper rear reflector.
94. 321.390 Reflector requirements.
95. 321.392 Improper clearance lighting on truck or trailer.
96. 321.393 Lighting device color and mounting.
97. 321.394 No lamp or flag on rear-projecting load.
98. 321.395 Parking on certain roadways without parking lights.
99. 321.397 Improper light on bicycle.
100. 321.398 Improper light on other vehicle.
101. 321.402 Improper use of spotlight.
102. 321.403 Improper use of auxiliary driving lights.
103. 321.404 Improper brake light.
104. 321.408 Back-up lamps.

105.	321.409	Improperly adjusted headlamps.
106.	321.415	Failure to dim.
107.	321.419	Improper head lighting when night driving.
108.	321.420	Excessive number of driving lights.
109.	321.422	Lights of improper color-front or rear.
110.	321.423	Special light/signal provision.
111.	321.430	Defective braking equipment.
112.	321.431	Brake performance ability.
113.	321.432	Defective audible warning device.
114.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
115.	321.434	Use of siren or whistle on bicycle.
116.	321.436	Defective or unauthorized muffler system.
117.	321.437	Mirrors.
118.	321.438	Windshields.
119.	321.439	Defective windshield wiper.
120.	321.440	Defective tires.
121.	321.441	Unauthorized use of metal tire or track.
122.	321.442	Unauthorized use of metal projection on wheels.
123.	321.444	Failure to use safety glass.
124.	321.445	Failure to maintain or use safety belts.
125.	321.446	Failure to secure child.
126.	321.449	Special regulations.

- | | | |
|------|---------|---|
| 127. | 321.450 | Hazardous materials. |
| 128. | 321.454 | Width and length violations. |
| 129. | 321.455 | Excessive side projection of load – passenger vehicle. |
| 130. | 321.456 | Excessive height. |
| 131. | 321.457 | Excessive length. |
| 132. | 321.458 | Excessive projection from front of vehicle. |
| 133. | 321.459 | Excessive weight – dual axels (each over 2000 lb. over). |
| 134. | 321.460 | Spilling loads on highways. |
| 135. | 321.461 | Excessive tow-bar length. |
| 136. | 321.462 | Failure to use required towing equipment. |
| 137. | 321.463 | Maximum gross weight. |
| 139. | 321.466 | Gross weight in excess of registered gross weight (for each 2000 lb.)
(Ord. No.162, Passed October 17, 2005) |

TRAFFIC CONTROL DEVICES

3-3-7 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Chief of Police shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic ordinances of this City or under state law or to guide or warn traffic.

The Chief of Police shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 CHIEF OF POLICE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Chief of Police is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-9 PLAY STREETS. The Chief of Police has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit: N/A.
2. Lower speed limit: Park Drive: 15 mph through Memorial Park.
(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS

3-3-11 TURNING MARKERS, BUTTONS AND SIGNS. The Chief of Police may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the state law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.
(Code of Iowa, Sec. 321.311)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Chief of Police is authorized to determine those intersections, as traffic conditions require, at which the drivers of

vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-13 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-14 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

SPECIAL STOPS REQUIRED

3-3-15 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: Highway 136.

(Code of Iowa, Sec. 321.245 and 321.350)

3-3-16 AUTHORITY TO ERECT STOP SIGNS. Whenever any ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-17 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-18 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic-control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

3-3-19 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

The City Council hereby establishes a school crossing zone at the intersection of Highway #136 and Second Avenue.

The City of Worthington will place required pavement markings, crosswalk and stop bars.

It shall be the responsibility of the St. Paul School to furnish a portable stop sign and a person to place the stop sign at necessary times and remove, store and maintain the sign.

(Ord. 106, Passed November 21, 1983)

(Ord. No.162, Passed October 17, 2005)

PEDESTRIANS' RIGHTS AND DUTIES

3-3-20 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-21 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-22 STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

(Ord. 117, Passed February 17, 1986)

3-3-23 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

(Ord. 117, Passed February 17, 1986)

3-3-24 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Chief of Police, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

(Ord. 117, Passed February 17, 1986)

3-3-25 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a

vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

(Ord. 117, Passed February 17, 1986)

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-26 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. In any public alley within the fire limits of this City;
8. In any fire lane within the fire limits of this City; in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked;
9. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
10. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Upon any street with the corporate limits of a City when the same is prohibited by a general or uniform application relating to removal of snow or ice from streets;

15. Within twenty feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway;

16. No trucks, bus, van or vehicle used for the carrying of freight or merchandise shall be parked or permitted to stand in front of the residence of others so as to interfere with free accessibility thereto for a longer period than is reasonably necessary. The intent of this subsection is to prohibit the parking or placing of such vehicles in front of a resident property to the inconvenience of abutting residences unless the parking or placing of such vehicle is reasonably necessary when taken in connection with the purpose for which such vehicles are used or needed.
(Ord. 117, Passed February 17, 1986)

17. No parking on the west side of 3rd Street W. Court.
(Ord. 107, Passed December 5, 1983)

18. No parking on the east side of 2nd Street W. from 1st Avenue W. to the alley.

19. No parking on either side of 1st Avenue East from Highway 136 to 2nd Street NE.

20. No parking on the traveled portion of any city alley.
(Ord. 110, Passed December 5, 1983)
(Code of Iowa, Sec. 321.358)

21. No parking on the south side of 3rd Ave. SW from 1st Street South (Highway 136) to 3rd Street West Court.
(Ord. 152, Passed December 7, 1998)

3-3-27 **AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.** When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted.

(Code of Iowa, Sec. 321.358(10))
(Ord. 117, Passed February 17, 1986)

3-3-28 **AUTHORITY TO IMPOUND VEHICLES.** Members of the Police Department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing charges and storage.

STOPPING, STANDING OR PARKING

3-3-29 **PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-30 **PROHIBITED PARKING DURING SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area after any accumulation of snow totaling three (3) inches or more following a proclamation by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

(Code of Iowa, Sec. 321.236)

(Resolution 10-93)

3-3-31 **PARKING FOR DISABLED PERSONS.** The City of Worthington established restricted parking in areas with parking signs for disabled persons.

(Ord. 112, Passed January 16, 1984)

(Ord. No.162, Passed October 17, 2005)

MISCELLANEOUS DRIVING RULES

3-3-32 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-33 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-34 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.

3-3-35 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-36 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-37 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Police Department.

3-3-38 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

(Ord. No.162, Passed October 17, 2005)

3-3-39 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

(Ord. No.162, Passed October 17, 2005)

BICYCLE REGULATIONS

3-3-40 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)

(Ord. 172, Passed November 4, 2013)

3-3-41 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this state regarding rules of the road applicable to vehicles or by the traffic ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-42 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-43 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-44 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-45 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-46 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-47 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-48 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-49 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SNOWMOBILES

3-3-50 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-51 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

Old Railway Alley

The route established herein shall be the only permitted snowmobile route with the exception that an operator shall travel to the operator's place of residence in the City using City streets by the most direct route.

3-3-52 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of the owner's immediate family.

6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer. No person shall operate a snowmobile in the City park after 8:30 p.m.

8. The speed limit is 15 mph on the designated trail and on other places where operation is allowed within the City.

3-3-53 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

2. Adequate brakes in good condition and at least one headlight and one taillight.

3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-54 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-55 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-56 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-57 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain vehicle" includes off-road utility vehicles as defined in Code of Iowa section 331I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

(Code of Iowa, Sec. 321I.1(1))

(Ord. 172, Passed November 4, 2013)

3-3-38 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV or off-road motorcycles shall comply with the following restrictions:

1. Streets. Only on such streets as may be designated by the City Council.

(Code of Iowa 321.234A)

(Code of Iowa 321I)

2. Prohibited Operation. Shall not be operated on sidewalks, railroad right-of-way, parks, or other City land.

3. Operation During Darkness. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp.

(Code of Iowa 321I.13)

4. Compliance with State Code. All operation shall comply with Iowa Code Chapter 321I.

GOLF CARTS

3-3-59 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-60 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf

cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

PENALTIES AND PROCEDURE ON ARREST

3-3-61 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any ordinance of this City or state law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the City Clerk-Treasurer's office as provided therein.

3-3-62 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking ordinance or state law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-63 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk-Treasurer's office within seven days of the violation, for the following parking violations:

1. Overtime parking	\$ 5.00
2. Prohibited parking	\$ 5.00
3. No parking zone	\$ 5.00
4. Blocking alley	\$ 5.00
5. Illegal parking	\$ 5.00
6. Street cleaning	\$ 5.00
7. Snow removal ban	\$ 5.00
8. Persons with disabilities parking	\$200.00
9. Snowmobiles	Iowa Code Section 805.8(4) is adopted by reference. (Amended During 1999 Recodification) (Ord. No.162, Passed October 17, 2005) (Ord. 172, Passed November 4, 2013)

3-3-64 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking ordinances of this City or of state law fails to make payment

of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

(Ord. No.162, Passed October 17, 2005)

Pages 82-86 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 4 RESERVED

Page 88 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

3-5-1 Fire Protection

3-5-1 FIRE PROTECTION. Pursuant to an agreement made and entered into by and between the Worthington Community Fire Department, Inc. and the City, the Worthington Community Fire Department, Inc. shall furnish fire protection for all persons and property situated within the corporate limits of the City.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1	Purpose	3-6-5	Responsibility of Adults
3-6-2	Definitions	3-6-6	Enforcement Procedures
3-6-3	Curfew Established	3-6-7	Penalties
3-6-4	Exceptions	3-6-8	Notice

3-6-1 PURPOSE. The City Council of the City of Worthington, Iowa, hereby determines that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City, and specifically to achieve the following purposes:

1. Reinforce the primary authority and responsibility of adults responsible for minors.
2. Protect the public from the illegal acts of minors committed individually and in groups after the curfew hour.
3. Protect minors from improper influences and criminal activity by individuals and by groups that prevail in public places after the curfew hour.

3-6-2 DEFINITIONS.

1. "Knowingly" means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

2. "Minor" means any unemancipated person under the age of eighteen (18) years.

3. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecure custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six (6) hours beyond the initial six (6) hour period.

4. "Public place" shall include shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks dedicated to public use; and shall also include such parts of buildings and other premise whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee, or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access.

5. "Responsible Adult" means parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

6. "Unemancipated" means unmarried and still under custody or control of a responsible adult.

3-6-3 CURFEW ESTABLISHED.

1. Unless accompanied by a responsible adult, no minor under sixteen (16) years of age shall be in any public place during the following times:

(a) Sunday - Thursday: 10:00 p.m. through 5:00 a.m. each day.

(b) Friday - Saturday: 11:00 p.m. through 5:00 a.m. each day.

2. Unless accompanied by a responsible adult, no minor ages sixteen (16) or seventeen (17) years of age shall be in any public place during the following times:

(a) Sunday - Thursday: 10:00 p.m. through 5:00 a.m. each day.

(b) Friday - Saturday: 12:00 midnight through 5:00 a.m. each day.

3-6-4 EXCEPTIONS. The following are exceptions to the curfew:

1. The minor is accompanied by a responsible adult.

2. When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

3. The minor is present at or is traveling between home and one of the following:

(a) Minor's place of employment, within one hour after the end of work.

(b) Minor's place of religious activity, within one hour after the end of the religious activity.

(c) Governmental or political activity, within one hour after the end of the activity.

(d) School activity, within one hour after the end of the activity.

(e) Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for the advancement of economic, political, religious or cultural matters; or for any other activity protected by the first amendment of the U.S. Constitution, within one hour after the end of the assembly, association meeting, or other activity protected by the first amendment.

4. The minor is on an emergency errand for a responsible adult.

5. The minor's business, trade or occupation, in which the minor is permitted by law to be engaged, requires the presence of the minor in the public place.

3-6-5 RESPONSIBILITY OF ADULTS. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section, unless the minor's presence falls within one of the above exceptions.

3-6-6 ENFORCEMENT PROCEDURES.

1. Determination of age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall, in the first instance, use his or her best judgement in determining age.

2. Grounds for arrest. Conditions of custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or identify the person's self; or constitutes an immediate threat to the person's own safety or the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

3-6-7 PENALTIES.

1. Responsible Adult's First Violation-Warning. In the case of a first violation by a minor, the Law Enforcement Officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

2. Responsible Adult's Second Violation-Simple Misdemeanor. Any responsible adult as defined in this ordinance who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section, shall be subject to the provisions of Title I, Chapter 3 of this Code, or community service as ordered by the court.

3. Minor's First Violation-Warning. In the case of a first violation by a minor, the Law Enforcement Officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

4. Minor's Second Violation-Simple Misdemeanor. For the minor's second and subsequent violations of any of the provisions of this chapter, the minor shall be guilty of a simple misdemeanor. Upon conviction, the person shall be subject to the provisions of Title I, Chapter 3 of this Code, or to perform community service as ordered by the court.

(Ord. No.162, Passed October 17, 2005)

3-6-8 NOTICE. Notice of this Ordinance and its contents may be posted in, on or about such public or quasi-public places as may be designated by the City Council or the Police Department in order that the public may be constantly informed of the existence of the Ordinance and its regulations.

(Ord. No. 142, Passed September 20, 1993)

(Ord. No. 150, Passed October 21, 1996)

Pages 94-97 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-6	Hours of Solicitation
3-7-2	Exemptions	3-7-7	Consumer Protection Law
3-7-3	Permits	3-7-8	Bond Required
3-7-4	Requirements	3-7-9	Obstruction of Pedestrian or Vehicular Traffic
3-7-5	Permit Fees		

3-7-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable ordinances, and must also obtain from the City Clerk-Treasurer a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. A fee of \$5.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

(Code of Iowa, Sec. 9C.2)

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the City Clerk-Treasurer an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-7-5 PERMIT FEES. Every permittee shall pay the following fee before a permit shall be issued:

1. For one day or any part thereof \$5.00.
2. For more than one day up to one week \$5.00 per day.
3. For one week \$30.00.
4. For more than one week but not more than one month \$30.00 per week and \$5.00 for any day or fraction thereof.
5. For one month \$100.00.

6. For longer than one month all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be fee charged.

3-7-6 HOURS OF SOLICITATION. No person may conduct those activities described in 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-7 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-7-8 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this ordinance shall post with the Clerk-Treasurer, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-7-9 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

3-8-1	Definitions	3-8-6	Refunds
3-8-2	Permit Required	3-8-7	Suspension; Revocation; Civil Penalty
3-8-3	Issuance	3-8-8	Permits not Transferable
3-8-4	Expiration	3-8-9	Display
3-8-5	Fees		

3-8-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "cigarette" means any roll for smoking made wholly or in part of tobacco or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition shall not be construed to include cigars.

(Code of Iowa, Sec. 453A.1(2))

2. The term "retailer" means and includes every person in this state who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

(Code of Iowa, Sec. 453A.1(19))

3. The term "place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, Sec. 453A.1(17))

3-8-2 PERMIT REQUIRED. A retailer shall not sell any tobacco products within the within the City of Worthington, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13)

(Ord. 172, Passed November 4, 2013)

3-8-3 ISSUANCE. The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk-Treasurer a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-8-5.

(Code of Iowa, Sec. 453A.13(2)(a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year.

(Code of Iowa, Sec. 453A.13(3))

3-8-5 FEES. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March, \$37.50; and in April, May or June, \$18.75.

(Code of Iowa, Sec. 453A.13(3))

3-8-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; in October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.

(Code of Iowa, Sec. 453A.13(4))

3-8-7 SUSPENSION; REVOCATION; CIVIL PENALTY.

1. If a retailer or employee of a retailer has violated Section 453A.2, 453A.36, subsection 6 or 453A.39, Code of Iowa, the City Council, in addition to the other penalties fixed for such violations in this section, shall assess a penalty after giving the permit holder an opportunity to be heard, upon ten (10) days written notice, stating the reasons for the contemplated action and the time and place at which the person may appear and be heard, as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

b. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.

c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.

d. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

e. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

f. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.2A at the time of the violation. A retailer may assert only once in a four (4) year period the bar under

either this subsection or subsection 4 against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

(Ord. 172, Passed November 4, 2013)

g. If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the retailer provides written documentation that the employee of the retailer has completed an in-house tobacco compliance employee training program or a tobacco compliance employee training program which is substantially similar to the I Pledge program which is approximately one (1) hour in length as developed by the alcoholic beverages division of the Department of Commerce. A retailer may assert only once in a four (4) year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

2. If a retail permit is suspended or revoked under this section, the suspension or revocation shall only apply to the place of business at which the violation occurred and shall not apply to any other place of business to which the retail permit applies but at which the violation did not occur.

3. The City Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 453A.22)

3-8-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(10))

Pages 104-105 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 9 ALCOHOLIC BEVERAGES

3-9-1	Purpose	3-9-3	Action by Council
3-9-2	Required Obedience to Provisions of this Chapter and State Law	3-9-4	Transfers

3-9-1 **PURPOSE.** The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.
(Code of Iowa, Sec. 364.1)

3-9-2 **REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.**
The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
(Ord. No.162, Passed October 17, 2005)
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited

15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Exoneration
16. 123.49 Miscellaneous Prohibitions
17. 123.47 Persons Under Legal Age – Penalty
(Ord. No.162, Passed October 17, 2005)
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles – Drivers
(Ord. No.162, Passed October 17, 2005)
27. 321.284A Open Containers in Motor Vehicles – Passengers
(Ord. No.162, Passed October 17, 2005)

3-9-3 **ACTION BY COUNCIL.** The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.
(Code of Iowa, Sec. 123.32(2))

3-9-4 **TRANSFERS.** The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.
(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK VEHICLES

3-10-1	Purpose	3-10-8	Junk Vehicles Declared a Nuisance
3-10-2	Definitions	3-10-9	Authority to Enforce
3-10-3	Removal of Abandoned Vehicles	3-10-10	Notice to Abate
3-10-4	Notification of Owners and Lienholders	3-10-11	Duty of Owner to Remove or Repair
3-10-5	Impoundment Fees and Bonds	3-10-12	Hearing Procedures-Junk Vehicle
3-10-6	Hearing Procedures	3-10-13	Abatement by Municipality
3-10-7	Auction or Disposal of Abandoned Vehicles	3-10-14	Collection of Cost of Abatement
		3-10-15	Exceptions
		3-10-16	Interference with Enforcement

3-10-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-10-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or

(Ord. No.162, Passed October 17, 2005)

b. A vehicle that has remained illegally on public property for more than twenty-four hours; or

(Ord. No.162, Passed October 17, 2005)

c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or

d. A vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

2. "Private property" means any real property within the City which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

(Ord. 172, Passed November 4, 2013)

5. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-10-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police or Mayor may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in Section 3-10-2 (1). The Chief of Police or Mayor may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

(Ord. No.162, Passed October 17, 2005)

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police or Mayor if the Chief of Police is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 321.89(2))

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of state law, the Chief of Police or Mayor if the Chief of Police is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(Ord. No.162, Passed October 17, 2005)

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the chief of police or the

assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

(Ord. No.162, Passed October 17, 2005)

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

(Code of Iowa, Sec. 321.89(3)(a))

2. The owner or any person receiving notice may, by written request received by the Chief of Police prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 321.89(3)(c))

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

(Code of Iowa, Sec. 321.89(3)(b))

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 321.89(3))

3-10-5 IMPOUNDMENT FEES AND BONDS.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such

vehicle, such person shall present to the Chief of Police or Mayor if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. an impoundment fee
- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 321.89(3)(a))

2. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. the fees required by Section 3-10-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. Request for a hearing after an impoundment shall be made in writing and received by the Police Department prior to the expiration of the twenty-one (21) day reclaiming period. No person shall be entitled to more than one hearing on each impoundment. The objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council. Upon request of the objector, the hearing may be set for a later time and date.

(Code of Iowa, Sec. 321.89(3))

2. At the hearing, the City Council shall consider the objection, make a decision as to the legality of the impoundment and immediately notify the objector in writing of the decision. The decision shall state either of the following:

a. That impoundment is authorized by law, an explanation for the basis of that decision, and an itemization of the charges assessed pursuant to Section 3-10-5(1). Any bond posted under Section 3-10-5(3) shall be applied to the satisfaction of the charges itemized by the hearing officer.

b. That impoundment is not authorized by law, and if the vehicle has been impounded, that the vehicle will be released to the objector upon compliance with Section 3-10-5(1) and that all costs of removal, preservation, storage, and notification accruing through the fourth day after the

hearing officer's decision are waived and will be paid by the City. All costs accruing thereafter shall be paid prior to recovery of the vehicle. Any bond posted under Section 3-10-5(3) shall be refunded, less any amounts for outstanding or unsettled traffic violations.

3. Failure of the objector to appear at the scheduled hearing shall constitute a waiver of the right to hearing and the bond shall be forfeited.

4. The only issue to be considered at the hearing shall be the validity of the determination that the vehicle is an abandoned vehicle. The hearing will not be determinative of or adjudicate any outstanding or unsettled traffic violation notice or warrant.

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in state law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Worthington, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 AUTHORITY TO ENFORCE. The Chief of Police, upon obtaining a search warrant, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Code of Iowa, Sec. 364.12(3)(a))

3-10-10 NOTICE TO ABATE.

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on public or private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five-days return receipt, the following persons:

- a. the last known registered owner of the vehicle
- b. all lienholders of record
- c. the owner of the property
- d. the occupant of the property

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 321.89(3)(a))

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle
- b. describe the location of the vehicle
- c. state that the vehicle constitutes a nuisance under the provisions of this chapter
- d. state that the owner of the property shall remove or repair the said junk vehicle within twenty-one days
- e. state that any person ordered to abate a nuisance or condition may request, in writing, within the twenty-one (21) day limit, a hearing to determine whether a nuisance or prohibited condition exists
- f. state that if the nuisance or condition is not abated as directed or if no request for a hearing is made within twenty-one (21) days, the City will abate the nuisance and assess the costs against the property owner.

(Code of Iowa, Sec. 321.89(3)(a))

3. Notice shall be deemed given when mailed. If the notice is returned undelivered by the U.S. Post Office, action to abate the nuisance shall be continued to date not less than twenty-one (21) days from the date of such return.

(Code of Iowa, Sec. 321.89(3)(a))

3-10-11 DUTY OF OWNER TO REMOVE OR REPAIR.

1. The owner of the property upon which a junk vehicle is stored in violation of the provisions of Section 3-10-8 shall within twenty-one (21) days after receipt of the notice to abate from the Chief of Police remove the motor vehicle or machinery to a lawful place of storage without the City limits, or repair the defects that cause such motor vehicle or machinery to violate the provisions of this chapter, including licensing in the case of a motor vehicle not currently licensed.

(Code of Iowa, Sec. 321.89(3)(a))

2. If a hearing is requested under Section 3-10-12, the duty of the owner to remove or repair the junk vehicle shall be suspended pending the decision.

3-10-12 HEARING PROCEDURES--JUNK VEHICLE.

1. Any person ordered to abate a nuisance or condition may request a hearing before the City Council, or an official of the City designated by the City Council, to determine whether a nuisance or prohibited condition exists.

2. A request for a hearing shall be made in writing and filed with the City Clerk-Treasurer within the twenty-one (21) day limit, or

- a. the right to a hearing shall be considered waived and

b. it will be conclusively presumed that the nuisance or prohibited condition exists and it must be abated as ordered.

3. The City Council shall, within fifteen (15) days after the filing of the request for a hearing, fix the time and place of the hearing, which shall be within thirty (30) days of the filing of the request.

4. At the conclusion of the hearing, the City Council, or its designee, shall render a written decision as to whether a nuisance exists. If a nuisance is found to exist, it shall be ordered abated within a reasonable time.

5. The decision shall be final.

3-10-13 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk-Treasurer who shall pay such expenses on behalf of the municipality.

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

3-10-14 COLLECTION OF COST OF ABATEMENT. The Clerk-Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk-Treasurer shall certify the costs to the county auditor and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-10-15 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the zoning ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-16 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

Pages 117-121 Reserved

TITLE III COMMUNITY PROTECTION

CHAPTER 11 BUILDING NUMBERS

3-11-1 Purpose

3-11-3 New Structures

3-11-2 Number and Extent of System

3-11-1 **PURPOSE.** This ordinance provides for official mandatory house and business numbering in the incorporated City limits of Worthington, Iowa. Numbers must be visible and located near front entry.

3-11-2 **NUMBER AND EXTENT OF SYSTEM.** The numbering system shall extend over the entire incorporated area of the City of Worthington, Iowa.

3-11-3 **NEW STRUCTURES.** Every person erecting a building shall be given an address number with a building permit.

(Ord. No. 127, Passed October 13, 1987)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL - DOGS

4-1-1	Definitions	4-1-4	Actions of Dogs Constituting a Nuisance
4-1-2	Immunization	4-1-5	Impounding
4-1-3	At Large Prohibited		

4-1-1 **DEFINITIONS.** For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed dog found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.

4-1-2 **IMMUNIZATION.** All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.
(Code of Iowa, Sec. 351.33)

4-1-3 **AT LARGE PROHIBITED.** No owner of any dog shall permit such dog to run at large.
(Code of Iowa, Sec. 351.41)

4-1-4 **ACTIONS OF DOGS CONSTITUTING A NUISANCE.** It shall be unlawful for any person to permit a dog under such person's control or within such person's custody to commit a nuisance. A dog shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous or offensive conditions.
3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.
(Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING.

1. Any dog found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

(Code of Iowa, Sec. 351.37)

2. Dogs that have been seized shall be impounded at facilities maintained by the Dubuque County Humane Society. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees plus the cost of food and care in a reasonable amount, the dog will be returned. An unlicensed dog(s) may be recovered by the owner, upon proper identification, by payment of a license fee, as determined by Dubuque County, impounding fees plus the cost of food and care in a reasonable amount, and the costs of vaccination if vaccination is required by the County as a condition of obtaining a license. If the dog, either licensed or unlicensed, is not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

3. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 351.39)

4. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec 351.39)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 2 ANIMAL CONTROL - DOMESTIC & VICIOUS ANIMALS

4-2-1	Definitions	4-2-6	Keeping of Vicious Animals Prohibited
4-2-2	Animals Running at Large	4-2-7	Vicious Animal Exceptions
4-2-3	Keeping of Dangerous Animals Prohibited	4-2-8	Seizure, Impoundment and Disposition of Vicious Animals
4-2-4	Dangerous Animal Exceptions	4-2-9	Prohibited Acts by Owners of Animals
4-2-5	Seizure, Impoundment and Disposition of Dangerous Animals	4-2-10	Keeping of Domestic Animals
		4-2-11	Pets Allowed

4-2-1 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Animal" means every wild, tame, or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.

2. "Dog" shall mean both male and female animals of the canine species.

3. "At Large" shall mean any animal found off the premises of the animal's owner, unless with reference to a dog it is:

a. Attached to a leash of sufficient strength to restrain the dog and not more than six feet in length, when the leash is held by a person capable of restraining and controlling the dog, or

b. Properly restrained within a motor vehicle or housed in a veterinarian hospital, or

c. Accompanied by and at "heel" beside the owner or other person.

4. "Owner" shall mean any person owning, keeping, sheltering or harboring an animal.

5. "Veterinarian Hospital" shall mean a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseased and injured animals.

6. "Dangerous Animal" means:

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

b. Any animals declared to be dangerous by the Board of Health or the City Council or its designee;

c. The following animals which shall be deemed to be dangerous animals per se:

(1) Wolves and coyotes.

(2) Badgers, wolverines, weasels, mink and other Mustelids (except ferrets).

(3) Bears.

(4) All apes (including chimpanzees), baboons and macaques.

(5) Monkeys, except the squirrel monkey.

(6) Elephants.

(7) Wild bear.

(8) Black widow spiders and scorpions.

(9) Snakes which are naturally venomous or poisonous and also constricting snakes.

(10) All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)

(11) Raccoons, opossums and skunks.

(12) Alligators and crocodiles.

(13) Dangerous dogs. "Dangerous dogs" means

(a) Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

(b) Any pit bull terrier which shall be defined as any Staffordshire Bull Terrier breed of dog which contains as an element of its breeding the breed of Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State of Iowa.

7. "Horse" a large solid-hoofed herbivorous mammal (*Equus caballus*).

8. "Health Department" shall mean the Health Department of the City of Worthington or the County having jurisdiction.

9. "Kennel" shall mean any premises on which four (4) or more dogs, or four (4) or more cats, six (6) months old or older, are kept, or for temporary boarding, and which are kept under constant restraint.

10. "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, or agency thereof.

11. "Pet Shop" means any person, partnership or corporation engaging in the business of breeding, buying, selling or boarding animals of any species, except the operation of kennel, agriculture or wildlife pursuits.

12. "Meaning of Certain Word". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

13. "Vicious Animal" means any animal, except for a dangerous animal per se, as listed above, while running at large that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct,

a. By biting a person or persons on two separate occasions within a twelve (12) month period; or

b. Did bite once causing injuries above the shoulders of the person; or

c. Could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or

d. Has attacked or bitten any domestic animal or fowl on two separate occasions within a twelve (12) month period, or

e. Which has been found to possess such a propensity by the City Council, after hearing.

4-2-2 ANIMALS RUNNING AT LARGE. It shall be unlawful for the owner of any animal other than domestic cats, including but not limited to dogs, cattle, horses, swine, sheep, fowl, or any animal defined as dangerous or vicious by this ordinance, to run at large within the corporate limits of the City. The owner shall be held responsible and subject to penalty.

4-2-3 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a custodian temporary or otherwise for such animal, or keep such animal for any other purpose or in any other capacity within the City of Worthington except as provided in Section 4-2-4 of this Code. While the following animals are not declared by this ordinance to be dangerous per se, (1) lizards exceeding two feet in length; the owners of such animals shall, within two hours of knowledge of the possibility of such an animal

being "at large" within the community, so notify the Dubuque County Sheriff's Office in Dubuque, Iowa.

4-2-4 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 4-2-3 of this chapter shall not apply to the keeping of dangerous animals in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bonafide educational or medical institution, humane society, or museum in which they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required federal or state licenses.

3. The keeping of dangerous animals in a bona-fide licensed veterinary hospital for treatment.

4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.

5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A and 481B of the Iowa Code.

4-2-5 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, at the discretion of the Animal Control Officer or the Dubuque County Sheriff, be destroyed if it cannot be confined or captured. The City of Worthington shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises located in the City of Worthington, the Animal Control Officer shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the Animal Control Officer shall order the person named in the complaint to safely remove such animal from the City of Worthington, and permanently place the animal with an organization or destroy the animal within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the Animal Control Officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the Animal Control Officer may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk-Treasurer within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for appeal and shall be delivered personally or by certified mail to the City Clerk-Treasurer. The hearing of such appeal shall be scheduled within seven days of receipt of notice of appeal. After such hearing, the City Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk-Treasurer within three days after the hearing or any continued session thereof.

5. If the City Council affirms the action of the Animal Control Officer, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City permanently, place such animal with an organization or group allowed under Section 4-2-4 of this Code to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Animal Control Officer is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Council was issued has not petitioned the Dubuque County District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 4-2-4 of this Code to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto shall be subject to the penalty provisions of Chapter 1-3.

4-2-6 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 4-2-4 of this Code.

4-2-7 VICIOUS ANIMAL EXCEPTIONS. The prohibition contained in Section 4-2-6 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Sections 4-2-3 through 4-2-8 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog", "Vicious

Dog", or words of similar import, and the owner of such premises shall inform the Dubuque County Sheriff or Jones County Sheriff that a guard dog is on duty at such premises.

4-2-8 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The Animal Control Officer or the officer's designee, at the officer's discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Council. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.

2. If, after hearing, the City Council determines that an animal is vicious, the Council shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the Animal Control Officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Council was issued has not petitioned the Dubuque County District Court for a review of said order, the Animal Control Officer shall cause the animal to be destroyed.

3. Failure to comply with an order of the Council issued pursuant hereto shall be subject to the provisions of Chapter 1-3.

4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the animal control officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three (3) days impoundment.

5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

4-2-9 PROHIBITED ACTS BY OWNERS OF ANIMALS. It shall be unlawful for any person to do the following:

1. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.

2. It shall be the duty of every person owning or having the custody or control of any animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall be subject to the provisions of Chapter 1-3.

3. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the City, so as to hinder, delay or prevent their executing their duties in relation to the matters and things contained in this chapter.

4. It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or person's dwelling or other structure where the animal is at any time kept. At least once every 24 hours or more often if odors or health problems arise, such persons shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal, and place where the animal is maintained, shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

5. It is unlawful for any owner or other person to abandon, turn loose, or leave any animal within the corporate limits of the City or so that the animal may find its way into the corporate limits of the City, or to abandon or leave any animal upon or in any premises unattended for a period in excess of three (3) days.

4-2-10 KEEPING OF DOMESTIC ANIMALS.

1. Domestic animals such as horses, swine, sheep, goats, donkeys, and other such animals or fowl shall not be kept within the corporate limits of the City of Worthington, Iowa.

2. Any person owning or possessing property which is co-located both within and outside the corporate limits of the City are exempt from subsection 1. above.

(Ord. 146, Passed September 9, 1995)

4-2-11 PETS ALLOWED. All animals or pets kept outside domestic living quarters shall be limited to two (2) animals (male or female). Offspring from such shall not be kept more than eight (8) weeks.

(Ord. 136, Passed October 21, 1991)

Pages 133-137 Reserved

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

(THIS SECTION IS RESERVED)

Pages 139-141 reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

6-1-1	Definitions	6-1-4	Emergency and Temporary Parking
6-1-2	Location of Mobile Homes	6-1-5	Traffic Code Applicable
6-1-3	Special Permits for Location of Mobile Homes Outside Mobile Home Parks	6-1-6	Building Requirements
		6-1-7	Mobile Home Hookups

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(Code of Iowa, Sec. 435.1)

2. "Mobile home park" shall mean any site, lot, field or tract of land upon which three or more occupied mobile homes, manufactured homes, or modular homes or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 435.1(4))

3. "Manufactured home" is a factory-built structure built under authority of 42 U.S.C. Section 5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled.

4. "Modular home" means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation; is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner.

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by state law. This section shall not apply to mobile homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of one (1) year but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

1. A statement concerning the practicability of location within a local mobile home park.
2. A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
3. A statement of the desired duration of the special permit.

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of Section 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-5 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-6 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation (except that any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement. The effective date of this Ordinance is October 17, 2005.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 435.26)

6-1-7 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by city officials and the mobile home dealer shall pay an inspection fee of \$25.00. No additional permits shall be required.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 322B).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - BILLING CHARGES

GENERAL PROVISIONS

- 6-2-1 Utility Defined
- 6-2-2 Application for Sewer Service
- 6-2-3 Disposition of Fees and Charges
- 6-2-4 Billing, Penalty
- 6-2-5 Discontinuing Services, Fees
- 6-2-6 Customer Guarantee Deposits
- 6-2-7 Rental Property Owners' Responsibility
- 6-2-8 Residential Rental Property
- 6-2-9 Vacant Building and Temporary Vacancies.

UTILITY RATES

- 6-2-10 Sewer Rates
- 6-2-11 Determination and Payment of Sewer Rent From Premises With Private Water Systems
- 6-2-12 Water Rates
- 6-2-13 Water for Construction Purposes
- 6-2-14 Solid Waste and Recycling Rate

GENERAL PROVISIONS

6-2-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, operated by the City and refuse collection systems contracted for by the City.

6-2-2 APPLICATION FOR SEWER SERVICE. Applications for utility service that be applied for as follows:

1. Sewer. Applications for sewer service shall be filed with the City Clerk upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served. All applications shall be accompanied by a fee of \$350.00, payable to the City Clerk for the connection charge.

(Ord. No.162, Passed October 17, 2005)

(Ord. 69, Passed October 10, 1966)

2. Water. Applications for water service to a building, house or other structure shall be filed with the City Clerk upon a form to be supplied by the City. The application shall state the name of the applicant and the premise to be served. All applications filed after the commencement of the operation of the Municipal Waterworks System shall be accompanied by a fee of one hundred dollars (\$100.00) payable to the City Clerk of the City for the connection. Connection fees after October 1, 1981 will be one hundred seventy five dollars (\$175.00) per connection. If no application for water service is filed within the time periods required for connection to the Municipal Waterworks System imposed by Section 6-4-1, the City may by motion order the connection to be made and bill the owner of said building, house or structure for the fee thereof.

3. Refuse. Applications for refuse service shall be filed with the City Clerk upon a form to be supplied by the City. The application shall state the name of the applicant and the premises to be served.

6-2-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-2-4 BILLING, PENALTY. Utility bills shall be due to the City Clerk on the fifth (5th) day of the month following the period for which service is billed. Payment shall be made to the City Clerk. Bills shall become delinquent after the seventh (7th) day of the month in which due and bills paid after said day shall have added a penalty of ten percent (10%) of the amount of the bill for utility service. When the fifth falls on Saturday or Sunday, the City Clerk shall accept payment on the next office day without penalty.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 384.84(1))

6-2-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within seven (7) days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor or the Mayor's designee is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of twenty-five dollars (\$25.00) shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such utility bill is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

(Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Ord. No.162, Passed October 17, 2005)

(Ord. 172, Passed November 4, 2013))

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

6-2-6 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay utility bills rendered. Such deposit shall be one hundred dollars (\$100.00). Deposits of customers having established acceptable credit records for one (1) year shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 384.84(1))

6-2-7 RENTAL PROPERTY OWNERS' RESPONSIBILITY. The City Council hereby establishes that all property owners renting out property will be sent the water bill notwithstanding the provisions of Section 6-2-8 of this Chapter. The property owner will be responsible to pay water bills for renters and collect the bills from the renters.

(Ord. 102, Passed August 15, 1983)

6-2-8 RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full. A change in the

ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Ord. No.162, Passed October 17, 2005)

(Ord. 172, Passed November 4, 2013)
(Code of Iowa, Sec. 384.84(3)(d))
(Code of Iowa, Sec. 384.84(3)(e))

6-2-9 VACANT BUILDINGS AND TEMPORARY VACANCIES: The following regulations shall apply to vacant buildings and temporary vacancies.

1. Vacant buildings will have water shut-off at the curb stop or will continue paying rates for use of water as established.

(Ord. 126, Passed September 8, 1987)

2. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies. There is a \$25.00 reconnection fee.

(Ord. No.162, Passed October 17, 2005)

UTILITY RATES

6-2-10 SEWER RATES. Sewer rates will be charged monthly as follows:

Residential	- \$16.00 per month
Business	- \$18.40 per month + taxes
School	- \$100.00 per month
Outside City Limits	- \$18.40 per month + taxes if commercial

Each of the above rate classes will be subject to a surcharge of \$13.00 per month additional to the regular rate

(Ord. 151, Passed December 7, 1998)
(Ord. 155, Passed July 5, 2000)

6-2-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent of \$29.00 per month. Rent shall be paid at the same time and place as provided in Section

6-2-12 WATER RATES. Water rates will be charged monthly as follows:

Residential and Business within Corporate Limits

1. Each account shall be charged an \$8.00 per month basic fee plus tax.
2. Each account shall be charged \$1.75 per thousand gallons of usage plus tax.
3. The rates will take effect when meters are read in October, 2005.
4. Water rates shall be increased 3% each year with the October reading
(Ord. 145, Passed May 16, 1994)
(Ord. 161, Passed August 16, 2005)
(Ord. No.162, Passed October 17, 2005)

6-2-13 WATER FOR CONSTRUCTION PURPOSES. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being one hundred dollars (\$100.00) and the amount to be determined by the municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench, and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

6-2-14 SOLID WASTE AND RECYCLING RATES. Rates charged for refuse and recycling collection shall be according to the following schedule:

Residential (Inside City Limits)	\$ 9.74 per month
Commercial	
Memorial Hall	\$ 10.00 per dumpster
Greiner Construction	\$ 20.00 per month
Jaeger Trucking	\$ 20.00 per month
Last Straw	\$ 20.00 per month
Reiter's Garage	\$ 20.00 per month
S&S Trucking	\$ 20.00 per month
Worthington Feed Store	\$ 20.00 per month
Fidelity Bank	\$ 25.00 per month
Simon's Restaurant	\$ 45.00 per month

St. Paul's School	\$ 50.00 per month
Day Break	\$ 50.00 per month
Crop Production	\$ 90.00 per month
Century Building Products	\$ 100.00 per month

(Ord. 156, Passed July 2, 2001)
(Ord. No.162, Passed October 17, 2005)
(Ord. No. 170, Passed March 18, 2013)

Pages 151-153 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - SANITARY SYSTEM

6-3-1	Definitions	6-3-6	Protection from Damage
6-3-2	Use of Public Sewers Required	6-3-7	Powers and Authority to Superintendents
6-3-3	Private Sewage Disposal	6-3-8	Penalties
6-3-4	Building Sewers and Connections		
6-3-5	Use of the Public Sewers		

6-3-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

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

(IAC 567-69.3(1))

2. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

3. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

4. "Industrial Wastes" shall mean the liquid wastes from industrial processes, as distinct from sanitary sewage.

5. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

6. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

7. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

8. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

9. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

10. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

11. "Sewer" shall mean a pipe or conduit for carrying sewage.

12. "Shall" is mandatory: "may" is permissive.

13. "Superintendent" shall mean any person or persons duly authorized by the municipality to inspect and approve the installation of building sewers and their connection to the public sewer system.

6-3-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(Code of Iowa, Sec. 364.12(3)(f))

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within thirty (30) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Ord. No.162, Passed October 17, 2005)

(Code of Iowa, Sec. 364.12(3)(f))

(IAC 567-69.3(3))

5. The municipality shall maintain at its expense the sewer main. Users of the sewer system shall be responsible for the installation and maintenance of the service line from the sewer main to the user's premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the City, but in no event shall the diameter be less than four (4) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. Cost for any extension to the sewer main will be borne by the person requesting the new extension.

(Ord. 103, Passed August 15, 1983)

6-3-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provisions of Section 6-3-2(4), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the County Board of Health.

2. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6-3-2(4), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned.

(Code of Iowa, Sec. 364.12(3)(f))

3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Board of Health.

6-3-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Worthington and deposited with the City Clerk-Treasurer a corporate surety in the sum of one thousand dollars (\$1,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City of Worthington pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Worthington and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

2. There shall be two (2) classes of building sewer permits: (a) for residential service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the said installation.

4. A separate and independent building sewer shall be provided for every building: except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.

5. Old building sewer or portions thereof, may be used in connection with new buildings only when they are found, upon examination and testing by the Superintendent to meet all requirements of this ordinance.

6. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Extra Strength Clay Pipe, Schedule PVC, 80, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or concrete pipe, may be accepted if laid on a suitable improved bed or cradle as approved by said Superintendent.

7. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay pipe. Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together. The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces. Joint for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Joints for cast iron soil pipe may also be of an acceptable compression type. Asbestos-cement pipe joints

shall be made with sleeves and rubber sealing rings. Plastic PVC pipe joints shall be made with sleeves and/or rubber sealing rings.

8. The size and slope of the building sewers shall be subject to the approval of the said Superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot. A slope of one-fourth (1/4) inch per foot shall be used wherever practical.

9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative.

10. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used. A check valve shall be installed on the building sewer prior to connection to the public sewer.

11. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said Superintendent.

12. The applicant for the building sewer shall notify the said Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Superintendent or Superintendent's representative.

13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

14. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

15. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

6-3-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid or solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

3. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

b. Non-Payment of bills.

c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

4. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Superintendent and of the State Department of Natural Resources, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

6. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at owner's expense, a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

6-3-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-3-7 POWERS AND AUTHORITY TO SUPERINTENDENT.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

6-3-8 PENALTIES.

1. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

2. Any person found to be violating any provision of this ordinance except Section 6-3-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

3. Any person who shall continue any violation beyond the time limit provided for in Section 6-3-8(2), shall be subject to the provisions of Chapter 1-3 of this Code.

4. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

(Ord. 102, Passed August 15, 1988)

Pages 161-163 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - WATER SYSTEM

- 6-4-1 Connection to Water System Required
- 6-4-2 Completion by the City
- 6-4-3 Responsibility for Service Lines and Water Mains
- 6-4-4 Discontinuing Water Service
- 6-4-5 Installation of Water Meters
- 6-4-6 Accuracy of Water Meters
- 6-4-7 Disturbance of Water Meters
- 6-4-8 Access to Water Meters
- 6-4-9 Responsibility for Damage to Water System
- 6-4-10 Use of Water
- 6-4-11 Easements for Water Service
- 6-4-12 Failure of Water Meter
- 6-4-13 Permit to Tap Mains
- 6-4-14 Installation of Service Pipes
- 6-4-15 Excavation in a Street
- 6-4-16 Regulations for Excavation
- 6-4-17 Damage to Water System
- 6-4-18 Water Hydrants
- 6-4-19 Stop Cock
- 6-4-20 Authority to Open Hydrants
- 6-4-21 Extension and Maintenance of Water System
- 6-4-22 Interruption of Service
- 6-4-23 Authority to Refuse Service
- 6-4-24 Authority in Water Shortage Emergencies
- 6-4-25 Amendment to Rules
- 6-4-26 Violation of Rules

SOURCES OF CONTAMINATION

- 6-4-27 Definition
- 6-4-28 Distance From a Deep Well
- 6-4-29 Wells in the City
- 6-4-30 Designation of Deep Well
- 6-4-31 Use of Existing Structures or Facilities

6-4-1 **CONNECTION TO WATER SYSTEM REQUIRED.** The owner of all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, situated within the City of Worthington and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main or service line of the Municipal Waterworks System of the City is hereby required to connect such building, house or other structure to the Municipal Waterworks System within ninety (90) days after the date of official notice to do so, provided that the property line of the property on which such building, house, or structure is located is within two hundred (200) feet of such water main or service line.

(Ord. No.162, Passed October 17, 2005)

6-4-2 **COMPLETION BY THE CITY.** Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work and the City Council shall assess the costs to the property owner.

If the property owner is assessed, such assessment shall be collected with an in the same manner as general property taxes.

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

6-4-3 RESPONSIBILITY FOR SERVICE LINES AND WATER MAINS. The owner shall install and maintain at the owner's expense the service line from the main to the premises, including a stop and waste cock at the end of the premises side of the service. In the event that repair is necessary to the stop and waste cock, the repair shall be made by the City at the owner's expense with a minimum charge established by the City Council for such repair.

Cost for any extension to the water main shall be borne by the person requesting the new extension. All taxes and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this Ordinance. The municipality shall determine the size and kind of service to be installed.

(Ord. No.162, Passed October 17, 2005)

6-4-4 DISCONTINUING WATER SERVICE. Application may be cancelled and/or water service discontinued subject to the provisions of Section 6-4-17, by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property of fixtures to be supplied or use to be made of water.
2. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.
3. Resale of or giving away of water.
4. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.
5. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
6. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the City, except such a connection may be made if there is no possibility of mixture with the municipal water system, and if the valve and other necessary fittings are approved by the City.
7. Non-payment of bills.

6-4-5 INSTALLATION OF WATER METERS. It shall be the duty of the City to keep all water meters installed in proper repair. The City shall pay for the first water meter installed at a

connection. The property owner shall be responsible for replacement water meters. However, all water meters are the property of the City. All meters installed shall be placed in a frost proof location where the same may be conveniently read at all times. Failure on the part of the customer to provide a suitable location for the water meters as herein defined shall subject the customer to having the water supply to the premises shut off.

(Ord. No.162, Passed October 17, 2005)

6-4-6 ACCURACY OF WATER METERS. If the customer thinks the meter is incorrect and the City proves the meter correct, the customer will pay the bill connected for time and labor. If the meter proves wrong, the City will stand the expense of repair or will replace the meter. The City reserves the right to check any meter for accuracy of measurement at any time.

6-4-7 DISTURBANCE OF WATER METERS. No person, unless properly authorized by the City Council, shall connect, remove, repair or otherwise disturb any water meter.

6-4-8 ACCESS TO WATER METERS. The occupant of any building, premises, or other places where a meter is located shall see that the meter is kept free from obstruction on or around the same, and that it is conveniently accessible at all times for the purpose of reading, inspecting or repairing. The water shall be turned off without notice from any meter that shall not be so kept and shall not be turned on again until this section shall have been complied with and the cost of turning on the water is paid.

6-4-9 RESPONSIBILITY FOR DAMAGE TO WATER SYSTEM. If any loss or damage to the property of the City, including water meters, or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of the customer's household, customer's agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the City and any liability otherwise resulting shall be that of the customer.

(Ord. No.162, Passed October 17, 2005)

6-4-10 USE OF WATER. Water furnished by the City may be used for domestic consumption by the customer, members of the customer's household, and customer's employees only. The customer shall not sell or give the water to any other person.

6-4-11 EASEMENTS FOR WATER SERVICE. Each customer shall grant or convey, or shall cause to be granted or conveyed to the City a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

6-4-12 FAILURE OF WATER METERS. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

6-4-13 PERMIT TO TAP MAINS. No person shall tap or cause to be tapped the street mains of the City of Worthington without first obtaining a permit from the City Clerk of said City. It shall be the duty of said City Clerk to keep an accurate record of all taps made.

6-4-14 INSTALLATION OF SERVICE PIPES. All service pipes must be laid at a depth of not less than five and one-half feet (5.5') from the surface of the ground and in all cases to be protected so as to prevent rupture by freezing.

6-4-15 EXCAVATION IN A STREET. No person shall leave any excavation made in the street or highway open at any time without barricade, and during the night warning lights must be maintained at such excavations.

6-4-16 REGULATIONS FOR EXCAVATION. After service pipes are laid in refilling openings, the earth must be laid in layers in depth and each layer thoroughly rammed or puddled to prevent settling and this work together with the replacing of sidewalk and paving must be done so as to make the street at least as good as before it was disturbed and to the satisfaction of the City personnel. No opening for tapping the mains will be permitted when the ground is frozen unless by special permit and supervision of the City personnel.

6-4-17 DAMAGE TO WATER SYSTEM. No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building machinery, apparatus, fixtures, attachments or appurtenances of the works of said City or any public or private hydrant, or water trough or stop cock, meter, water supply or service pipe or any part thereof, nor shall any person deposit anything in any stop cock box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without permission of the City Council.

6-4-18 WATER HYDRANTS. All the hydrants erected in said City for the purpose of extinguishing fires are hereby declared to be public hydrants, and no person or persons other than the members of the Fire Department, and then only for the use and purposes of said department, or persons especially authorized by said City Council and then only in the exercise of the authority delegated by the said City Council shall open any of the said hydrants, or attempt to draw water from the same, or at any time uncover or remove any protection from any of the hydrants in said City or in any manner interfere with said hydrants.

6-4-19 STOP COCK. Unless otherwise permitted, stop cock shall be placed in the service pipe on edge of sidewalk near the curb line and protected by a box or iron pipe reaching from the top to the surface of suitable size to admit a stop key for turning on and off the stop; visible and even with the pavement or ground.

6-4-20 AUTHORITY TO OPEN HYDRANTS. No person authorized to open hydrants shall delegate such authority to another, or suffer any person to take the wrenches furnished that person or suffer the same to be taken from any house of said City except for purposes strictly connected with the Fire Department, or as they accompany hose carts on occasion of fire.

6-4-21 EXTENSION AND MAINTENANCE OF WATER SYSTEM. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein.

6-4-22 INTERRUPTION OF SERVICE. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

6-4-23 AUTHORITY TO REFUSE SERVICE. The municipality may refuse service to persons, not presently a customer, when in the opinion of the municipality the capacity of the facilities will not permit such service.

6-4-24 AUTHORITY IN WATER SHORTAGE EMERGENCIES. The City Council is authorized to declare a water shortage emergency. Said declaration shall provide for the limitations of water usage by all citizens and residents of the City. Said limitations shall include but not be limited to:

1. Inclusive dates of the emergency;
2. Specific limitations on water usage and times for said usage; and
3. Penalties for violations thereof.

6-4-25 AMENDMENT TO RULES. These rules may be changed or amended.

6-4-26 VIOLATION OF RULES. Any plumber or other person who shall do or perform any act or thing prohibited by this Ordinance or otherwise than in accordance with its provisions, or violate any or either of the rules and regulations now or hereafter to be adopted shall be guilty of a municipal infraction and/or misdemeanor and be subject to provisions of Chapter 1-3 of the Worthington, Iowa Code of Ordinances.

SOURCES OF CONTAMINATION

6-4-27 DEFINITION. Deep Well: A well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above aquifer from which water is to be drawn.
(Ord. 91, Passed November 19, 1979)

6-4-28 DISTANCE FROM A DEEP WELL. No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth, from a deep public well within the City of Worthington, Iowa:

1. Well house floor drains - 5 feet.
2. Water treatment plant wastes - 50 feet.
3. Sanitary and industrial discharges - 200 feet.
- 4a. Floor drains from pump house to surface - none within five (5) feet.
 - a. 5 - 10 feet water main materials enclosed in concrete permitted;
 - b. 10 - 25 feet must be water main material;
 - c. 25 - 75 feet must be watertight sewer pipe.
- 4b. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:
 - a. None permitted within 25 feet;
 - b. If closer than 75 feet, must be water main material;
 - c. If between 75 and 200 feet, must be watertight sewer pipe.
- 4c. Force mains:
 - a. None permitted within 75 feet;
 - b. If within 200 feet, must be water main materials.
5. Land application of solid waste - 100 feet.
6. Irrigation of waste water - 100 feet.
7. Concrete vaults and septic tanks - 100 feet.
8. Mechanical wastewater treatment plants - 200 feet.
9. Cesspools and earth privies - 200 feet.
10. Soil absorption fields - 200 feet.
11. Lagoons - 200 feet.
12. Chemical application to ground surface - 100 feet.
 - Above ground storage - 100 feet.
 - On or underground storage - 200 feet.
13. Animal pasturage - 50 feet.

14. Animal enclosure - 100 feet.
15. Animal wastes:
 - a. Land application of solids - 100 feet.
 - b. Land application of liquid or slurry - 100 feet.
 - c. Storage tank - 100 feet.
 - d. Solids stockpile - 200 feet.
 - e. Storage basin or lagoon - 200 feet.
16. Earthen silage storage trench or pit - 100 feet.
17. Basements, pits, sumps - 10 feet.
18. Flowing streams or other surface water bodies - 50 feet.
19. Cisterns - 50 feet.
20. Cemeteries - 200 feet.
21. Private wells - 200 feet.
22. Solid waste disposal sites - 200 feet.

(Ord. 91, Passed November 19, 1979)

6-4-29 **WELLS IN THE CITY.** Proscriptions as set forth in Section 6-4-36 herein shall apply to all public water wells existing within the City of Worthington, except public water wells formerly abandoned for use by resolution of the City Council.

(Ord. 91, Passed November 19, 1979)

6-4-30 **DESIGNATION OF DEEP WELL.** A qualified engineer appointed by the City shall designate each water well within the City as being a "deep well" for the purposes of this Ordinance.

(Ord. 91, Passed November 19, 1979)

6-4-31 **USE OF EXISTING STRUCTURES OR FACILITIES.** The use of structures or facilities existing at the time of enactment of this Ordinance may be continued even though such use may not conform with the regulations of this Ordinance. However, such structure or facility may not be enlarged, extended, reconstructed, or substituted subsequent to adoption of this Ordinance.

(Ord. 91, Passed November 19, 1979)

Pages 171-175 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - REFUSE COLLECTION

6-5-1	Purpose	6-5-3	Collection
6-5-2	Definitions	6-5-4	Disposal

6-5-1 **PURPOSE.** The purpose of this Ordinance is to provide a sanitary disposal project for the final disposition of solid wastes and, thereby, to protect the citizens of this City from such hazards to their health, safety, and welfare that result from the uncontrolled disposal of solid wastes.

(Ord. Passed June 16, 1975)

6-5-2 **DEFINITIONS.** For use in this Ordinance, the following terms are defined:

1. The term "agency" shall mean the Dubuque Metropolitan Area Solid Waste Agency).
2. The term "contractor" shall mean the company the City contracts with to pick-up and dispose of solid waste.
3. The term "hazardous materials" shall include explosive materials; materials contaminated by infectious or contagious disease; fly ash or other fine or powdery material; and other material which may present a special hazard to sanitary landfill personnel, equipment or to the public.
4. The term "owner" whenever used in this Ordinance shall, in addition to the record titleholder, include any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
5. The term "person" shall mean an individual, firm, partnership, domestic or foreign corporation, company, association, trust or other legal entity, and includes a trustee, receiver, assignee or similar representative thereof, but does not include a governmental body.
6. The term "residential premises" shall mean single family dwellings and any multiple family dwelling up to and including four (4) separate family quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development. The term shall also include any room or suite of rooms with culinary accommodations used or designed for use as a single housekeeping unit. Where the City Council finds that extraordinary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be

done and public interest is secured, provided, that such variation will not have the effect of nullifying the intent and purpose of this Ordinance.

(Ord. 144, Passed June 6, 1993)

7. The term "sanitary disposal" shall mean a method of treating and handling solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

8. The term "sanitary disposal project" shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director of the Department of Environmental Quality.

9. The term "sanitary landfill" shall mean a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary so that no nuisance or hazard to the public health is created.

10. The term "site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

11. The term "solid waste" shall mean garbage, refuse, rubbish and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles.

12. The term "solid waste collection" shall mean the gathering of solid waste from public and private places.

13. The term "solid waste transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail car, water vessel, conveyor or other means.

14. The term "yard waste" means organic debris (e.g., grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

(Ord. 134, Passed June 18, 1990)

6-5-3 COLLECTION.

1. Contractor. By virtue of an agreement proposed to be entered into between the City and the contractor, the contractor has proposed to provide solid waste collection service for and on behalf of the City, to remove solid wastes from residential premises as defined in this Ordinance subject to the following conditions which are hereby adopted as part of this Ordinance:

a. Such collections shall be made not less than once a week, at such times and in such areas of the City as shall be set out in schedules agreed upon by the City and the contractor.

b. The City and the contractor are authorized and empowered, jointly, to change or amend such schedules from time to time as they, in their discretion, shall deem necessary.

c. Collections may be made either from streets or alleys, where existing, at the discretion of the contractor's personnel.

d. Containers shall be placed out-of-doors at some easily accessible place. The provision of such containers and the placement thereof for collection shall be the responsibility of the owners of the residential premises to be served.

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

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

4. Protection required. No person shall haul any solid wastes upon the streets, alleys or public places of the City in any manner except in a vehicle or container so equipped as to prevent the blowing or leakage or dropping off of any of the contents on the public streets or ways of the City or private property therein.

5. Disposal site requirements. No person shall haul or cause to be hauled any solid waste material of any kind, other than those resulting from construction or demolition activities, to any disposal place or site or area within the corporate limits of the City unless such place, site or area has been properly zoned for such use and any permits required by such zoning obtained.

6. Hazardous materials. No person shall deposit in a solid waste container or otherwise offer for collection any hazardous solid waste. Hazardous materials shall be transported by the owner, responsible person or their agent, to a place of safe deposit or disposal as prescribed by the Health Officer or the Officer's authorized representative which place of deposit or disposal may in exceptional cases be a place other than an agency operated site or otherwise subject to special conditions or limitations.

7. Prohibition of littering. No person shall throw, rake, deposit, place, drop or spill litter, waste material or foreign material upon the streets, sidewalks or other public rights-of-way or into drainage systems or waterways within the City.

6-5-4 DISPOSAL.

1. Agency disposition. Pursuant to the terms of an agreement entered into between the City and the Agency, the disposal sites now and hereafter operated by the Agency will be made available as public disposal sites for all solid wastes collected within the corporate limits of the City upon the conditions specified in said agreement.

2. Agency rules. The rules and regulations governing the use of the sanitary disposal sites shall be as determined by the Agency to be in the best interest of the general public subject to the following provisions:

a. The sanitary disposal sites shall normally be open to the public on such days and hours as the Agency may designate; however, the Agency may alter the days and hours so scheduled to satisfy unusual conditions or emergencies.

b. The Agency shall be responsible for the operation of the sanitary disposal sites in a manner which will assure sanitary and safe conditions at all times.

c. The operation of the sanitary disposal sites shall comply with all regulations of all local, state, county or federal agencies, which may have jurisdiction over such operation.

3. Certain materials excluded. At the discretion of the Agency, certain materials may be excluded from those solid wastes which may be deposited at any agency sanitary landfill site. These excluded materials may include junk automobile bodies and similar bulky objects, which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten (10) feet in length; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the Agency deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the Agency and subject to any special instructions issued with said permission.

4. Separation of yard waste required. All yard waste must be separated from all other solid waste and refuse and shall be disposed of by the individual resident. The City will not pick up any yard waste.

(Ord. 134, Passed June 18, 1990)

Pages 180-184 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 CABLE TELEVISION

6-6-1 CABLE TV REGULATIONS

6-6-1 CABLE TV REGULATIONS. The following Ordinance, not codified herein, adopted by reference, and specifically saved from repeal, has been adopted providing for regulations governing the establishment, construction, operation and maintenance of Cable TV in the City of Worthington and providing for the enforcement thereof: Ordinance No. 157, passed June 4, 2001 is hereby adopted by reference.

(Ord. 157, Passed June 4, 2001)

(Ord. 131, Passed June 6, 1988)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SUBDIVISION REGULATIONS

GENERAL PROVISIONS

- 6-7-1 Short Title
- 6-7-2 Purpose
- 6-7-3 Application
- 6-7-4 Recording of Plat

DEFINITIONS

- 6-7-5 Terms Defined

IMPROVEMENTS

- 6-7-6 Improvements Required
- 6-7-7 Inspection
- 6-7-8 Minimum Improvements
- 6-7-9 Completion of Improvements
- 6-7-10 Performance Bond
- 6-7-11 Maintenance Bond

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

- 6-7-12 Minimum Standards

GENERAL PROVISIONS

6-7-1 **SHORT TITLE.** This chapter shall be known and may be cited as "The City of Worthington, Iowa, Subdivision Control Ordinance."

6-7-2 **PURPOSE.** The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Worthington, Iowa.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

- 6-7-13 Procedures and Submission Requirements for Plats
- 6-7-14 Pre-Application Conference
- 6-7-15 Sketch Plan Required
- 6-7-16 Presentation to Planning Commission or City Council
- 6-7-17 Subdivision Classified
- 6-7-18 Plats Required
- 6-7-19 Requirements of Preliminary Plat
- 6-7-20 Referral of Preliminary Plat
- 6-7-21 Action by the City Engineer
- 6-7-22 Action by the Governing Body
- 6-7-23 Final Plat
- 6-7-24 Referral Final Plat
- 6-7-25 Requirements of the Final Plat
- 6-7-26 Final Plat Attachments
- 6-7-27 Action by the Governing Body

OTHER PROVISIONS

- 6-7-28 Variances
- 6-7-29 Chain Subdividing

6-7-3 APPLICATION. Every owner of any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (June 16, 1975) into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within one (1) mile of the corporate limits of the City; shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Ord. 167, Passed February 20, 2008)

6-7-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Worthington, Iowa, or within one (1) mile of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the Governing Body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk-Treasurer within such thirty (30) days.

(Ord. 167, Passed February 20, 2008)

DEFINITIONS

6-7-5 TERMS DEFINED. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

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

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

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

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. "Building Lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.
7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the Governing Body or other hiring authority.
8. "Comprehensive Plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
9. "Conveyance" means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.
10. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.
11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.
13. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.
14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
15. "Forty-Acre Aliquot Part" means one-quarter of one-quarter of a section.
16. "Governing Body" means the City Council of the City of Worthington, Iowa.
17. "Government Lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

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

19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.

21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.

22. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

23. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

24. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before June 16, 1975.

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

26. "Parcel" means a part of a tract of land.

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

28. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

29. "Planning Commission" means the appointed commission designed by the Governing Body for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

30. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

31. "Plats Officer" means the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority.

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

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

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

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

36. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

37. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

38. "Street, Local" means a street primarily designed to provide access to abutting property.

39. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

40. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of land, as of June 16, 1975, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (June 16, 1975), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

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

42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

(Ord. No.162, Passed October 17, 2005)

43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

IMPROVEMENTS

6-7-6 **IMPROVEMENTS REQUIRED.** The subdivider shall, at said subdivider's expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-7-7 **INSPECTION.** All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

6-7-8 **MINIMUM IMPROVEMENTS.** The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. **Streets and alleys.** All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Governing Body after receiving the report and recommendations of the City Engineer.

2. **Roadways.** All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the Governing Body may require.

3. **Curb and Gutter.** Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the Governing Body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).

4. **Sidewalks.** Sidewalks may be required by the Governing Body if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the Governing Body after receiving the report and recommendations of the City Engineer.

5. **Water lines and hydrants.** Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards,

procedures and supervision. Within the subdivision, the subdivider shall provide water hydrants at intervals as specified by the City Council.

(Ord. No.162, Passed October 17, 2005)

6. Sewers.

a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system as required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Governing Body and the State Department of Health and the construction subject to the supervision of the Superintendent of public utilities.

b. Where sanitary sewers are not available, other facilities, as approved by the Governing Body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.

c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Governing Body and to the supervision of the Superintendent of public utilities.

6-7-9 **COMPLETION OF IMPROVEMENTS.** Before the Governing Body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Governing Body. Before passage of said resolution of acceptance, the Superintendent of public works shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

6-7-10 **PERFORMANCE BOND.** The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Governing Body guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

6-7-11 **MAINTENANCE BOND.** Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City. The subdivider must provide a two (2) year maintenance bond.

MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

6-7-12 **MINIMUM STANDARDS.** The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing streets.

a. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

b. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the Governing Body to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

2. Acreage subdivisions.

a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

b. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Local streets.

a. Local streets shall be so planned as to discourage through traffic.

b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage streets.

a. Where a subdivision abuts or contains an existing or proposed arterial street, the Governing Body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Governing Body may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Governing Body finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. Street geometrics.

a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the Governing Body shall determine for special cases.

7. Intersections.

a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Governing Body may deem it necessary. The Governing Body may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Governing Body.

9. Street grades.

a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.

b. No street grade shall be less than one-half (1/2) of one (1) percent.

10. Alleys.

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

b. The width of an alley shall be twenty (20) feet.

c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Governing Body.

11. Blocks.

a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the Governing Body, extraordinary conditions unquestionably justify a departure from these limits.

b. In blocks over seven hundred (700) feet in length, the Governing Body may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b. Minimum lot dimensions and sizes.

(1) Residential, business, and commercial lots shall not be less than eighty (80) feet wide nor less than eight thousand (8,000) square feet in area.

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

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines shall be shown on all lots within the platted area. The Governing Body may require building lines in accordance with the needs of each subdivision.

14. Easements.

a. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.

15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the Governing Body. The markers shall be of such material, size and length as may be approved by the Governing Body.

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

6-7-13 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the Governing Body, the subdivider and owner shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-7-14 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the City Clerk-Treasurer. The conference should be attended by the City Clerk-Treasurer and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-7-15 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-7-16 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL. The subdivider may present the sketch plan to the Governing Body for review, prior to incurring significant costs preparing the preliminary or final plat.

6-7-17 SUBDIVISION CLASSIFIED. Any proposed subdivision or resubdivision shall be classified as minor subdivision or a major subdivision.

1. Minor Subdivision. Means any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major Subdivision. Any subdivision that, in the opinion of the Governing Body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6-7-18 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

6-7-19 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk-Treasurer four (4) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.

3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.

4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.

5. Building setback or front yard lines.

6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.

7. Present and proposed easements, showing locations, widths, purposes and limitation.

8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.

9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.

10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.

11. Existing and proposed zoning of the proposed subdivision and adjoining property.

12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

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

6-7-20 REFERRAL OF PRELIMINARY PLAT. The City Clerk-Treasurer shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and (2) copies to the Governing Body.

6-7-21 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Worthington, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the Governing Body together with one (1) copy of the plat received.

6-7-22 ACTION BY THE GOVERNING BODY. The Governing Body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the Governing Body does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the Governing Body or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. If approved, the Governing Body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

3. The action of the Governing Body shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the Governing Body.

4. The "Conditional Approval" by the Governing Body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-7-23 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-7-24 REFERRAL FINAL PLAT. The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the Governing Body prepare and file four (4) copies of the final plat and other required documents with the City Clerk-Treasurer as hereafter set forth, and upon the subdivider's failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the Governing Body. Upon receipt of the final plat and other required documents, the City Clerk-Treasurer shall transmit two (2) copies of the final plat to the Governing Body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the Governing Body may refer the final plat to the City Engineer pursuant to the procedure established in Section 6-7-19.

6-7-25 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing linen. It shall show:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.
6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

6-7-26 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
4. A certificate from the County Treasurer that the subdivision land is free from taxes.
5. A certificate from the clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the clerk's office.

6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.

7. A certificate of dedication of streets and other public property.

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the Governing Body and for signatures of the Mayor and Clerk-Treasurer.

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Clerk-Treasurer or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk-Treasurer, or that the Governing Body has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

6-7-27 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than sixty (60) days following submission of the final plat to the Clerk-Treasurer as stated in Section 6-7-24 the Governing Body shall either approve or disapprove the final plat.

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

2. In the event that said plat is found to be acceptable and in accordance with this ordinance, the Governing Body shall accept the same.

3. The passage of a resolution by the Governing Body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Dubuque, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

OTHER PROVISIONS

6-7-28 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this ordinance would result in extraordinary hardship

to the subdivider, because of unusual topography or other conditions, the Governing Body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Governing Body.

6-7-29 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this Ordinance shall be issued unless the tract has been platted in accordance with this Ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the restricted residence district Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

Pages 203-207 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 SIDEWALK REGULATIONS

6-8-1	Purpose	6-8-12	Inspection and Approval
6-8-2	Definitions	6-8-13	Barricades and Warning Lights
6-8-3	Cleaning Snow, Ice, and Accumulations	6-8-14	Interference with Sidewalk Improvements
6-8-4	Maintenance Responsibility	6-8-15	Special Assessments for Construction and Repair
6-8-5	Liability of Abutting Owner	6-8-16	Notice of Assessment for Repair or Cleaning Costs
6-8-6	Ordering Sidewalk Improvements	6-8-17	Hearing and Assessment
6-8-7	Repairing Defective Sidewalks	6-8-18	Billing and Certifying to County
6-8-8	Notice of Inability to Repair or Barricade		
6-8-9	Standard Sidewalk Specifications		
6-8-10	Permits for Construction or		
6-8-11	Failure to Obtain Permit; Remedies		

6-8-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-8-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to three-fourths (3/4) inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-8-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Ord. No.162, Passed October 17, 2005)
(Code of Iowa, Sec. 364.12(2b) and (2e))

6-8-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.
(Code of Iowa, Sec. 364.12(2c))

6-8-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage

or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

6-8-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-8-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk-Treasurer shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

6-8-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-8-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

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

2. Sidewalks shall be on one-course construction.

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

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

5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick

and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

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

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

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

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

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

(Ord. No.162, Passed October 17, 2005)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-8-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk-Treasurer. The permit shall state that the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk-Treasurer. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-8-11 **FAILURE TO OBTAIN PERMIT; REMEDIES.** Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-8-12 **INSPECTION AND APPROVAL.** Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

6-8-13 **BARRICADES AND WARNING LIGHTS.** Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-8-14 **INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this chapter.

6-8-15 **SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR.** The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

6-8-16 **NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS.** When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk-Treasurer shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

6-8-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

6-8-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk-Treasurer shall certify any unpaid amounts to the County Auditor. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

6-8-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

(Ord. 172, Passed November 4, 2013)

Pages 214-216 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 FLOOD CONTROL

6-9-1	Legal Authority, Findings of Fact and Purpose	6-9-4	Administration
6-9-2	General Provisions	6-9-5	Penalties for Violation
6-9-3	Flood Plain Management Standards	6-9-6	Amendments
		6-9-7	Definitions

6-9-1 LEGAL AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Legal Authority. Chapter 364 of the Code of Iowa grants cities the authority, except as expressly limited by the Constitution and if not inconsistent with the laws of the General Assembly, to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

2. Findings of Fact.

a. The flood hazard areas of Worthington are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the peace, safety, health, welfare, comfort, and convenience of its residents.

b. These flood losses, hazards, and related adverse effects are caused by:

(1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and

(2) The cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

c. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Worthington and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 6-9-1(2)(b) with provisions designed to:

a. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

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

c. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.

d. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

e. Assure that eligibility is maintained for property owners in the city to purchase flood insurance through the National Flood Insurance Program.

(Ord. 122, Passed March 2, 1987)

6-9-2 GENERAL PROVISIONS.

1. The Flood Insurance Rate Map (FIRM) for Dubuque County and incorporated Areas, City of Worthington, Panels 19061C0269E, 0288E, dated October 18, 2011, which were prepared as part of the Dubuque County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study for the County of Dubuque County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

(Ord. 169, Passed September 19, 2011)

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

3. 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.

4. 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 governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

5. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific

methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the regulated areas or that uses permitted within the regulated areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Worthington or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

6. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(Ord. 122, Passed March 2, 1987)

6-9-3 FLOOD PLAIN MANAGEMENT STANDARDS.

1. General Flood Plain 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 in the Flood Insurance Study, the Department of Natural Resources shall be contacted to compute such data.

a. All structures shall be:

- (1) Adequately anchored to prevent flotation, collapse or lateral movement of the structure,
- (2) Be constructed with materials and utility equipment resistant to flood damage, and
- (3) Be constructed by methods and practices that minimize flood damage.

(Ord. 122, Passed March 2, 1987)

b. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) ft. above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council and the Department of Natural Resources, 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.

(Ord. 122, Passed March 2, 1987)

c. Non-Residential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) ft. above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to

such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressure, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum (1988)) to which any structures are floodproofed shall be maintained by the Administrator.

(Sec. 6-9-3(1)(c) amended as part of recodification in 1995)
(Ord. 169, Passed September 19, 2011)

d. All new and substantially improved structures:

(1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

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

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

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit floodwaters.

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

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

(3) New and substantially improved structures 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.

(Sec. 6-9-3(1)(d) amended as part of recodification in 1995)

e. Factory-Built Homes.

(1) All factory-built homes, including those placed in existing factory-built home parks or subdivision, 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.

(2) All factory-built homes, including those placed in existing factory-built home parks or subdivision, shall be anchored to resist flotation, collapse, or lateral movement. The following specific requirements (or their equivalent) shall be met:

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

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

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

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

(Sec. 6-9-3(1)(e) amended as part of recodification in 1995)

f. Utility and Sanitary Systems.

(1) All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluence into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

(2) On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

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

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

(Ord. 122, Passed March 2, 1987)

g. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or

(1) Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or

(2) Be readily removable from the area within the time available after flood warning.
(Ord. 122, Passed March 2, 1987)

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

(Ord. 122, Passed March 2, 1987)

i. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

(Ord. 122, Passed March 2, 1987)

j. Subdivisions (including factory-built home parks and subdivision) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.

(Ord. 122, Passed March 2, 1987)

(Ord 169, Passed September 19, 2011)

k. The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:

(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) Structures 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 to floodproofed to at least one (1) foot above the 100-year flood level.

(Ord. 122, Passed March 2, 1987)

l. Accessory Structures.

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

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

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

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

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

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

(2) 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.

(Sec. 6-9-3(1)(l) amended as part of recodification in 1995)

m. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of Section IV E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

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

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

(Sec. 6-9-3(1)(m) amended as part of recodification in 1995)

(2) 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 6-9-3(1)(e) of this Ordinance regarding anchoring and elevation of factory-built homes.

2. Special Floodway Provisions. In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway limits. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation.

a. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

b. All uses within the floodway shall:

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

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

c. No use shall affect the capacity of conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

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

f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

g. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

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

i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due

to the action of flood flows.

(Ord. 122, Passed March 2, 1987)

6-9-4 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Administrator.

a. The Mayor shall administer and enforce the provisions of this Ordinance and will herein be referred to as the Administrator.

b. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to ensure that the provisions of this Ordinance will be satisfied.

2. Review all flood plain development permit applications to ensure that all necessary permits have been obtained from federal, state, or local governmental agencies.

3. Record and maintain a record of:

(a) The elevation (in relation to North American Vertical Datum (1988)) of the lowest floor of all new or substantially improved buildings or

(b) The elevation to which new or substantially improved structures have been floodproofed.

(Ord. 169, Passed September 19, 2011)

4. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse.

5. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Ordinance.

2. Flood Plain Development Permit Required.

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

b. 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. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Elevation of the 100-year flood.
5. Elevation (in relation to North American Vertical Datum (1988)) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
(Ord. 169, Passed September 19, 2011)
6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary for the purpose of this Ordinance.

c. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Council.

d. Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

3. Variance.

a. The City Council may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special

conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) No variance shall be granted for any development within the floodway which would result in any increase in flood heights during the occurrence of the 100-year flood. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) Variances shall only be granted upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(c) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

(3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Administrator that:

(a) 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

(b) Such construction increases risks to life and property.

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

b. Factors Upon Which the Decision of the Council Shall be Based. In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

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

c. Conditions Attached to Variances. Upon consideration of the factors listed above, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not 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 purpose of this Ordinance.

(5) Floodproofing measures.

(Ord. 122, Passed March 2, 1987)

6-9-5 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor and/or municipal infraction and will be remedied in conformance with the provisions of Chapter 1-3 of the Worthington Municipal Code.

(Sec. 6-9-5 amended as part of codification in 1995)

6-9-6 AMENDMENTS. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-9-7 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Base Flood. The flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood).

2. Basement. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. Existing Construction. Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

5. Existing Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the effective date of flood plain management regulations adopted by the community.

6. Expansion of Existing Factory-Built Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. **Factory-Built Home Park.** A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. **Flood Elevation.** The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. **Flood Insurance Rate Map (FIRM).** The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. **Flood Insurance Study (FIS).** A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the community with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

13. **Flood Plain.** Any land area susceptible to being inundated by water as a result of a flood.

14. **Flood Plain Management.** An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

15. **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

16. **Floodway.** The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

17. **Floodway Fringe.** Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

18. Fully Enclosed Area Below Lowest Floor. An enclosed area below the "lowest floor" (not including basements) that is subject to flooding but which is used solely for the parking of vehicles, building access and low damage potential storage and is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

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

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

19. Historic Structure. Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

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

20. Lowest Floor. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the requirements for a "fully enclosed area below lowest floor" as defined in this Ordinance and

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

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

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

In cases where the lowest enclosed area satisfied 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.

21. Minor Projects. Small development activities (except for filling, grading and excavating) valued at less than \$500.

(Ord. 169, Passed September 19, 2011)

22. New Construction (New Buildings, Factory-Built Home Parks). Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map (October 18, 1983).

23. New Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

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

25. Recreational Vehicle. A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

26. Routine Maintenance of Existing Buildings and Facilities. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

(Ord. 169, Passed September 19, 2011)

27. Special Flood Hazard Area. The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

28. 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.

29. Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

30. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

31. Substantial Improvement. Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of

construction: of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to 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 25 percent or more. All additions constructed after October 18, 1983 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

32. Variance. A grant of relief by a community from the terms of the flood plain management regulations.

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

(Sec. 6-9-7 amended as part of recodification in 1995)

Page 235-238 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 BUILDING PERMITS AND REGULATIONS

6-10-1	Purpose	6-10-6	Enforcement of Provisions
6-10-2	Building Permit Required	6-10-7	Variations
6-10-3	Application for Permit	6-10-8	Special Flood Hazard Area Provisions
6-10-4	Approval of Plans	6-10-9	Variances
6-10-5	Site Requirements	6-10-10	Penalty

6-10-1 PURPOSE. This Ordinance is for the purpose of requiring a building permit for erection, construction, or alteration of any building for use as a residence, business or any other purpose. This Ordinance shall be known as the City of Worthington, Iowa Building Permit Ordinance.

6-10-2 BUILDING PERMIT REQUIRED. Building permits must be secured for the construction of the following:

1. New Residence
2. New Business
3. New permanent, non-dwelling building
4. New, or enlargement of existing, patios, decks and permanent pools
5. Alteration of or addition to an existing building that will extend horizontally past the existing roofline.
6. New construction that requires moving of ground. This provision does not apply to gardening, or the planting or removal of shrubbery and trees
7. demolition of existing buildings and/or foundations

When digging of any type, Iowa One Call must be notified at least 48 hours in advance.

It shall be unlawful to construct or alter any building or structure in the City without first having secured a permit when required. Permits for water of \$175.00 and sewer of \$350.00 must be secured and paid at the time a building permit is issued if applicable.

Building permits, rather than permits for water and sewer, shall be issued at no cost.
(Ord. 159, Passed April 15, 2002)

6-10-3 APPLICATION FOR PERMIT. Application for such permits shall be made to the City Clerk-Treasurer and shall be accompanied by plans and specifications showing the work to be done; such plans shall be verified by the signature of the owner of the premises or by the contractor in charge of construction or alteration.

6-10-4 APPROVAL OF PLANS. Such application with plans shall be referred to the City Council, who shall examine the same to determine whether the proposed construction or alteration will comply with the ordinance provisions. Upon approval, one set of plans shall be returned to the applicant with a permit and the other retained by the City. No permit shall be issued until after approval of the plan.

6-10-5 SITE REQUIREMENTS. All structures to be used for residential, business or commercial purposes shall be placed on lots of no less than 8000 square feet and said structures shall be constructed in conformance with the following conditions:

1. A five (5) foot setback from the side or rear lot line.
2. A distance of ten (10) feet from a neighboring structure.
3. A distance of twenty (20) feet from the property line of any street, with the provision that the structure shall not extend beyond a line created by the present structures if they are back further than twenty (20) feet from the property line on the street side.
4. All proposed construction must be marked or staked on the property and examined by the City before a permit is issued.
5. If any structure now existing on a lot smaller than 8000 square feet is destroyed by an act of God, the structure may be replaced on existing square footage, only.

6-10-6 ENFORCEMENT OF PROVISIONS. The City Council shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this ordinance, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this Ordinance.

6-10-7 VARIATIONS. It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the City Council and approved by it.

6-10-8 SPECIAL FLOOD HAZARD AREA PROVISIONS. If a proposed building site is in a location that has a flood hazard, as delineated by the Department of Housing and Urban Development "Special Flood Hazard Areas" map, any proposed new construction or substantial improvement (including manufactured, modular or mobile homes) must:

1. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure.

2. Use construction materials and utility equipment that are resistant to flood damage.

3. Use construction methods and practices that will minimize flood damage.

6-10-9 VARIANCES. Variances may be considered by the City Council for extreme conditions.

6-10-10 PENALTY. Anyone violating the provisions of this Ordinance will be subject to the provisions of Title I, Chapter 3, Penalties.

Pages 242 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 STREET NAMES

6-11-1 Effective Date

6-11-2 Street Name Changes

6-11-1 EFFECTIVE DATE. That effective immediately with the passage of this Ordinance, the City streets are hereby renamed per attached Exhibit A (map).

(Ord. No.162, Passed October 17, 2005)

6-11-2 STREET NAME CHANGES. Street name changes are as follows:

1. 1st. Ave. E to 3rd. Ave. NE
2. 2nd. Ave. W to 2nd Ave. NW
3. 3rd. Ave. W to 1st. Ave. W
4. 3rd. Ave. E to 1st. Ave. E
5. 4th. Ave. W to 2nd. Ave. SW
6. 5th. Ave. W to 3rd. Ave. SW
7. 6th. Ave. E to 4th. Ave. SE

(Ord. No. 123, Passed and Recorded on May 18, 1987)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 STREET CUTS, CURB CUTS AND EXCAVATIONS

6-12-1	Excavation Permit Required	6-12-5	Backfilling and Restoration
6-12-2	Application for Permit	6-12-6	Rules and Regulations
6-12-3	Safety Measures	6-12-7	Driveway Curb Cuts
6-12-4	Liability Insurance		

6-12-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk-Treasurer. There shall be no fee for the permit.

(Code of Iowa, Sec. 364.12(2))

6-12-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk-Treasurer for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk-Treasurer waives this requirement. There shall be no fee for the permit.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk-Treasurer may provide on the form for the certification that the applicant has notified all utilities and other parties required by this ordinance.

6-12-3 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the chief of police the public safety requires it. Compliance with City ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-12-4 LIABILITY INSURANCE. The City may grant a permit, without cost, to any person making application as aforesaid to dig or excavate in any street, highway, avenue or alley of the City; provided such person shall first show proof of liability insurance with limits of \$25,000 for death or injury to each person and with limits of \$50,000 for each occurrence, and with limits of \$10,000 for property damage, subject to the approval of the City, conditioned that such person shall make such excavation and accomplish the object thereof with all possible dispatch, and report to the City as soon as the excavation is completed and the object thereof attained, and to save the City harmless of any damages occasioned by such digging or excavation; and provided, further that no permit to dig or excavate in the improved streets, highway, avenue or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve inches (12") or more, unless in case of extreme emergency.

6-12-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the City is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-12-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

6-12-7 DRIVEWAY CURB CUTS. Curb Cuts shall only be made in the following manner:

1. The curb shall be completely removed. No cutting, milling, grinding, or other actions to modify the curb for a driveway shall be allowed.
2. The curb shall be replaced with a drive over curb that maintains the original water flow line.

(Ord. No.162, Passed October 17, 2005)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 TREES

6-13-1	Purpose	6-13-5	Duty to Trim Trees
6-13-2	Definitions	6-13-6	Trimming of Trees Under Supervision of City
6-13-3	Arboricultural Specifications and Standards of Practice	6-13-7	Penalty
6-13-4	Removal of Trees		

6-13-1 **PURPOSE.** The purpose of this Ordinance is to beautify and preserve the appearance of the City by requiring street trees to be uniformly located and maintained. The primary responsibility for maintaining street trees is placed upon the abutting property owner or the owner's agent, but the City shall supervise any cutting or trimming of said trees.

6-13-2 **DEFINITIONS.** For use in this Ordinance, the following terms are defined:

1. The term "person" shall mean any individual, firm, corporation, trust, association or any other organized group.

2. The term "street" shall mean the entire width between property lines of avenues or highways.

3. The term "parking" shall mean 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.

4. The term "property owner" shall mean a person owning private property in the City as shown by the County Auditor's plats of the City.

5. The term "public property" shall mean any and all property located within the confines of the City and owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.

6-13-3 **ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.**

1. **Spacing.** All trees hereafter planted in any street shall be planted midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line seven (7) feet from the property line.

2. Planting.

a. Size. All trees planted on the streets shall be of sufficient size to warrant satisfactory results and stand the abuse common to street trees.

b. Grade. Unless otherwise allowed for substantial reasons, all standard sized trees shall have comparatively straight trunks, well-developed leaders, and top and root characteristics of the species or variety showing evidence of proper nursery pruning. All trees must be free of insect, disease, mechanical injuries and other objectionable features at the time of planting. To compensate for any serious loss of roots, the top of the tree should be reduced by thinning or cutting back as determined by the growth characteristics of the tree species. The leader shall not be cut off in such trimming.

c. Planting. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

d. Method of Support. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

3. Trimming or Pruning.

a. All cuts are to be made sufficiently close to the parent stem so that healing can readily start under normal conditions.

b. All dead and diseased wood shall be removed.

c. All limbs one inch in diameter or more must be pre-cut to prevent splitting. All branches in danger of injuring the tree in falling shall be lowered by ropes.

d. A crossed or rubbing branch shall be removed where practicable, but removal shall not leave large holes in the general outline of the tree. Crossed or rubbing branches may be cabled apart.

e. All cuts, old or new, one inch in diameter or more, shall be painted with an approved tree wound dressing. On old wounds, care shall be taken to paint exposed wood only.

f. Where there is a known danger of transmitting disease by tools, said tools shall be disinfected with alcohol before use on another tree.

g. Improperly healed scars, where callous growth is not established, are to be traced and painted, unless the City designates other treatment.

h. No topping or dehorning of trees shall be permitted except by special written permission of the City. Trees becoming stag-headed may have the dead portions removed back to sound green wood, with a property forty-five (45) degree cut only.

i. Elm wood trimmed, pruned or removed shall not be used for any purpose, but shall be disposed of immediately by burning or burying.

6-13-4 REMOVAL OF TREES. The City shall remove, on the order of the Council, any tree on the streets of this municipality which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitutes a danger to the public, or which may otherwise be declared a nuisance.

6-13-5 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 fourteen (14) feet above the surface of the street and nine (9) feet above the sidewalks.

6-13-6 TRIMMING OF TREES UNDER SUPERVISION OF CITY. Except as allowed in Section 6-13-4, no person may trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-13-7 PENALTY. Anyone violating any of the provisions of this Ordinance shall be subject to the provisions of Chapter 1-3 of this Code.

Pages 249-250 Reserved

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 TAX INCREMENT FINANCING

6-14-1 Purpose
6-14-2 Definitions

6-14-3 Provisions for Division of Taxes
Levied on Taxable Property in the
Urban Renewal Area

6-14-1 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on property included in Economic Development District No. 1. The taxes may be divided each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance. The taxes may be divided in order to create a special fund to pay the principal of and interest on loans, moneys advanced, or indebtedness, including bonds issued by the City of Worthington to finance projects in such areas.

6-14-2 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Worthington, Iowa.

“County” shall mean the County of Dubuque, Iowa.

“Urban Renewal Area” shall mean the property included in “Economic Development District No. 1” which is set out in the Urban Renewal Plans approved and adopted by the City Council and is described as follows:

DESCRIPTION OF ECONOMIC DEVELOPMENT DISTRICT NO. 1

The economic development district is located within the City of Worthington, in Dubuque County, State of Iowa. The legal description of the district is as follows: The Northwest fractional One Quarter (NW¹/₄) of the Southwest One Quarter (SW¹/₄), and Lot 2 of the Subdivision of the Northeast One Quarter (NE¹/₄) of the Southwest One Quarter (SW¹/₄), of Section 30, Township 88 North, Range 2 West of the 5th P.M., in Dubuque County, Iowa, except a portion described as follows: Starting at the Northwest corner of the SW¹/₄ of said Section 30, then go South along the Western boundary line of said Section 30 a distance of 592 feet; then go East a distance of 566 feet; then go North to a point on the Northern boundary line of the SW¹/₄ of Section 30, a distance of 592 feet; then go West along the Northern boundary line of the SW¹/₄ of Section 30, a distance of 566 feet back to the point of beginning, according to the United States Government Survey and the recorded plat thereof, subject to highway and easements of record.

6-14-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1, of the calendar year preceding the first year in which the city clerk certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue and the amount of revenue needed to retire debt as a result of projects financed in the area, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the City to pay debt incurred by the City to finance or refinance, in whole or in part, projects in Urban Renewal Area except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this section, all of the taxes levied and collected upon the taxable property in Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing district in the same manner as all other property taxes. When such debt has been fully paid, all money thereafter received from taxes upon the taxable property in Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (2) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 160, Passed June 25, 2003)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 INDUSTRIAL PROPERTY TAX EXEMPTION

6-15-1	Partial Exemption	6-15-5	Amount of Exemption
6-15-2	New Construction	6-15-6	Application
6-15-3	Reconstruction	6-15-7	Repeal
6-15-4	Duration	6-15-8	Limitation on Tax Exemptions

6-15-1 **PARTIAL EXEMPTION.** This section does hereby provide for a partial exemption from property taxation of the actual value added to the industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers.

6-15-2 **NEW CONSTRUCTION.** New construction as referred to herein means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

6-15-3 **RECONSTRUCTION.** New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.

6-15-4 **DURATION.** The partial exemption shall be available until such time as this ordinance is repealed by the City Council.

6-15-5 **AMOUNT OF EXEMPTION.** The actual value added to industrial real estate for the reasons specified in the Section is eligible to receive a partial exemption from taxation for a period of five (5) years. "Actual value added" as used in this section means the actual value added as of the first of the year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent;
2. For the second year, sixty percent;
3. For the third year, forty-five percent;

4. For the fourth year, thirty percent;
5. For the fifth year, fifteen percent.

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

6-15-6 APPLICATION. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property which the County Assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost and other information deemed necessary by the Director of Revenue.

A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of the section. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

6-15-7 REPEAL. When in the opinion of the City Council continuation of the exemption granted in this section ceases to be of benefit to the City, the City Council may repeal this ordinance, but all existing exemptions shall continue until their expiration.

6-15-8 LIMITATION ON TAX EXEMPTIONS. A property tax exemption under this section shall not be granted if the property, for which the exemption is claimed, has received any other property tax exemption authorized by law.

(Ord. 171, Passed April 1, 2013)

Pages 255-257 Reserved

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 STREET GRADES

(RESERVED)

Pages 259-260 Reserved

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 VACATED STREETS AND ALLEYS

7-2-1 Vacated Streets and Alleys

7-2-1 VACATED STREETS AND ALLEYS. The following ordinances, not codified herein, and specifically saved from repeal, have been adopted by reference vacating certain streets and/or alleys and remain in full force and effect.

<u>Ordinance No.</u>	<u>Title</u>
61	Vacate Streets
83	Vacate Alley in Bunn's Addition
87	Vacate C Street
90	Vacate 10 Foot of Alley in Bunn's Addition
100	Vacate Alley Between Lot 6 and Lot 5
128	Vacate 99 Feet W. from 2nd. St.
129	Vacate N. Portion of Alley between Fortmann's 2nd. Sub & Lattners Sub.
135	Vacate N. 10 Feet of Alley between Lots 10, 11, 12, Approximately 168 Feet
137	Vacate Lot 175A - Church Alley
138	Vacate Alley from 4th St. W. to E Lot Line of Lot 2 of 2 of Kirsch Sub. Lot 187 to Lot 193
165	Vacating the following described real estate: All of Third Avenue NE East of Highway 136; and all of a 20.41 foot alleyway between Second Avenue NE and Third Avenue NE East of Highway 136; all in the City of Worthington, Iowa.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 ELECTRIC FRANCHISE

7-3-1 Electric Franchise Adopted

7-3-1 **ELECTRIC FRANCHISE ADOPTED.** The following Ordinance, not codified herein, adopted by reference, and specifically saved from repeal, has been adopted establishing an electric franchise and remains in full force and effect.

Ordinance No. 168, granting a 25 year electric franchise to Interstate Power and light Company , was passed by the City Council on June 6, 2011. This Ordinance replaces Ordinance No. 119, granting an electric franchise, which was passed by the City Council on August 18, 1986.

TITLE VII SPECIAL ORDINANCES

CHAPTER 4 GAS FRANCHISE

7-4-1	Franchise Granted	7-4-8	Force Majeure
7-4-2	Term	7-4-9	Hold Harmless
7-4-3	Governing Rules and Regulations	7-4-10	Severability
7-4-4	Construction and Maintenance of Company Facilities	7-4-11	Non Waiver
7-4-5	Extension of Company Facilities	7-4-12	Repeal Conflicting Ordinances
7-4-6	Relocation of Company Facilities	7-4-13	Effect and Interpretation of Ordinance
7-4-7	Confidential Information	7-4-14	Effective Date and Acceptance

7-4-1 **FRANCHISE GRANTED.** The City of Worthington, Iowa, (hereinafter referred to as “Grantor”) hereby grants a non-exclusive franchise to Aquila, Inc, d/b/a Aquila Networks, a Delaware corporation, (hereinafter called “Grantee”), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

7-4-2 **TERM.** The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty-five (25) years from the effective date of this Ordinance.

7-4-3 **GOVERNING RULES AND REGULATIONS.** This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by State or Federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to

be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over any conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

7-4-4 CONSTRUCTION AND MAINTENANCE OF COMPANY FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

7-4-5 EXTENSION OF COMPANY FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

7-4-6 RELOCATION OF COMPANY FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor

orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee.

Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

7-4-7 **CONFIDENTIAL INFORMATION.** Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

7-4-8 **FORCE MAJEURE.** It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonable possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

7-4-9 **HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of

distribution and transmission facilities or appliances of Grantee; provided, however, that Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees, or agents.

7-4-10 SEVERABILITY. If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

7-4-11 NON WAIVER. Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

7-4-12 REPEAL CONFLICTING ORDINANCES. This ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance #96 of the City of Worthington, Iowa, is hereby repealed as of the effective date hereof.

7-4-13 EFFECT AND INTERPRETATION OF ORDINANCE. The captions which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the interpretation of any of the provisions of this ordinance.

7-14-14 EFFECTIVE DATE AND ACCEPTANCE. This Ordinance shall become effective and be a binding contract between the Grantor and Grantee, upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon acceptance by Grantee by written instrument with sixty (60) days of passage by the governing body, and filed with the City Clerk of the City of Worthington, Iowa. The City Clerk shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

(Ord. 163, Passed June 19, 2006)

TITLE VII SPECIAL ORDINANCES

CHAPTER 5 TELEPHONE FRANCHISE

7-5-1 Telephone Franchise Adopted

7-5-1 TELEPHONE FRANCHISE ADOPTED. The following Ordinance, not codified herein, adopted by reference, and specifically saved from repeal, has been adopted establishing a telephone franchise and remains in full force and effect.

Ordinance No. 79 granting a telephone franchise was passed by the City Council on October 9, 1972. Referendum approving Ordinance No. 79 was held November 16, 1972.

TITLE VII SPECIAL ORDINANCES

CHAPTER 6 CABLE TV FRANCHISE

7-6-1 Cable TV Franchise Adopted

7-6-1 CABLE TV FRANCHISE ADOPTED. The following Ordinance, not codified herein, adopted by reference, and specifically saved from repeal, has been adopted establishing a cable TV franchise and remains in full force and effect.

Ordinance No. 158 granting a cable TV franchise was passed by the City Council on February 4, 2002.

(Ord. 158, Passed February 4, 2002)

(Ord. 132, Passed August 15, 1988)

TITLE VII SPECIAL ORDINANCES

CHAPTER 7 SEX OFFENDER RESIDENCY RESTRICTED-REPEALED

The Code of Ordinances of the city of Worthington, Iowa, 2013 is hereby amended by repealing Chapter 7, Sex Offenders Residency Restricted in its entirety. Please refer to the Iowa Legislature Section 692A.114.

(Ord. 173, Passed October 6, 2014)

