

<u>Title 1 GENERAL PROVISIONS</u>	1
<u>CHAPTER 1.01 CODE ADOPTION</u>	1
1.01.010 Statement of Procedural Prerequisites	1
1.01.020 Adoption of the 2020 Danville Municipal Code	1
<u>CHAPTER 1.04 GENERAL PROVISIONS</u>	2
1.04.010 Definitions	2
1.04.020 Title of Office	4
1.04.030 Interpretation of Language	4
1.04.040 Grammatical Interpretatoin	4
1.04.050 Acts by Agents	4
1.04.060 Prohibited Acts including Causing and Permitting	4
1.04.070 Computation of Time	4
1.04.080 Construction	4
1.04.090 Repeal Shall Not Revive Any Ordinance	5
<u>CHAPTER 1.08 FORM OF GOVERNMENT</u>	5
1.08.010 Purpose	5
1.08.020 Charter	5
1.08.030 Form of Government	5
1.08.040 Powers and Duties	5
1.08.050 Council	5
1.08.060 Term of Mayor	5
1.08.070 Copies on File	5
<u>CHAPTER 1.12 GENERAL PENALTY</u>	6
1.12.010 Designated Penalties	6
1.12.020 Municipal Infractions	6
1.12.030 Election of Remedies	6
<u>Title 2 ADMINISTRATION AND PERSONNEL</u>	7
<u>CHAPTER 2.04 MAYOR</u>	7
2.04.010 Mayor--Duties	7
2.04.020 Mayor Pro Tem--Duties	7
<u>CHAPTER 2.08 MEMBERS OF THE COUNCIL</u>	8
2.08.010 Term--Restriction	8
<u>CHAPTER 2.12 OFFICER SALARIES</u>	8
2.12.010 Members of the Council	8
2.12.020 Mayor	8

<u>CHAPTER 2.16 CITY CLERK</u>	9
2.16.010 Appointment--Duties	9
<u>CHAPTER 2.20 PLANNING AND ZONING COMMISSION</u>	9
2.20.010 Created.....	9
2.20.020 Appointment of Members	9
2.20.030 Term of Office.....	9
2.20.040 Compensation.....	10
2.20.050 Powers	10
2.20.060 Chair.....	10
<u>CHAPTER 2.22 BOARD OF ADJUSTMENT</u>	10
2.22.010 Establishment.....	10
2.22.020 Meetings.....	11
2.22.030 Powers and Duties.....	11
2.22.040 Limitation on Powers.....	12
2.22.050 Consideration of Adverse Impact.	12
2.22.060 Appeal from Decision of Board.....	12
2.22.070 Parallel References.....	13
<u>CHAPTER 2.24 CIVIL SERVICE</u>	13
2.24.010 Personnel Policy	13
<u>CHAPTER 2.30 PUBLICATION OF ORDINANCES</u>	13
2.30.010 Listing; Length of Notice	13
2.30.020 Removing Notice Unlawful.....	13
2.30.030 Summaries of Ordinances.....	13
<u>TITLE 3 REVENUE AND FINANCE</u>	14
<u>TITLE 4 FRANCHISES</u>	15
<u>CHAPTER 4.10 NATURAL GAS DISTRIBUTION SYSTEM FRANCHISE</u>	15
<u>CHAPTER 4.20 CABLE SERVICES FRANCHISE</u>	18
4.20.010 Definition of Terms	18
4.20.020 Grant of Franchise	20
4.20.030 Standards of Service	21
4.20.040 Subscriber Charges for Extensions of the Cable System.....	23

4.20.050	Regulation by the Franchise Authority	24
4.20.060	Books and Records	25
4.20.070	Insurance and Indemnification.....	26
4.20.080	Enforcement and Termination of Franchise	27
4.20.090	Miscellaneous Provisions	29
 <u>CHAPTER 4.30 TELEPHONE SERVICE FRANCHISE.....</u>		 31
 <u>TITLE 5 BUSINESS LICENSES AND REGULATIONS.....</u>		 33
 <u>CHAPTER 5.04 BEER AND LIQUOR LICENSES.....</u>		 33
5.04.010	Iowa Code Chapter 123 Adopted by Reference.....	33
5.04.020	Prohibition.....	33
5.04.030	Application and Investigation.....	33
5.04.040	Council Action.....	34
5.04.050	Specific Prohibitions.....	34
 <u>CHAPTER 5.08 CIGARETTE PERMITS.....</u>		 34
5.08.010	Definitions	34
5.08.020	Required.....	35
5.08.030	Issuance	35
5.08.040	Fees 35.....	35
5.08.050	Display	35
5.08.060	Expiration	36
5.08.070	Nontransferable	36
5.08.080	Revocation	36
5.08.090	Refund36	
 <u>CHAPTER 5.12 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS</u>		 37
5.12.010	Definitions	37
5.12.020	License--Required.....	38
5.12.030	License--Application	38
5.12.040	License--Bond.....	38
5.12.050	License--Issuance	38
5.12.060	License--Fee	38
5.12.070	License--Display	38
5.12.080	License--Nontransferable	39
5.12.090	License--Rebate	39
5.12.100	License--Revocation	39

5.12.110	License--Expiration	39
5.12.120	Exemptions	39
5.12.130	Exemption--Religious and charitable organizations	39
5.12.140	Household prohibition--Solicitation	40
5.12.150	Household prohibition--Peddling.....	40
 <u>CHAPTER 5.14 MUNICIPAL RIGHTS OF WAY</u>		 40
5.14.010	Permit Required.....	41
5.14.020	Basis for Permit Fee	41
5.14.030	Initial Payment.....	41
5.14.040	Final Fee	41
5.14.050	Use of Public Right of Way	41
5.14.060	New Installations.....	41
5.14.070	Regulation by the City.	41
5.14.080	Construction and Excavation by Holders of Franchises or License or Leases	42
5.14.090	City Construction and Paving.....	43
5.14.100	Design Notice to City	43
5.14.110	Above-ground Cables, Wires, Conduits, and Poles.....	43
5.14.120	Assignment	44
5.14.130	Forfeiture	44
5.14.140	Application.....	44
5.14.150	Severability.....	44
5.14.160	Home Rule	44
5.14.170	New Technologies.....	44
5.14.180	Repealer	45
 <u>CHAPTER 5.18 COMMUNICATION TOWERS AND ANTENNAS</u>		 45
5.18.010	Purpose and General Policy	45
5.18.020	Definitions	46
5.18.030	Local Regulation and Compliance with the Telecommunication Act of 1996.....	46
5.18.040	Lease Required.....	47
5.18.050	Fee Required	47
5.18.060	Limit on Term.....	47
5.18.070	Priorities and Placement Requirements.....	47
5.18.080	Application Process	48
5.18.090	Noise and Emission Standards	51
5.18.100	Placement of Facilities and Related Lease Fees	52

5.18.110	Abandonment.....	53
5.18.120	Termination.....	53
5.18.130	Home Rule	53
5.18.140	New Technologies.....	54
5.18.150	Severability.....	54
5.18.160	Repealer	54
 <u>CHAPTER 5.20 EXCAVATION AND WORK ON CITY RIGHTS OF WAY AND EASEMENTS</u>		54
 <u>Title 6 ANIMALS</u>		57
 <u>CHAPTER 6.04 ANIMAL CONTROL</u>		57
6.04.010	Definitions	58
6.04.030	Rabies Vaccination Tag	59
6.04.040	Animals at Large	59
6.04.050	Vicious Animals Prohibited.....	60
6.04.060	Enabling Animals to Leave Premises of Owner	60
6.04.070	Animals on Private Property	60
6.04.080	Animals in Business Zone.....	61
6.04.090	Animals in Food Establishments	61
6.04.100	Tying Animals	61
6.04.110	Exceptions to Section 6.04.070 through Section 6.04.100.....	61
6.04.120	Solid Waste Removal.....	61
6.04.130	Chasing People or Vehicles	61
6.04.140	Noisy Animals.....	61
6.04.150	Impoundment.....	61
6.04.160	Reclaiming Impounded Animals.....	62
6.04.170	Animal Bites.....	62
6.04.175	Hearing.....	64
6.04.180	Proper Care	64
6.04.190	Abandonment Prohibited	64
6.04.200	Motor Vehicle Accidents.....	64
6.04.210	Poisonous Substances.....	64
6.04.220	Sanitation of Premises	65
6.04.230	Restrictions on Certain Animals	65
6.04.240	Riding Animals on Public Ways	65
6.04.250	Animal Traps	65
6.04.260	Enforcement.....	66

6.04.265 Notice.....	66
6.04.270 Penalties.....	66
<u>Title 7 (RESERVED)</u>	67
<u>Title 8 HEALTH AND SAFETY</u>	68
<u>Chapter 8.08 NUISANCES</u>	68
8.08.010 Nuisances defined and designated	68
8.08.020 Notice to be served or posted.....	71
8.08.025 Hearing.....	71
8.08.030 Abatement by council--Payment of costs	72
8.08.040 Violation	72
<u>Chapter 8.12 SEWAGE DISPOSAL</u>	72
8.12.010 Required	72
8.12.020 Connection	72
8.12.030 Exception.....	72
<u>Chapter 8.16 WEEDS AND BRUSH</u>	73
8.16.010 Duty of owner or occupant.....	73
8.16.020 Notice to be served--Noncompliance.....	73
8.16.030 Method of serving and posting notice	74
8.16.040 Noncompliance--Recovery of costs	74
8.16.050 Service of Notice.....	74
8.16.060 Recovery of Costs.....	74
<u>Title 9 PUBLIC PEACE, MORALS AND WELFARE</u>	75
<u>Chapter 9.06 PUBLIC CONSUMPTION, INTOXICATION, AND OPEN</u> <u>CONTAINER</u>	75
9.06.011 Definition.....	75
9.06.012 Public Consumption	75
9.06.013 Authorization	76
9.06.014 Open Containers	76
9.06.015 Penalty	76
<u>Chapter 9.12 MINORS</u>	76
9.12.010 Curfew	76

9.12.040 Sale or gift of cigarettes to minors prohibited	81
9.12.050 Minors required to give information	81
9.12.060.123 Sale or gift of alcohol to minors prohibited	82
<u>Chapter 9.13 RECKLESS THROWING</u>	82
<u>Chapter 9.16 FIREWORKS</u>	83
9.16.010 Definitions	83
9.16.020 Prohibition	83
9.16.030 Application.....	84
9.16.040 Age and Qualification of the Applicant and Operator	84
9.16.050 Fireworks Display, Search for and Disposal of Unexploded Fireworks...	85
9.16.060 Consideration of Prior Permits	85
9.16.070 Penalty	85
<u>Title 10 VEHICLES AND TRAFFIC</u>	86
<u>Chapter 10.24 WEIGHT LIMITS</u>	86
10.24.010 Definitions	86
10.24.020 Temporary embargo	87
10.24.040 Load limits upon certain streets	87
10.24.050 Load limits upon bridges	87
10.24.060 Truck route	87
10.24.070 Weighing of vehicles and removal of excess-violation and penalty	88
10.24.080 Farm to market route	88
10.24.090 Exemptions	89
10.24.100 Placements of signs	89
10.24.110 Penalties	89
<u>Chapter 10.25 PERMITTING THE LIMITED OPERATION OF OFF-ROAD UTILITY</u> <u>VEHICLES (UTVs) UPON CITY STREETS</u>	89
10.25.010 Definitions	90
10.25.020 Operation of Off-Road Utility Vehicles (UTVs) Permitted	90
10.25.030 Equipment Required	90
10.25.040 Permits	90
10.25.050 Operation Regulations	91
10.25.060 Prohibited Streets	92
10.25.070 Unlawful Operation	92
10.25.080 Penalty	93

10.25.090 Negligence	93
Chapter 10.26 PERMITTING THE LIMITED OPERATION OF GOLF CARTS UPON CITY STREETS.....	94
10.26.010 Definitions	94
10.26.020 Operation of Golf Carts Permitted	94
10.26.030 Equipment Required	94
10.26.040 Permits	95
10.26.050 Operation Regulations	95
10.26.060 Prohibited Streets	96
10.26.070 Unlawful Operation	96
10.26.080 Penalty.....	97
10.26.090 Negligence	97
Chapter 10.27 PERMITTING THE LIMITED OPERATION OF ALL-TERRAIN VEHICLES (ATVs) UPON CITY STREETS.....	98
10.27.010 Definitions	98
10.27.020 Operation of All-Terrain Vehicles (ATVs) Permitted	98
10.27.030 Equipment Required	98
10.27.040 Permits	99
10.27.050 Operation Regulations	100
10.27.060 Prohibited Streets	100
10.27.070 Unlawful Operation	101
10.27.080 Penalty.....	102
10.27.090 Negligence	102
Chapter 10.28 PARKING REGULATIONS	102
10.25.010 Purpose	102
10.25.020 Definitions	102
10.25.030 Angle Parking	103
10.25.040 Angle Parking - Manner	103
10.25.050 Parking for Certain Purposes Illegal.....	103
10.25.060 Parking Prohibited	103
10.25.070 Persons with Disabilities Parking	105
10.25.080 Parking of Recreational Vehicles and Equipment	106
10.25.090 Penalty.....	106
<u>Title 11 (RESERVED)</u>	107

<u>Title 12</u>	<u>STREETS AND SIDEWALKS</u>	108
<u>Chapter 12.04</u>	<u>SIDEWALK CARE AND MAINTENANCE</u>	108
12.04.010	Definitions	108
12.04.020	Duty of Owners	109
12.04.030	Council Authority to Repair	109
12.04.040	Form and Service of Notice	109
12.04.050	Noncompliance-Recovery of Costs	110
12.04.060	Permit Required	110
12.04.070	Sidewalk Standards	110
12.04.080	Sidewalk Replacement Program	111
12.04.090	Ice and Snow Removal	111
12.04.100	Failure to Remove Ice and Snow	111
<u>Chapter 12.08</u>	<u>OBSTRUCTION OF DRAINAGE DITCHES</u>	111
12.08.010	Consolidation of districts for application	112
12.08.020	Designated	112
12.08.021	Culvert and Drainage Tile Policy	112
12.08.030	Enforcement	112
<u>Chapter 12.12</u>	<u>STREET NAMES</u>	112
12.12.010	Base lines established	113
12.12.020	Ash Street	113
12.12.030	Birch Street	113
12.12.040	Cedar Street	113
12.12.050	Cherry Street	113
12.12.060	Dewey Street	114
12.12.070	Division Street	114
12.12.080	Elm Street	114
12.12.090	First Avenue	114
12.12.100	Main Street	114
12.12.110	Michigan Street	114
12.12.120	Plank Road	114
12.12.130	Roosevelt Road	114
12.12.140	Second Avenue	114
12.12.150	Seymour Street	115
12.12.160	Shepherd Street	115

12.12.170 Third Avenue	115
12.12.180 Albright Avenue	115
12.12.190 Warth Drive.....	115
12.12.200 High Acres Road.....	115
12.12.210 Trulaine Drive	115
12.12.240 Oak Street.....	115
12.12.250 Walnut Street.....	115
12.12.260 Old Highway 34.....	115
 <u>Chapter 12.16 TREES, SHRUBS AND BUSHES</u>	116
12.16.010 Definitions	116
12.16.020 Maintenance by owner	116
12.16.030 Council authority to serve notice and take action	116
12.16.040 Notice	117
12.16.050 Emergency action by council	117
12.16.060 Assessment--Payment by installments.....	117
 <u>Title 13 GARBAGE, WATER, SEWERS AND ELECTRIC</u>	118
 <u>Chapter 13.02 GARBAGE</u>	118
13.02.010 Purpose	118
13.02.020 Definitions	119
13.02.030 Duty to provide cans.....	119
13.02.040 Accumulation and deposit	119
13.02.050 Storage.....	119
13.02.060 Necessity of permit.....	119
13.02.070 Collection	119
13.02.080 Optional means of collection	120
13.02.090 Refuse other than garbage and rubbish	120
13.02.100 Items that will not be picked up.....	120
13.02.110 Hauler destination of garbage and rubbish.....	121
13.02.120 Penalty for violations of Chapter 13.02	121
13.02.130 Payment Due Date and Late Payment Penalty Amount	122
 <u>Chapter 13.04 SEWER CONNECTIONS</u>	122
13.04.010 Purpose	122
13.04.020 Definitions	123
13.04.030 Sewer systems--Providing backfill and maintenance required	123
13.04.040 Sewer system--Connection regulations	123

13.04.050	Connection required	124
13.04.060	Permit--Application and fee	125
13.04.070	Permit--Revocation.....	125
13.04.080	Inspection and approval.....	125
13.04.090	Sewer pipe requirements.....	125
13.04.100	Grade and offsetting	125
13.04.110	Excavations.....	125
13.04.120	Unlawful connections and discharges.....	126
13.04.130	Unlawful discharges	126
13.04.140	Enforcement	126
13.04.150	Violations	127
13.04.160	Enforcement	127
13.04.170	Injunctive Relief	128
13.04.180	Violation Deemed a Public Nuisance	128
13.04.190	Remedies Not Exclusive	128
13.04.200	Environmental Violations	128
<u>Chapter 13.06</u>	<u>WATER RATES, CHARGES AND RULES.....</u>	<u>128</u>
13.06.010	Application.....	129
13.06.020	Rates	129
13.06.030	Deposits.....	132
13.06.040	Interest on deposits	132
13.06.050	Refund on deposits.....	133
13.06.060	Supervision of connections	133
13.06.070	Water for construction	133
13.06.080	Permit required.....	133
13.06.090	Private water systems	133
13.06.100	Connection requirements.....	133
13.06.105	Service line material	134
13.06.110	Cost of extensions.....	134
13.06.120	Meters.....	134
13.06.130	Duty to read meter	135
13.06.140	Annual meter reading.....	135
13.06.150	Cancellation.....	135
13.06.160	Reconnection charge	136
13.06.170	Notice of Discontinuance	136
13.06.180	Customer address.....	136
13.06.190	Payment Due Date and Late Payment Penalty Amount	136
13.06.195	Water Leak Protests.....	136

13.06.200 Delinquent bills.....	137
13.06.210 Water revenue fund	137
13.06.220 Nonliability.....	137
13.06.230 Special values required.....	138
13.06.240 Availability for inspection.....	138
13.06.250 Special conditions	138
13.06.260 Customer liability	138
13.06.270 Complaints	138
13.06.280 Notice and hearing.....	138
13.06.290 Penalties	138
13.06.300 Violations.....	139
 <u>Chapter 13.08 SEWER RATES</u>	 139
13.08.010 Definitions	139
13.08.020 Sewer Rates.....	139
13.08.030 Procedure for future rate increases.....	140
13.08.040 Payment Due Date and Late Payment Penalty Amount	140
13.08.050 Effective date of this chapter.....	141
 <u>Chapter 13.06 ELECTRIC RATES</u>	 141
13.10.010 Purpose	141
13.10.020 Electric Terms and Definitions	141
13.10.030 Service Rules of the Municipal Electric Utility.....	143
13.10.040 Rates for Service.....	143
13.10.050 Standby Electric Service.....	144
13.10.060 Rates for Standby Electric Service.....	145
13.10.120 Security Lighting Rate Structure	145
13.10.130 Electric Utility Deposit.....	146
13.10.140 Interest on Deposit	146
13.10.150 Refund of Deposits.....	146
13.10.160 Temporary Disconnection and/or Reconnection	146
13.10.190 Returned Check Charge	146
13.10.200 Disconnection and Service Reconnection Fee	146
13.10.210 Basis of Cost	147
13.10.220 Violation of this Section.....	147
13.10.230 Payment Due Date and Late Payment Penalty Amount	147
 <u>Title 14 (RESERVED)</u>	 148

<u>Title 15 BUILDINGS AND CONSTRUCTION</u>	149
<u>Chapter 15.04 BUILDING CODE</u>	149
15.04.010 Consolidation of districts for chapter application	149
15.04.020 Building inspector appointed	149
15.04.030 Building permit -- Required.....	149
15.04.040 Building permit -- Application	150
15.04.050 Building permit -- Fee	150
15.04.060 Building permit -- Expiration and suspension.....	150
15.04.070 Construction requirements -- Uniform Building Code adopted	150
15.04.085 Fire Warning System.....	151
15.04.090 Building or structural design.....	151
15.04.100 Foundation and foundation wall standards.....	151
15.04.110 Foundation standards for pole-type buildings	152
<u>Chapter 15.06 STANDARDS FOR THE CONSTRUCTION OF DECKS</u>	152
15.06.010 Building Permit--Required.....	152
15.06.020 Information Required	152
15.06.030 Standards	153
15.06.040 Foundations.....	154
15.06.050 Framing Requirements	154
<u>Chapter 15.08 ELECTRICAL CODE</u>	155
15.08.010 Consolidation of districts for chapter application	155
15.08.020 Definitions	155
15.08.030 2008 National Electrical Code adopted	155
15.08.040 Electrical Inspector	155
15.08.050 Permit-Required	156
15.08.060 Permit-Application.....	156
15.08.061 Electrical Permit Fees	156
15.08.070 Inspection procedure	156
15.08.080 Application of rules for new service.....	157
<u>Chapter 15.12 UNSAFE BUILDINGS</u>	157
15.12.010 Definition generally.....	157
15.12.020 Determining criteria	157
15.12.030 Examination by building administration--Notice to owner.....	159

15.12.040 Notice--Hearing and abatement of nuisance.....	160
15.12.050 Notice--Noncompliance.....	160
15.12.060 Costs	160
15.12.070 Enforcement	160
<u>Chapter 15.14 PLUMBING CODE</u>	161
15.14.010 Uniform plumbing code adopted	161
15.14.020 Availability of copies	161
15.14.030 Definitions	161
15.14.040 Plumbing Inspector	161
15.14.050 Plumbing permit required	161
15.14.060 Permit application	162
15.14.070 Inspection procedure	162
<u>Chapter 15.15 DISPLAY OF ADDRESS NUMBERS</u>	163
15.15.010 Responsibility for Display of Numbers.....	163
15.15.020 Size and Location.....	163
15.15.030 Appearance.....	163
15.15.040 Time to Comply	163
15.15.050 Notice to Comply.....	163
15.15.060 Penalty.....	163
<u>Title 16 SUBDIVISIONS</u>	164
<u>Chapter 16.04 PURPOSE</u>	164
<u>Chapter 16.08 DEFINITIONS</u>	164
16.08.010 Definitions generally.....	165
16.08.020 Building line	165
16.08.030 Easement.....	165
16.08.050 Performance bond	165
16.08.060 Roadway	165
16.08.070 Street.....	165
16.08.080 Subdivider	165
16.08.090 Subdivision.....	165
<u>Chapter 16.12 PLAT REQUIRED</u>	166
<u>Chapter 16.16 FINAL APPROVAL PROCEDURE</u>	166

16.16.010	Designated	166
16.16.020	Filing fee	166
16.16.030	Examination by city council	167
16.16.040	Hearing before commission--Notice	167
16.16.050	Recommendations by commission--Scope	167
16.16.060	Preparation of final plat	167
16.16.070	Items necessary for council	167
16.16.080	Approval or disapproval by council	168
16.16.090	Council resolution as final approval--Filing	168
16.16.100	Release of performance bond	168
16.16.110	Maintenance bond	168
<u>Chapter 16.20</u>	<u>DESIGN STANDARDS</u>	169
16.20.010	Blocks	169
16.20.020	Building lines	169
16.20.030	Easements	169
16.20.040	Extension of existing streets	169
16.20.050	Intersections	170
16.20.060	Lots	170
16.20.070	Roadway widths and dead-end streets	170
16.20.080	Street names	170
16.20.090	Street widths	171
<u>Chapter 16.24</u>	<u>IMPROVEMENTS</u>	171
16.24.010	Designated	171
16.24.020	Roadway surfacing	171
16.24.030	Sidewalks--Exception	171
16.24.040	Sewers	171
16.24.050	Street and alley grades	172
16.24.060	Water lines	172
<u>Chapter 16.28</u>	<u>PRELIMINARY PLAN</u>	172
16.28.010	Contents	172
<u>Chapter 16.32</u>	<u>FINAL PLAT</u>	173
16.32.010	Contents	173
<u>Chapter 16.36</u>	<u>PLANS AND SPECIFICATIONS</u>	175
16.36.010	Designated	175

<u>Chapter 16.40 EXCEPTION TO REQUIREMENTS</u>	175
16.40.010 Variance, modification, or waiver.....	175
 <u>Title 17 ZONING</u>	177
 <u>Chapter 17.04 TITLE, INTERPRETATION AND PURPOSE</u>	178
17.04.010 Short title.....	178
17.04.020 InterpretationCPurpose	178
17.04.030 Introductory Language for Danville Zoning Ordinance	178
 <u>Chapter 17.08 DEFINITIONS</u>	179
17.08.010 Generally.....	180
17.08.020 Accessory building or use	181
17.08.030 Adults-only business.....	181
17.08.040 Alley	181
17.08.050 Apartment house	181
17.08.060 Basement.....	181
17.08.080 Boardinghouse or guest inn.....	181
17.08.090 Building.....	182
17.08.100 Building height	182
17.08.110 Cellar	182
17.08.120 Clinic, medical.....	182
17.08.130 Club	182
17.08.140 District.....	182
17.08.150 Dwelling.....	182
17.08.160 Dwelling, multiple.....	182
17.08.170 Dwelling, one-family	182
17.08.180 Dwelling, row.....	182
17.08.190 Dwelling, two-family	183
17.08.200 Dwelling unit	183
17.08.210 Family.....	183
17.08.220 Filling station.....	183
17.08.230 Frontage	183
17.08.240 Garage, private.....	183
17.08.250 Garage, public	184
17.08.260 Garage, storage or parking.....	184
17.08.270 Grade	184
17.08.280 Home occupation.....	184

17.08.290 Hotel	184
17.08.300 Institution	185
17.08.310 Laundry, self-service.....	185
17.08.320 Loading space	185
17.08.330 Lodging house	185
17.08.340 Lot	185
17.08.350 Lot, corner.....	185
17.08.360 Lot, double front	185
17.08.370 Lot of record	185
17.08.380 Lot width.....	185
17.08.390 Major thoroughfare	186
17.08.400 Mobile home.....	186
17.08.410 Mobile home park	186
17.08.420 Motor court or motel.....	186
17.08.425 Nightclub	186
17.08.430 Nonconforming use.....	186
17.08.440 Nursing, rest or convalescent home	186
17.08.450 Parking area.....	186
17.08.460 Parking lot	187
17.08.470 Parking space	187
17.08.480 Place.....	187
17.08.490 Porch, unenclosed.....	187
17.08.495 Restaurant.....	187
17.08.500 Rooming house	187
17.08.530 Story.....	187
17.08.540 Story, half.....	187
17.08.550 Street	188
17.08.560 Street line	188
17.08.570 Structural alterations.....	188
17.08.580 Structure.....	188
17.08.585 Tavern	188
17.08.600 Trailer or tourist camp	188
17.08.610 Yard	188
17.08.620 Yard, front.....	189
17.08.630 Yard, rear	189
17.08.640 Yard, side	189
 <u>Chapter 17.12 GENERAL REGULATIONS</u>	 189
17.12.010 Annexed territory	189

17.12.020 Compliance.....	189
17.12.030 Vehicular access.....	190
17.12.040 Building permits.....	191
17.12.050 Survey.....	191
<u>Chapter 17.16 ZONING DISTRICTS AND ZONING DISTRICT MAP.....</u>	192
17.16.010 Districts designated.....	192
17.16.020 Zoning district map.....	192
17.16.030 Boundaries.....	192
<u>Chapter 17.20 R-1A ONE-FAMILY RESIDENTIAL DISTRICT.....</u>	193
17.20.010 General regulations.....	193
17.20.020 Use regulations.....	193
17.20.030 Height and area regulations.....	194
17.20.040 Parking regulations.....	194
<u>Chapter 17.28 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.....</u>	194
17.28.010 General regulations.....	195
17.28.020 Use regulations.....	195
17.28.030 Height and area regulations.....	195
17.28.040 Parking regulations.....	195
<u>Chapter 17.32 R-3 APARTMENT RESIDENTIAL DISTRICT.....</u>	195
17.32.010 General regulations.....	195
17.32.020 Use regulations.....	195
17.32.030 Height and area regulations.....	196
17.32.040 Parking regulations.....	196
<u>Chapter 17.40 C-1 COMMERCIAL DISTRICT.....</u>	197
17.40.010 General regulations.....	197
17.40.020 Use regulations.....	197
17.40.030 Height and area regulations.....	198
17.40.040 Parking and loading regulations.....	198
<u>Chapter 17.44 C-2 GENERAL COMMERCIAL DISTRICT.....</u>	198
17.44.010 General regulations.....	199
17.44.020 Use regulations.....	199
17.44.030 Height and area regulations.....	201
17.44.040 Parking and loading regulations.....	201

<u>Chapter 17.48 C-3 BUSINESS DISTRICT</u>	201
17.48.010 General regulations	201
17.48.020 Use regulations	201
17.48.030 Height and area regulations	202
17.48.040 Loading regulations	202
 <u>Chapter 17.56 M-1 LIGHT INDUSTRIAL DISTRICT</u>	202
17.56.010 General regulations	203
17.56.020 Use regulations	203
17.56.030 Height, area and bulk regulations	206
17.56.040 Parking and loading regulations.....	207
 <u>Chapter 17.60 M-2 HEAVY INDUSTRIAL DISTRICT</u>	207
17.60.010 General regulations	207
17.60.020 Use regulations	207
17.60.030 Height and area regulations	215
17.60.040 Parking and loading regulations.....	215
 <u>Chapter 17.62 SP-1 SPECIAL AIRPORT DISTRICT</u>	215
17.62.010 General regulations	215
17.62.020 Use regulations	215
17.62.030 Height and area regulations	216
17.62.040 Parking and loading regulations.....	216
 <u>Chapter 17.63 HP-1 HISTORIC PRESERVATION DISTRICT</u>	216
17.63.010 General regulations	216
17.63.020 Use regulations	217
 <u>Chapter 17.64 HEIGHT AND AREA REGULATIONS</u>	217
17.64.010 General regulations	217
17.64.020 Height regulations.....	217
17.64.030 Area exceptions and modifications.....	218
17.64.040 Front yards	218
17.64.050 Side yards	220
17.64.060 Rear yards.....	220
17.64.070 Lot area per family	220
17.64.080 Accessory buildings	220
17.64.090 Table of height and area requirements.....	222

17.64.100 Temporary buildings	224
<u>Chapter 17.66 SIGNS</u>	<u>224</u>
17.66.010 Purpose	225
17.66.020 Definitions	225
17.66.030 Permit--Required	227
17.66.040 Permit--Application	227
17.66.050 Permit--Issuance	228
17.66.060 Permit--Fees.....	228
17.66.070 Exemptions	228
17.66.080 District signage regulations	231
17.66.090 Business center signs.....	234
17.66.100 Ground signs--Freestanding.....	235
17.66.110 Wall signs.....	235
17.66.120 Projecting signs	235
17.66.130 Mansard roof signs.....	236
17.66.140 Roof signs.....	236
17.66.150 Canopy, marquee and nonretractable awnings	236
17.66.160 Awning signs	236
17.66.170 Promotional signs.....	237
17.66.180 Billboards	237
17.66.190 Unsafe and unlawful signs.....	238
17.66.200 Obsolete signs	238
17.66.210 Nonconforming signs	239
17.66.220 Traffic hazard obstructions--Illumination	240
17.66.230 Computation of sign area.....	241
17.66.240 Design requirements	241
17.66.250 Variance	241
17.66.260 Violation--Penalty.....	241
<u>Chapter 17.68 OFF-STREET PARKING AND LOADING REQUIREMENTS.....</u>	<u>242</u>
17.68.010 Off-street parking requirements.....	242
17.68.020 Computing number of required parking spaces	246
17.68.030 Location of parking spaces.....	246
17.68.040 Off-street loading requirements	247
17.68.050 Parking lot and service drive requirements	249
<u>Chapter 17.72 SPECIAL USE REGULATIONS.....</u>	<u>250</u>
17.72.010 Special use permit.....	250

17.72.020	Appeal procedures	251
17.72.030	Board determination and findings.....	251
17.72.040	Building permits--Certificates of occupancy	252
17.72.050	Special use compliance	252
17.72.060	Special uses enumerated	252
17.72.070	Limits of preexisting conditions for parking.....	260
<u>Chapter 17.76 NONCONFORMING USES.....</u>		261
17.76.010	Use of land.....	261
17.76.020	Use of building.....	261
17.76.030	Conformance required.....	261
17.76.040	Reconstruction or alteration.....	261
17.76.050	Damaged building.....	261
17.76.060	Signs	262
17.76.070	Floodplain uses	262
<u>Chapter 17.80 CERTIFICATES OF OCCUPANCY</u>		262
17.80.010	Certificates required.....	263
17.80.020	Application for certificate.....	263
17.80.030	Contents--Record of certificates	263
17.80.040	Nonconforming uses.....	264
<u>Chapter 17.88 PLANNED UNIT DEVELOPMENTS.....</u>		264
17.88.010	Intent	264
17.88.020	Application.....	265
17.88.030	Design standards	265
17.88.040	Administration.....	267
17.88.050	Filing.....	269
<u>Chapter 17.92 FLOODPLAIN MANAGEMENT.....</u>		271
17.92.010	Definitions	271
17.92.020	Statutory Authority, Finds of Fact and Purpose.....	278
17.92.030	General Provisions	279
17.92.040	Administration.....	281
17.92.050	Floodplain Management Standards.....	284
17.92.060	Variance Procedures	292
17.92.070	Non-Conforming Uses.....	295
17.92.080	Penalties for Violations.....	295
17.92.090	Amendments	296

<u>Chapter 17.96 AMENDMENTS TO ZONING PROVISIONS</u>	296
17.96.010 Passage of amendments.....	296
17.96.020 Deposit, zoning amendment restriction.....	297
17.96.030 Amendment of floodplain management chapter	297
<u>Chapter 17.100 ZONING ENFORCEMENT</u>	297
17.100.010 Violations	297
17.100.020 Inspections	298
17.100.030 Authority	298
<u>Title 18 URBAN RENEWAL AREAS (REPEALED)</u>	299
<u>Title 19 REIMBURSEMENT GRANTS TO DEVELOPERS</u>	300

TITLE 1

GENERAL PROVISIONS

Chapters:

<u>1.01</u>	<u>2020 Adoption</u>
<u>1.04</u>	<u>General Provisions</u>
<u>1.08</u>	<u>Form of Government</u>
<u>1.12</u>	<u>General Penalty</u>

Chapter 1.01

CODE ADOPTION¹

Sections:

- 1.01.010 Statement of Procedural Prerequisites.
- 1.01.020 Adoption of the 2020 DANVILLE MUNICIPAL CODE.

1.01.010 Statement of Procedural Prerequisites. Pursuant to Iowa Code §380.8(2)(b) as amended, at its regular meeting of February 15, 2021, the City Council set a public hearing on the proposed 2020 DANVILLE MUNICIPAL CODE for March 1, 2021 at 6:00 o'clock P.M. at the Danville City Hall, Danville, Iowa. The City Council also directed the City Clerk to publish notice of the public hearing as provided in §362.3 which notice was to state that copies of the proposed 2020 DANVILLE MUNICIPAL CODE were available at the City Clerk's office for public inspection. Copies of the 2020 DANVILLE MUNICIPAL CODE have been on file for public inspection at the City Clerk's office since February 15, 2021. Said notice was published on February 18, 2021, at which time citizens were given the opportunity to be heard in favor of or opposing the adoption of the proposed 2020 DANVILLE MUNICIPAL CODE.

1.01.020 Adoption of the 2020 DANVILLE MUNICIPAL CODE. The 2020 DANVILLE MUNICIPAL CODE was adopted on March 1, 2021. (Ord. ___, 2021)

¹For statutory provisions on the codification of city ordinances, see Iowa Code §380.8.

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts of agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.

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

- A. "City" and "town" each mean the city of Danville, Iowa, or the area within the territorial limits of the city of Danville, Iowa, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of Danville. "All its members" or "all members of the council" means the total number of members of the council holding office. (Amended during 2000 codification)
- C. "County" means the county of Des Moines.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Iowa, the ordinances of the City of Danville and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.

- H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of Iowa.
- Q. "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.
- R. "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year. (1977 codification).

1.04.020 Title of office. Use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the city. (Added during 1977 codification).

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (1977 codification).

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city of Danville, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (1977 codification).

1.04.050 Acts by agents. 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 to include all such acts performed by an authorized agent. (1977 codification).

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city of Danville any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (1977 codification).

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (1977 codification).

1.04.080 Construction. The provisions of the ordinances of the city of Danville and all proceedings under them are to be construed with a view to affect their objects and to promote justice. (1977 codification; amended 2008 codification).

1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (1977 codification).

Chapter 1.08

FORM OF GOVERNMENT²

Sections:

- 1.08.010 Purpose.
- 1.08.020 Charter.
- 1.08.030 Form of government.
- 1.08.040 Powers and duties.
- 1.08.050 Council--Number of members and term.
- 1.08.060 Term of mayor.
- 1.08.070 Copies on file.

1.08.010 Purpose. The purpose of this chapter is to provide for a charter embodying the form of government existing on July 1, 1975. (Ord. 47 §1, 1975).

1.08.020 Charter. This chapter may be cited as the charter of the city. (Ord. 47 §2, 1975).

1.08.030 Form of Government. The form of government of the city is the mayor-council form of government. (Ord. 47 §3, 1975).

1.08.040 Powers and duties. The 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. (Ord. 47 §4, 1975).

1.08.050 Council. Number of members and term. The council consists of five council members elected at large for terms of four years. (Ord. 47 §5, 1975).

1.08.060 Term of mayor. The mayor is elected for a term of two years. (Ord. 47 §6, 1975).

1.08.070 Copies on file. The city clerk shall keep an official copy of the charter codified in this chapter on file with the official records of the city clerk, shall immediately file

²For statutory provisions regarding organization of city government, see Iowa Code Chapter 372 (2019).

a copy with the Secretary of State, and shall keep copies of the charter available at the city clerk's office for public inspection. (Ord. 47 §7, 1975).

Chapter 1.12

GENERAL PENALTY

Sections:

- 1.12.010 Designated Penalties.
- 1.12.020 Municipal Infractions.
- 1.12.030 Election Remedies

1.12.010 Designated Penalties. Any person violating any of the provisions of any ordinance of the City of Danville, Iowa, or failing to comply with any of the mandatory requirements of any ordinance of the City of Danville, Iowa, is guilty of a misdemeanor, unless the violation or infraction is designated as a municipal infraction. Except in cases where a different punishment is prescribed by any ordinance of the City of Danville, any person convicted of a misdemeanor violation under the ordinances of the City of Danville, shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. If any violation is continuing, each day's violation shall be deemed a separate offense. (See Iowa Code §364.3 as amended.)

1.12.020 Municipal Infractions. The provisions of Iowa Code §364.22, Municipal Infractions, are adopted by reference the same as if fully set out herein. All violations of this Code of Ordinances, unless otherwise specified, shall constitute Municipal Infractions and shall be subject to the penalties and remedies provided in Iowa Code §364.22. The Mayor shall enforce the provisions of these ordinances using a form approved by the City Council.

1.12.030. Election of Remedies. In all cases if the same offense is made punishable by different sections of this Code, the prosecuting officer may elect to prosecute the offense as a civil penalty or misdemeanor, but not more than one recovery shall be had against the same person for the same offense, provided the revocation of a license or a permit shall not be considered a recovery. (Ordinance 184 §1, 2006).

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

<u>2.04</u>	<u>Mayor</u>
<u>2.08</u>	<u>Members of the Council</u>
<u>2.12</u>	<u>Salaries</u>
<u>2.16</u>	<u>City Clerk</u>
<u>2.20</u>	<u>Planning and Zoning Commission</u>
<u>2.22</u>	<u>Board of Adjustment</u>
<u>2.24</u>	<u>Civil Service</u>

Chapter 2.04

MAYOR

Sections:

2.04.010	Mayor – Duties.
2.04.020	Mayor pro tem – Duties.

2.04.010 Mayor--Duties. The Mayor shall be the Chief Executive Officer of the City and shall be the presiding officer of the City Council. The Mayor shall appoint a Council Member as Mayor pro tem, and may appoint the Marshal or Chief of Police except where an inter-governmental agreement makes other provisions for police protection. The Mayor is not a member of the Council and may not vote as a member of the Council. (Ord. 52 §1, 1977 codification; Ord. 79 §1, 1980).

2.04.020 Mayor pro tem--Duties. The Mayor pro tem shall be appointed by the Mayor. The Mayor pro tem is the vice president of the Council and when the Mayor is absent or unable to act, the Mayor pro tem shall perform the Mayor's duties; provided, however, that the Mayor pro tem may not appoint, employ, or discharge officers or employees without the approval of the Council. When acting as Mayor, the Mayor pro tem retains all the powers of a member of the Council. (Ord. 52 §2, 1977 codification).

Chapter 2.08

MEMBERS OF THE COUNCIL

2.08.010 Term--Restriction. Five members of the council shall be elected at large and shall serve four-year terms. A member of the council, during the term for which the member is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which the member of the council is elected. (Ord. 52 §3, added during 1977 codification).

Chapter 2.12

OFFICER SALARIES³

Sections:

- 2.12.010 Members of the Council.
- 2.12.020 Mayor.

2.12.010 Members of the Council.

- A. The annual salary of each member of the council shall be \$600.00 and will be paid semi-annually to each member in December and June. (Ord. 51 §1, added during 1977: Ord. 121 §2, 1991, Ord. 189 §2 2007).
- B. Effective January 1, 2022, the annual salary of each member of the council shall be \$1,200 and will be paid semi-annually to each member in December and June. (Ord. 231, 2020).

2.12.020 Mayor.

- A. The Mayor shall receive an annual salary of \$3,000.00 and will be paid monthly. (Ord. 51 §2 added during 1977 codification: Ord. 121 §2, 1991, Ord. 189 §2 2007).
- B. Effective January 1, 2022, the Mayor shall receive an annual salary of \$4,200 and will be paid monthly. (Ord. 231, 2020).

³For statutory provisions on the power of the council to prescribe compensation for city officers and employees, see Code 2019, §372.13(4), §372.13(8) and §372.13(9).

Chapter 2.16

CITY CLERK

Sections:

2.16.010 Appointment--Duties.

2.16.010 Appointment--Duties. The city clerk shall be appointed by the council to maintain city records and to perform other duties prescribed by state law or city ordinance. (Ord. 52 §4, added during 1977 codification).

Chapter 2.20

PLANNING AND ZONING COMMISSION⁴

Sections:

- 2.20.010 Created.
- 2.20.020 Appointment of members.
- 2.20.030 Term of office.
- 2.20.040 Compensation.
- 2.20.050 Powers.
- 2.20.060 Chair.

2.20.010 Created. There is created in the city a planning and zoning commission consisting of seven members or commissioners. (Ord. 50 §1, added during 1977 codification).

2.20.020 Appointment of members. The seven members of the planning and zoning commission shall be residents of the city and shall be appointed by the mayor upon the approval of the city council. No one holding an elective office in the municipal government shall be appointed to, or serve on, the planning and zoning commission. (Ord. 50 §2, added during 1977 codification).

2.20.030 Term of office. The term of office of the members of the planning and zoning commission shall be for five years, except that the members first named shall hold office so that the term of office for two members shall expire at the end of three years following the date of their appointment, the term of office for two members shall

⁴For statutory provisions on zoning commissions, see Code 2019 §414.6.

expire at the end of four years following the date of their appointment, and the term of office for three members shall expire at the end of five years following the date of their appointment. All members appointed for successive terms following the expiration of any of the terms of the initial member shall be appointed for a term of five years. (Ord. 50 §3, added during 1977 codification).

2.20.040 Compensation. All members of the planning and zoning commission shall serve without compensation, except for such actual expenses as shall be approved by a majority vote of the city council. (Ord. 50 §4, added during 1977 codification).

2.20.050 Powers. The planning and zoning commission established by the terms of the ordinance codified in this chapter shall have all of the powers conferred to it by Chapters 364 and 414 of the Code of Iowa 2013 as the same may be amended from time to time and by any other application laws of the state. (Ord. 50 §5, added during 1977 codification).

2.20.060 Chair. The planning and zoning commission shall elect from its own members a chair to preside at its meetings and to perform the usual duties pertaining to such office. (Ord. 50 §6, added during 1977 codification).

Chapter 2.22

BOARD OF ADJUSTMENT

Sections:

- 2.22.010 Establishment.
- 2.22.020 Meetings.
- 2.22.030 Powers and Duties.
- 2.22.040 Limitation on Powers.
- 2.22.050 Consideration of Adverse Impact.
- 2.22.060 Appeal from Decision of Board.
- 2.22.070 Parallel References.

2.22.010 Establishment. A Board of Adjustment is established which shall consist of five residents of the city appointed by the City Council. No more than two members may also be members of the Planning and Zoning Commission. The term of each member shall be for five years with the term of each member staggered. (Ord. 159 §1, 2001)

2.22.020 Meetings. The Board of Adjustment shall meet at the call of the chairperson and at such places and times as the board may determine. All meetings and hearings shall be open to the public and pursuant to such notice required by the Iowa Open Meetings law. A quorum of three members is required for a meeting and any action or decision of the Board shall require the affirmative vote of three members. The Board shall keep detailed minutes that accurately reflect the vote of each member and the reasons for all decisions or actions taken by the Board. Such minutes and records of the Board of Adjustment shall be public records. (Ord. 159 §2, 2001)

2.22.030 Powers and Duties. The Board of Adjustment shall:

1. Hear and determine appeals from, and review any order, requirement, decision, determination, action or in action by any city official concerning any zoning matter.
2. Hear and decide all matters upon which it is required to pass pursuant to the provision of Title 17.
3. Interpret the provisions of Title 17 in such a way as to carry out the intent and purpose of the Danville zoning ordinance, including the zoning map accompanying Title 17, where the street layout on the ground actually varies from the street layout as shown in the district zoning map.
4. Allow the reconstruction of a nonconforming use which has been damaged by fire, explosion, or act of nature to the extent that more than seventy percent of its market value, but only when the Board finds a compelling necessity requiring continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
5. Waive or reduce the parking and loading requirements in any district where the character and use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience.
6. To grant a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in carrying out of these provisions due to the irregular shape of a lot, topographical, or other conditions, provided such variance would not seriously affect any adjoining property or the general welfare of the community.

7. To grant a variance wherever a property owner can show that a strict application of the provisions of Title 17 will impose upon the owner unusual practical difficulties or a particular hardship.
8. To grant a special use permit in accordance with the provisions of Chapter 17.72.
9. To grant conditional uses in accordance with sections 17.92.020 and 17.92.030 of the Danville Municipal Code. (Ord. 159 §3, 2001)

2.22.040 Limitation on Powers. Nothing in this Chapter shall be construed to grant the Board of Adjustment the power or authority to alter or change the provisions or text of the zoning ordinance or the zoning district map, such power and authority being vested exclusively in the City Council. (Ord. 159 §4, 2001)

2.22.050 Consideration of Adverse Impact. When it considers appeals, and proposed exceptions, variations, nonconforming uses, special uses, and conditional uses, the board shall consider the following:

1. Whether the proposed action will substantially increase traffic hazards or congestion.
2. Whether the proposed action will increase any fire hazard.
3. Whether the proposed action will adversely affect the character and property values of the neighborhood.
4. Whether the proposed action will adversely affect the general welfare of the community.
5. Whether the proposed action will overtax public utilities.
6. Conflicts with the comprehensive city plan.
7. Whether the proposed action will conform to the requirements for such action specified in the Danville Municipal Code. (Ord. 159 §5, 2001)

2.22.060 Appeal from Decision of Board. Any person aggrieved by any action of decision of the Board of Adjustment may appeal such action as provided by law. (Ord. 159 §5 2001)

2.22.070 Parallel References. All references in the 2000 Danville Municipal Code to the Variance Board are changed to the Board of Adjustment. (Ord. 159 §6, 2001)

Chapter 2.24

CIVIL SERVICE

Sections:

2.24.010 Personnel Policy.

2.24.010 Personnel Policy. The council by resolution shall from time to time adopt such personnel policies and procedures which it shall deem to be in the best interests of the City. These policies shall be published and be made available to Danville City employees and members of the public. (Ordinance 109, 1986).

Chapter 2.30

PUBLICATION OF ORDINANCES

Sections:

2.30.010 Listing; length of notice.
2.30.020 Removing notice unlawful.
2.30.030 Summaries of Ordinances.

2.30.010 Listing; length of notice. The City Clerk shall post all legal notifications as required at Danville City Hall, located at 105 West Shepherd Street. The City Clerk shall post and/or make available to City Hall, such ordinances or amendments or summaries following the passage or re-passage of the ordinance or amendment or summary and leave them posted for not less than seven days. (Ord. 183 §1, 2006)

2.30.020 Removing notice unlawful. Removal of a public notice of an ordinance or amendment or summary by persons other than the city clerk shall constitute a municipal infraction. Such removal before the seven days have expired shall not affect the validity of the ordinance or amendment or summary.

2.30.030 Summaries of Ordinances. The City Clerk shall, unless otherwise provided by Council action, publish summaries of ordinances pursuant to Iowa Code §380.7(2).

TITLE 3

REVENUE AND FINANCE

TITLE 4

FRANCHISES

Chapters:

- 4.10 Natural Gas Distribution System Franchise
- 4.20 Cable Services Franchise
- 4.30 Telephone Service Franchise

CHAPTER 4.10

NATURAL GAS DISTRIBUTION SYSTEM FRANCHISE

(Ord. 191, Nov. 17, 2008)

4.10.010. There is hereby granted to INTERSTATE POWER & LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City of Danville, Des Moines County, Iowa as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. Prior to the exercise of Company's right of eminent domain for public use or purpose of benefit to the City, Company shall consult with City in advance of the exercise of such right so as to minimize the effect of any such taking. The term "gas" as used in this franchise shall be construed to mean natural gas only.

4.10.020. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

4.10.030. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by

guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

4.10.040. The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section.

4.10.050. The City shall also provide a reasonable alternative location for the Company's facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

4.10.060. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

4.10.070. The franchise granted by this Ordinance shall not be exclusive.

4.10.080. Franchise fee. In its monthly billing Company shall include a franchise fee of zero percent (0 %) on the gross receipts from the distribution, supply, or sale of natural gas for customers within the limits of the City of Danville, Des Moines County, Iowa. The Company shall commence collecting the 0 % franchise fee on the date of January 1 or July 1, following six months from the date the acceptance of this Ordinance by the Company is filed with the City Clerk. The franchise fee may be increased or decreased

by the City on or after January 1, 2009 and shall be limited to a maximum fee of 5%. The Grantor shall give the Company a minimum 6-month notice prior to the request to implement an increase or decrease in the franchise fee. Grantor shall be solely responsible for the proper use of any amounts collected as franchise fees and shall only use such fees as collected for a purpose as allowed by applicable law. Collection of the franchise fee shall cease at the earlier of The City's repeal of the franchise fee or the end of the Ordinance term.

4.10.090. The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2(f), 423B.5 and 423E.2(3). The Company shall not grant exemptions or refunds of the franchise fee beyond that granted by the Code of Iowa. If at any time the Iowa Utilities Board or another authority having proper jurisdiction, prohibits the collection or payment of a franchise fee, the Company shall be relieved of its obligation to collect and pay to the City the franchise fee.

4.10.100. The franchise fee shall include an additional charge equal to .06 percent (0.06%) on the gross receipts from the distribution, supply, or sale of gas for customers within the limits of the City of Danville, Des Moines County, Iowa. Said additional charge will cover the administrative and related expenses incurred by Company to accommodate City's franchise fee and shall only apply when a franchise fee is being collected pursuant to Section 7.

4.10.110 City agrees that Company's obligations related to the franchise fee are limited to those obligations set forth in Sections 7, 8 and 13 herein. City further agrees to bear all costs (including attorney fees), and to defend, indemnify and hold Company harmless from any and all liability, claims or causes of action associated with disputes related to the billing and/ or collection of the franchise fee, provided that the City shall not be obligated to bear such costs or to defend, indemnify and hold Company harmless if such disputes arise from claims of inaccurate billing by the Company.

4.10.120. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the limits of said City, the City Clerk shall provide written notification to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the limits of the City, commencing six (6) months from receipt of the written notice.

4.10.130. The sum of such additional charges for the franchise fee and any additional charges related to Section 7 and/or 9 above shall be shown separately on the utility bill to each customer.

4.10.140. The Company shall remit collected franchise fees to the City on a quarterly basis, within thirty (30) days after last day of the last revenue month of the quarter.

4.10.150. That said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductor and appliances in, along and under the streets, avenues, alleys and public places in the said City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of this ordinance.

4.10.160. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

CHAPTER 4.20

CABLE SERVICES FRANCHISE (Ordinance 182, August 7, 2006)

Sections:

4.20.010	Definition of Terms.
4.20.020	Grant of Franchise.
4.20.030	Standards of Service.
4.20.050	Regulation by the Franchise Authority.
4.20.060	Books and Records.
4.20.070	Insurance and Indemnification.
4.20.080	Enforcement and Termination of Franchise.
4.20.090	Miscellaneous Provisions.

4.20.010 Definition of Terms

4.20.010 Terms. For the purpose of this Franchise, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

- A. "Basic Cable Service" is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.
- B. "Cable Act" means Title VI of the Cable Act of 1934, as amended.
- C. "Cable Services" shall mean (1) the one-way transmission to Subscribers of (a) video programming, or (b) other programming service, and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- D. "Cable System" shall mean the Grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within the Service Area.
- E. "FCC" means Federal Communications Commission, or successor governmental entity thereto.
- F. "Franchising Authority" means the City of Danville, Iowa.
- G. "Grantee" means MCC Iowa LLC, or the lawful successor, transferee, or assignee thereof.
- H. "Gross Revenues" means revenues derived from the operation of the Cable System received by Grantee from Subscribers for Basic Cable Services in the Service Area; provided, however, that Gross Revenues shall not include franchise fees, the FCC User Fee or any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency.
- I. "Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.
- J. "Public Way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Grantee to the use thereof for the

purpose of installing, operating, repairing, and maintaining the Cable System.

- K. "Service Area" means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in subsection 3.9.
- L. "Standard Installation" is defined as 125 feet from the nearest tap to the Subscriber's terminal.
- M. "Subscriber" means a Person who lawfully receives Cable Service of the Cable System with the Grantee's express permission.

4.20.020 Grant of Franchise.

4.20.021 Grant. The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.

4.20.022 Other Ordinances. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.

4.20.023 Other Authorizations. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the Service Area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including OVS authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this Agreement to any other entity shall cover the entire Service Area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization

than those which are set forth herein. In any renewal of this Franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal, are not more burdensome and/or less favorable than those contained in any such additional franchise(s) or authorizations.

4.20.030 Standards of Service.

4.20.031 Conditions of Occupancy. The Cable System installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways.

4.20.032 Restoration of Public Ways. If during the course of the Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by the Grantee, Grantee shall replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

4.20.033 Relocation for the Franchising Authority. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its property.

4.20.034 Relocation for a Third Party. The Grantee shall, on the request of any Person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided: (A) the expense of such is paid by said Person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (B) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

4.20.035 Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim trees or other natural growth in the public right-of-way, as approved in advance by the Public Works Superintendent, in order to access and maintain the Cable System.

4.20.036 Safety Requirements. Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.

4.20.037 Underground Construction. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.

4.20.038 Access to Open Trenches. The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (A) the utility or developer give the Grantee at least ten (10) days advance written notice of the availability of the open trench, and (B) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

4.20.039 Required Extensions of the Cable System. Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in an unserved area contiguous to Grantee's existing distribution facilities where there are at least 10 residences within 1320 cable-bearing strand feet (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charged to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, into any annexed area which is not contiguous to the present Service Area

of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

4.20.040 Subscriber Charges for Extensions of the Cable System. No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of subsection 3.9 above, the Grantee shall only be required to extend the Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a pro rata basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.

4.20.041 Cable Service to Public Buildings. The Grantee, upon request, shall provide without charge, a Standard Installation and one outlet of Basic Cable Service to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable System or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable Service are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

4.20.042 Reimbursement of Costs. If funds are available to any Person using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are

controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

4.20.050 Regulation by the Franchising Authority.

4.20.51 Franchise Fee.

- A. The Grantee shall pay to the Franchising Authority a franchise fee of three percent (3%) of annual Gross Revenues (as defined in subsection 1.1 of this Franchise). In accordance with the Cable Act, the twelve (12) month period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due semi-annually and payable within 90 days after June 30 and December 31. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.
- B. Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due to the Franchising Authority.

4.20.052 Rates and Charges. The Franchising Authority may regulate rates for the provision of Basic Cable Service and equipment as expressly permitted by federal law.

4.20.053 Renewal of Franchise.

- A. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.
- B. In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.

- C. Notwithstanding anything to the contrary set forth in this subsection 4.3, the Grantee and the Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the Franchising Authority and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof.
- D. The Grantee and the Franchising Authority consider the terms set forth in this subsection 4.3 to be consistent with the express renewal provisions of the Cable Act.

4.20.054 Conditions of Sale. If a renewal or extension of the Grantee's Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act.

The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least twelve (12) months to effectuate a transfer of its Cable System to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued operation of the Cable System during the twelve (12) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

4.20.055 Transfer of Franchise. The Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System in order to secure indebtedness.

4.20.060 Books and Records. The Grantee agrees that the Franchising Authority, upon thirty (30) days written notice to the Grantee and no more than once annually may

review such of its books and records at the Grantee's business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

4.20.070 Insurance and Indemnification.

4.20.071 Insurance Requirements. The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the Franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be noncancelable except upon thirty (30) days prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

4.20.072 Indemnification. The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within ten (10) days of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

4.20.080 Enforcement and Termination of Franchise.

4.20.081 Notice of Violation. In the event that the Franchising Authority believes that the Grantee has not complied with the any material term of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of such alleged noncompliance.

4.20.082 The Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from receipt of the notice described in subsection 7.1: (A) to respond to the Franchising Authority, contesting the assertion of such noncompliance, or (B) to cure such default, or (C) in the event that, by the nature of such default, it cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

4.20.083 Public Hearing. In the event that the Grantee fails to respond to the notice described in subsection 7.1 pursuant to the procedures set forth in subsection 7.2, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to 7.2(C) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least ten (10) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

4.20.084 Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in subsection 7.3, determines that the Grantee is in material default of any provision of the Franchise, the Franchising Authority may:

- A. Commence an action at law for monetary damages or seek other equitable relief; or
- B. In the case of repeated or ongoing substantial non-compliance with a material term or terms of the Franchise, seek to revoke the Franchise in accordance with subsection 7.5.

4.20.085 Revocation. Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in subsections 7.1-7.4 above, the Franchising Authority shall give written notice to the Grantee of its intent. The

notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term or terms of the franchise. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record shall be made of such hearing.

Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court.

The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.

4.20.086 Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties

and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or Subscribers.

4.20.090 Miscellaneous Provisions

4.20.091 Actions of Parties. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

4.20.092 Entire Agreement. This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.

4.20.093 Reservation of Rights. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.

If at any time during the term of this franchise, federal, state or local law permits any provider of video programming to provide services such as those provided pursuant to this franchise either without obtaining a franchise from the Franchising Authority or on terms or conditions more favorable than those applicable to the Grantee, then this franchise shall at the sole discretion of the Grantee: (1) cease to be in effect; or (2) be deemed to expire at a date prior to the original expiration date selected by the Grantee; or (3) will be automatically reformed to grant to the Grantee the more favorable terms, benefits and conditions available to the other provider.

4.20.094 Notice. Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: a) upon receipt when hand delivered with receipt/acknowledgment, b) upon receipt when sent certified, registered mail, c) within five (5) business days after having been posted in the regular mail or d) or the next business day if sent by express mail or overnight air courier.

The notices or responses to the Franchising Authority shall be addressed as follows

City of Danville
PO Box 265
105 W Shepherd St.
Danville, IA 52623

The notices or responses to the Grantee shall be addressed as follows:

Government Relations Manager
MCC Iowa, LLC
6300 Council St NE
Cedar Rapids, IA 52402

With a copy to:

Legal Department
MCC Iowa, LLC
100 Crystal Run Road
Middletown, NY 10941

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

4.20.095 Descriptive Headings. The captions to Sections and subsections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

4.20.096 Severability. If any Section, subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

4.20.097 Term and Effective Date. The Effective Date of this Franchise is the date of final adoption by the Franchising Authority as set forth below subject to Grantee's acceptance by countersigning where indicated below. This Franchise shall be for a term of fifteen (15) years from such Effective Date and shall expire on August 7, 2021

CHAPTER 4.30

TELEPHONE SERVICE FRANCHISE (Approved at Special Election 12/5/1990)

4.30.010. Permission and authority are hereby granted for the period of twenty-five (25) years from and after the acceptance of this franchise, as herein provided to the Danville Mutual Telephone Company of Danville, Iowa, its successors or assigns (hereinafter called the grantee), it being expressly understood that said permission and authority are non-exclusive; to acquire, construct and maintain in the incorporated City of Danville, Iowa as the same are now for the receiving and transmitting of messages by telephone using wires, cables, carrier, microwave and/or electronic and/or other methods for the public and private use and to sell and furnish telephone service to the city and its inhabitants for all purposes, and to construct and maintain along, upon, across or under the street, highways, avenues, alleys, bridges and public places the necessary fixtures, apparatus and equipment for such purposes, which shall be located, arranged and maintained so as not to endanger persons or unnecessarily hinder or obstruct the free use of streets, alleys or private property. Wires and cable erected over streets, highways, avenues, alleys and other public traveled places shall have a clearance above the surface to safely permit ordinary travel, and in no event shall said clearance be less than the clearance prescribed by the Iowa Utilities Board, by statute now or hereafter enacted, or by any regulatory body of the State of Iowa, hereafter created by statute. Said lines shall be constructed in accordance with the specifications of the National Electric safety Code, as issued by the United States Department of Commerce, Bureau of Standards in force at the time of said construction, in so far as the same are applicable to the constructing of telephone line and systems.

4.30.020 Subject to provisions of existing or subsequently enacted ordinance of the City of Danville, the grantee may take up pavement or make excavations in the streets, alleys, avenues or other public place in said city.

4.30.030 This franchise shall not restrict in any manner the right of the city council or other governing body of the city in the exercise of any regulatory authority which may now or hereafter be authorized or permitted by the laws of the State of Iowa.

4.30.040 The grantee shall hold the city harmless from any and all courses of actions, litigation or damage which may arise through or by reason of the construction, reconstruction, maintenance and operation of said telephone systems.

4.30.050 All of the provisions of this ordinance shall apply to the successors or assigns of the grantee, with the same force and effect as they do the grantee itself.

4.30.060 The expense of the publication of this ordinance and the expense of the election herein called shall be paid by the grantee, its successors and assigns.

4.30.070 The franchise granted by this ordinance shall be accepted by the Company in writing and said acceptance shall be filed with the City Clerk within thirty (30) days from its receiving a majority of the votes cast at the special election hereinafter called.

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Beer and Liquor Licenses
- 5.08 Cigarette Permits
- 5.12 Peddlers, Solicitors and Transient Merchants
- 5.14 Municipal Rights of Way
- 5.18 Communication Towers and Antennas
- 5.20 Excavation and Work on City Rights of Way and Easements

Chapter 5.04

BEER AND LIQUOR LICENSES

Sections:

- 5.04.010 Iowa Code Chapter 123 Adopted by Reference.
- 5.04.020 Prohibition.
- 5.04.030 Application and Investigation.
- 5.04.040 Council Action.
- 5.04.050 Specific Prohibitions.

5.04.010. Iowa Code Chapter 123 Adopted by Reference. The provisions of Chapter 123 of the Code of Iowa are adopted by this reference as if fully set out in this Section.

5.04.020. Prohibition. It is unlawful to manufacture, sell, distribute, offer for sale, keep for sale, possess, or transport, alcoholic liquor, wine, or beer in the City of Danville except on the terms, conditions, limitations, and restrictions set out in Iowa Code Chapter 123. Violation of this provision is a municipal infraction punishable as provided in Section 1.12.020 of the Danville Municipal Code. In addition, the Danville Council may suspend or revoke a license or permit as an additional or separate penalty for such violation. Provided, however, that the Council shall impose a civil penalty of \$500 in lieu of suspension of the license or permit for a first offense violation of Iowa Code Section 123.49(2)(h).

5.04.030. Application and Investigation. Upon receipt of an application for a liquor license, wine or beer permit, the City Clerk shall forward a copy of the application to the Des Moines County Sheriff and the Chief of the City of Danville, Danville

Township, Pleasant Grove Township Fire Department, who shall report any objections to the issuance of a permit to the Council. The Fire Chief may inspect the proposed premises to determine if such premises meet the requirements of Iowa Code Chapter 123 and Chapter 5.04 of the Danville Municipal Code.

5.04.040 Council Action. The Council shall either approve or disapprove the issuance of the liquor control license, or retail wine or beer permit. The Council shall disapprove any application for a license that does not meet the requirements of Iowa Code 123 and Chapter 5.04 of the Danville Municipal Code. The Council shall endorse its approval or disapproval on the application. The application, fee, and bond, if required, shall be forwarded to the Iowa Alcoholic Beverage Control Division for such further action as provided in Iowa Code Chapter 123.

5.04.050. Specific Prohibitions. No person holding a liquor license or retail wine or beer permit, nor shall the person's agents or employees do any of the actions prohibited by Iowa Code Section 123.49. Violation of this provision is a municipal infraction punishable as provided in Section 1.12.020 of the Danville Municipal Code. In addition, the Danville Council may suspend or revoke a license or permit as an additional or separate penalty for such violation. Provided, however, that the Council shall impose a civil penalty of \$500 in lieu of suspension of the license or permit for a first offense violation of Iowa Code Section 123.49(2)(h).

Chapter 5.08

CIGARETTE PERMITS

Sections:

5.08.010	Definitions.
5.08.020	Required.
5.08.030	Issuance.
5.08.040	Fees.
5.08.050	Display.
5.08.060	Expiration.
5.08.070	Nontransferable.
5.08.080	Revocation.
5.08.090	Refund.

5.08.010 Definitions. For use in this chapter the following terms are defined:

- A. "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of being flavored, adulterated, or

mixed with any other ingredients. It also means cigarette papers, wrappers, and tubes. It does not include cigars.

- B. "Place of business" means any building or structure in which cigarettes are sold, or are kept for the purpose of sale, by a retailer.
- C. "Retailer" means every individual, firm, corporation, or other association that sells, distributes, or offers for sale or consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or the amount of the number of sales. (Ord. 55§1, added during 1977 codification).

5.08.020 Required. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the city without a valid permit for each place of business. (Ord. 55§2, added during 1977 codification).

5.08.030 Issuance.

- A. The council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the city clerk the following: A completed application on forms provided by the Alcoholic Beverages Division of the Department of Commerce and accompanied by the fee provided in Section 5.08.040. (Amended in 2014 Recodification)
- B. The council shall certify its action in issuing a permit to the Alcoholic Beverages Division of the Department of Commerce, Lucas State Office Building, Des Moines, Iowa 50319. (Ord. 55 §3, added during 1977 codification; amended during the 2014 Recodification).

5.08.040 Fees.

- A. The fee for permits shall be in accordance with Iowa Code Chapter 453A. (2014 Recodification)
- B. Upon the issuance of the permit by the council, the clerk shall deposit the fee in the General Fund. (Ord. 55 §5, added during 1977 codification; amended 2008 Codification).

5.08.050 Display. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. (Ord. 55 §9, added during 1977 codification).

5.08.060 Expiration. Permits expire on June 30th of each year. (Ord. 55 §5, added during 1977 codification).

5.08.070 Nontransferable. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the council, if it decide to issue a new permit to him, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit. (Ord. 55 §8, added during 1977 codification).

5.08.080 Revocation.

- A. The council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or Chapter 453A of the Code of Iowa 2013, as amended, or if grounds exist that would be sufficient for refusal to issue such a permit. The city clerk shall give five days' written notice to the retailer by mailing a copy by certified mail to the place of business as it appears on his application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he may appear and be heard. The hearing shall be held at the regular meeting place of the council. (Code reference changed in 2014 recodification)
- B. Upon revocation, no new permits shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council. (Ord. 55 §7, added during 1977 codification).

5.08.090 Refund. A retailer may surrender an unrevoked permit in July, August or September for a refund of fifty-six dollars twenty-five cents; in October, November or December, for thirty-seven dollars fifty cents; or in January, February or March, for eighteen dollar seventy-five cents. (Ord. 55 §6, added during 1977 codification).

Chapter 5.12

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS⁵

Sections:

5.12.010	Definitions.
5.12.020	License--Required.
5.12.030	License--Application.
5.12.040	License--Bond.
5.12.050	License--Issuance.
5.12.060	License--Fee.
5.12.070	License--Display.
5.12.080	License--Nontransferable.
5.12.090	License--Rebate.
5.12.100	License--Revocation.
5.12.110	License--Expiration.
5.12.120	Exemptions.
5.12.130	Exemption--Religious and charitable organizations.
5.12.140	Household prohibition--Solicitation.
5.12.150	Household prohibition--Peddling.

5.12.010 Definitions. For use in this chapter, the following terms are defined:

- A. "Peddler" means any person carrying 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.
- B. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions, or merchandise to be delivered at a future date.
- C. "Transient merchant" means any person, firm, or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, or auctioneer, shall not exempt any person or firm or corporation from being considered a transient merchant. (Ord. 53 §1, added during 1977 codification).

⁵For statutory provisions on itinerant and transient merchants, see Iowa Code Ch. 9C.

5.12.020 License--Required. Peddling, soliciting, or in the business of a transient merchant in this city without first obtaining a license as provided in this chapter is a municipal infraction. (Ord. 53 §2, added during 1977 codification; amended 2014 recodification to add “municipal infraction.”).

5.12.030 License--Application. An application in writing shall be filed with the city clerk for a license under this chapter. Such application shall be on the form set out at the end of this chapter and shall be accompanied by a photocopy of the applicant's driver's license and vehicle registration. A filing fee of \$25 shall be paid at the time the application is submitted to the City Clerk. (Amended during 1998 and 2014 codifications).

5.12.040 License--Bond. Before a license under this chapter shall be issued, each applicant shall post a bond in accordance with Iowa Code Section 9C.4 with the city clerk. Such bond shall be conditioned to indemnify and pay the city for any penalties or costs occasioned by the enforcement of this chapter and shall not be retired until after a lapse of thirty days from the expiration of each license. (Ord. 53 §8, added during 1977 codification; 2014 recodification).

5.12.050 License--Issuance. If the city clerk finds the application is made out in conformance with Section 5.12.030 of this chapter and the facts stated therein are correct, the clerk shall issue, upon posting of bond as required by Section 5.12.040 of this chapter, a license and charge a fee therefor as determined by Section 5.12.060 of this chapter. (Ord. 53 §6, added during 1977 codification).

5.12.060 License--Fee. Prior to issuing said transient merchant's license, the City Clerk shall collect for the City a license fee in the sum of thirty-five dollars for each day the applicant, as shown by the application, shall propose to sell or offer for sale any goods, wares or merchandise, or for each day the applicant, as shown by the application, proposes to engage in and conduct a business as a transient merchant as the case may be. (Ord. 53 §7, added during 1977 codification; amended 2014 recodification).

5.12.070 License--Display. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in Section 5.12.050 of this chapter and shall exhibit the license as evidence that he has complied with all requirements of this chapter. Each transient merchant shall display publicly his license in his place of business. (Ord. 53 §9, added during 1977 codification).

5.12.080 License--Nontransferable. License issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application. (Ord. 53 §10, added during 1977 codification).

5.12.090 License--Rebate. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the city clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly, and daily basis from the first day the license was issued. The balance, if any, shall be refunded. (Ord. 53 §11, added during 1977 codification).

5.12.100 License--Revocation. The city council, after notice and hearing, may revoke any license issued under the provisions of this chapter where the licensee, in the application for the license or in the course or conducting his business, has made fraudulent or incorrect statements or has violated the provisions of this chapter or has otherwise conducted his business in an unlawful manner. (Ord. 53 §12, added during 1977 codification).

5.12.110 License--Expiration. All licenses granted under this chapter shall expire at six p.m. of the last day for which the license is issued. (Ord. 53 §13, added during 1977 codification).

5.12.120 Exemptions. The terms of this chapter shall not apply to all newspapers and organizations conducted by a committee of residents of the community engaged in a local project for solely charitable purposes. (Ord. 53 §3, added during 1977 codification).

5.12.130 Exemption--Religious and charitable organizations.

- A. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Sections 5.12.030 through 5.12.110 of this chapter. All such organizations shall be required to submit to the city, in writing, the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees, or wages are to be charged by the solicitor for his efforts and the amount thereof.
- B. If the city clerk finds that the organization is a bona fide charity or religious organization, he shall issue, free of charge, a license containing the above information to the applicant. (Ord. 53 §4, added during 1977 codification).

5.12.140 Household prohibition--Solicitation. Any householder in the city may prohibit solicitation by posting a card approximately three inches by five inches in size near the main entrance door to the householder's residence. Such card may state

"Only solicitors registered in Danville, Iowa, invited," or "No solicitors invited." Any solicitor going on the premises of any householder where such card is posted or attempting to solicit at such residence contrary to the householder's notice shall be deemed to be trespassing upon the premises and in violation of this chapter. (Ord. 53 §14, added during 1977 codification).

5.12.150 Household prohibition--Peddling. Any householder in the city may prohibit peddling in the same manner as in Section 5.12.140 of this chapter by substituting the word "peddler" for the word "solicitor" on the householder's notice. Any peddler going on any premises or attempting to peddle at any premises is in violation of the householder's notice and shall be deemed to be trespassing upon the premises and in violation of this chapter. (Ord. 53 §15, added during 1977 codification).

Chapter 5.14

MUNICIPAL RIGHTS OF WAY (Ordinance 161, Nov. 05, 2001)

An Ordinance to Control the Use of Public Property and Right of Way

Sections:

- 5.14.010 Permit Required
- 5.14.020 Basis for Permit Fee
- 5.14.030 Initial Payment
- 5.14.040 Final Fee.
- 5.14.050 Use of Public Right of Way
- 5.14.060 New Installations
- 5.14.070 Regulation by the City.
- 5.14.080 Construction and Excavation by Holders of Franchises or License or Leases.
- 5.14.090 City Construction and Paving.
- 5.14.100 Design Notice to City.
- 5.14.110 Above-ground Cables, Wires, Conduits, and Poles.
- 5.14.120 Assignment.
- 5.14.130 Forfeiture.
- 5.14.140 Application.
- 5.14.150 Severability.
- 5.14.160 Home Rule.
- 5.14.170 New Technologies.
- 5.14.180 Repealer.

5.14.010 Permit Required. Except for a utility providing telephone service pursuant to Iowa Code Chapter 476, any person, firm, or corporation desiring to use the public right of way shall first apply to the City Council for a Right of Way Use Permit. (Ord. 161, §1, 2001)

5.14.020 Basis for Permit Fee. The person, firm, or corporation desiring to use the public right of way shall pay to the city a right of way based on the city's actual management costs incurred or to be incurred in connection with the installation and operation of facilities in the public right of way. Such actual management costs shall include, but not be limited to, the costs of location, surveying, mapping, relocation of existing utilities in the right of way, coordination of construction schedules, the costs of the inspection and monitoring of the installation, determination of insurance requirements, bonding and indemnity requirements, and the cost of restoration of the right of way to its pre-existing condition. (Ord. 161 §2, 2001).

5.14.030 Initial Payment. The initial fee, payment of which shall be certified check payable to The City of Danville, Iowa shall accompany the application for use of the right of way, shall be determined by the city engineer based on the information contained in the application. (Ord. 161 §2, 2001).

5.14.040 Final Fee. The final fee shall be based on an accounting of the actual costs to the City for the installation of the utility property in the right of way. The final fee shall be paid before the utility may actually place the right of way installation into actual service. (Ord. 161 §2, 2001).

5.14.050 Use of Public Right of Way. Use of the public right of way shall mean not only the initial installation of property or equipment in the right of way, but shall also mean and apply to each subsequent entry onto the public right including, but not limited to, maintenance, repair, modification, or relocation. (Ord. 161 §2, 2001).

5.14.060 New Installations. No new installation in or use of the public right of way shall in any manner interfere with existing City utilities or any existing private installation or use. (Ord. 161 §2, 2001).

5.14.070 Regulation by the City. The city reserves the right to make reasonable general regulations for the use of streets and other public property which unless otherwise specifically provided shall apply to any holder of a franchise, license or lease.

5.14.080 Construction and Excavation by Holders of Franchises or License or Leases. A written permit will be obtained from the city clerk whenever it becomes necessary

for the holder of any franchise, license or lease to excavate in streets or public grounds of the city. Such permits shall state a particular part or point of the street where the excavation is to be made and the length of time in which such permit shall authorize the work to be done. An exception to a requirement for a permit shall be made in cases of emergency involving public safety, in which case a permit will be obtained at the earliest opportunity after the work has started.

In making excavations in the streets, the holder of any franchise, license or lease shall proceed with such work as to cause the least possible inconvenience to the public. The holder of any franchise, license or lease shall properly protect all excavations and obstructions by proper placement of shoring, surface plates, barricades, warning lights and such other or additional devices as circumstances may warrant, according to safety standards generally accepted at the time of placement and as may be determined from time to time by the city Public Works Superintendent,. If in the opinion of the city Public Works Superintendent such excavation or obstruction is not properly and safely protected, the Public Works Superintendent shall notify such holder of a franchise, license or lease who shall immediately comply with such reasonable instructions.

Immediately after use, any trenches for excavations which the holder of a franchise, license or lease has opened shall be filled. However, no trench or excavation in the streets shall be filled or covered without giving the city the right to inspect the same. All backfilling in streets will be according to city specifications. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curbs, and gutters or other portions of streets and public places opened, disturbed, or damaged shall be promptly restored and replaced with like materials at the expense of the holder of a franchise, license, or lease and left in as good condition as before the opening, disturbance, or damage occurred. In the event like replacement materials are not available, the holder of the franchise, license or lease shall notify the city Public Works Superintendent who must approve the use of any alternative materials. In the event that the holder of a franchise, license or lease fails to comply with the provision of this section, after having been given reasonable notice, the city may do such works as may be needed to properly repair such pavements, sidewalks, curbs, and gutters or other portions of streets and public places and the cost thereof shall be repaid to the city by the holder of the franchise, license or lease. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the holder of a franchise, license or lease shall replace that area as may be ordered by the city Public Works Superintendent, which in no event shall exceed the panel or panels disturbed.

5.14.090 City Construction and Paving. Whenever the city shall pave or repave any street or shall change the grade line of any street or public place or shall construct or reconstruct any conduit, water main service or water connection, sewer or other city-owned public works or city-owned utility, it shall be the duty of the holder of any franchise, license or lease, when so ordered by the city, to relocate its service lines and other property in the streets or other public places at its own expense so as to conform to the established grade or line of such street or public place and so as not to interfere with the public improvements so constructed or reconstructed. In the case of other public improvements, including but not limited to urban renewal projects, the city may require the holder of a franchise, license or lease to relocate its poles, service lines, and appurtenances in the streets at the owner's expense.

The city may at its discretion assign personnel for inspection of excavation and related work being performed by the holder of a franchise, license or lease. Should the holder of the franchise, license or lease fail or refuse to do and perform the things provided in this section, the city may, after reasonable notice, perform the work and charge the expense thereof to the holder of the franchise, license or lease and the holder of the franchise, license or lease shall promptly pay said charges.

5.14.100 Design Notice to City. The holder of a franchise, license or lease shall promptly, upon request, furnish the city clerk a detailed map or maps of its distribution system both within the city limits and the area within two miles surrounding the city unless that area is within another city. The holder of a franchise, license or lease shall thereafter update the map or maps at least annually or upon request, showing all subsequent additions or deletions to the distribution system. Prior to any excavation by the city or its agents, a representative must contact the holder of any franchise, license or lease regarding current information on the location of underground lines or facilities in the area concerned. The obligation to contact the holder of a franchise, license or lease under this section shall be satisfied if contact is made with a corporation organized pursuant to Code of Iowa Chapter 480 (2007) or any entity with a similar function utilized by both the city and the company, currently the Iowa Once Call System.

5.14.110 Above-ground Cables, Wires, Conduits, and Poles. All cables, wires, and conduits shall be placed underground except where above-ground connection to buildings or other locations above ground is reasonably necessary. Such above-ground connection shall be by means of poles located, as far as reasonably practical, within alleys. No such poles shall be installed or erected until the public works department has approved the proposed location, construction, and pole heights.

5.14.120 Assignment. No sale or assignment of any franchise, license or lease of the use of the public right of way or other public property shall be effective until it is

approved by the city council and until the holder thereof has filed in the office of the city clerk written notice of the proposed sale, transfer, disposition assignment, such notice to clearly summarize the proposed procedure and the terms and conditions thereof. Such approval by the city shall not be unreasonably withheld. The proposed vendee, assignee or lessee shall similarly file an instrument, duly executed, reciting such proposal, accepting the terms of the franchise, license, or lease and agreeing to perform all of the conditions thereof.

5.14.130 Forfeiture. The violation of any material portion of a franchise, license or lease by the holder thereof or its successors or assigns, or its failure promptly to perform any of the provisions of this ordinance shall be cause for forfeiture of said franchise, license or lease and the termination of all rights thereunder. Such forfeiture shall be accomplished by ordinance of the city after written notice to the holder thereof and a continuation of the violation, failure or default specified on the notice for at least thirty (30) days from the date the notice was served.

5.14.140 Application. This ordinance shall apply to all franchises, license or leases and easements granted by the city including all existing franchises, licenses or leases and easements.

5.14.150 Severability. If any such section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

5.14.160 Home Rule. This ordinance is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end any limitation on the power of the city contained herein is to be strictly construed and the city reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the city shall be enforceable against the holder of any franchise, license or lease.

5.14.170 New Technologies. Should, within the term of any franchise, license, or lease, developments within the field for which the grant was made offer to the holder thereof the opportunity to effectively, efficiently, and economically serve its customers through use of a substance or material other than those for which the grant was originally made, then the holder of the franchise, license, or lease may petition the city council which, with such requirements or limitation as it deems necessary to protect public health, safety, and welfare, may allow the use of such substances under the terms and conditions of the franchise, license, or lease.

5.14.180 Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

(Chapter 5.14 was added during 2000 codification)

Chapter 5.18

Communication Towers and Antennas

(Added 2000 codification)

An Ordinance to regulate the placement of communication towers and antennas on city-owned or controlled real estate.

Sections:

- 5.18.010 Purpose and General Policy.
- 5.18.020 Definitions.
- 5.18.030 Local Regulation and Compliance with the Telecommunication Act of 1996.
- 5.18.040 Lease Required.
- 5.18.050 Fee Required.
- 5.18.060 Limit on Term.
- 5.18.070 Priorities and Placement Requirements.
- 5.18.080 Application Process.
- 5.18.090 Noise and Emission Standards.
- 5.18.100 Placement of Facilities and Related Lease Fees.
- 5.18.110 Abandonment.
- 5.18.120 Termination.
- 5.18.130 Home Rule.
- 5.18.140 New Technologies.
- 5.18.150 Severability.
- 5.18.160 Repealer.

5.18.010 Purpose and General Policy. The council finds that in order to ensure public safety and provide efficient delivery of services by the city and others wishing to utilize wireless communication technologies, in order to protect public and private investments, ensure the health, safety and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the city to a return on its investment on public property, it

is necessary for the city to establish uniform rules and policies. This ordinance is to be interpreted in light of these findings for the benefit of the citizens of the city of Danville, Iowa.

5.18.020 Definitions. As used in this ordinance:

"Communications tower" shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.

"Telecommunications" shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

"Antenna" shall mean a device, dish or array used to transmit or receive telecommunications signals.

"Height" of a communication tower is the distance from the base of the tower to the top of the structure.

5.18.030 Local Regulation and Compliance with the Telecommunications Act of 1996. The Telecommunications Act of 1996 prohibits the city from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on city property for their communication towers and antennas.

- A. To minimize the overall number of towers located in the city, providers may be required to participate in collocation agreements.
- B. To ensure that new towers will be safe and blend into their environment, providers will purpose designs consistent with site characteristics.
- C. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort.
- D. To assure revenues from site leases of city-owned and -controlled land and structures reflects fair compensation for use of city property and administration of this ordinance.

5.18.040 Lease Required. No person or other entity shall use any public property without first obtaining a lease from the city.

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

5.18.060 Limit on Term. No lease for the use of public property shall be granted for a term of more than 10 years.

5.18.070 Priorities and Placement Requirements. Priority of the use of city-owned land for communications antennas and towers will be given to the following entities in descending order of priority:

- A. All functions of the city of Danville, Iowa.
- B. Public safety agencies that are not a part of the city, including law enforcement, fire, and ambulance services, and private entities with a public safety agreement with the city.
- C. Other governmental agencies for uses which are not related to public safety.
- D. Entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public for business and/or personal use.

The placement of communications antennas or towers on city-owned property must comply with the following requirements:

- A. The antenna or tower will not interfere with the purpose for which the city-owned property is intended.
- B. The antenna or tower will have no adverse impact on surrounding private property.
- C. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to city property and facilities and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fee shall be established by the city council in Section 10 of this ordinance and shall reflect potential expenses or risks to the city and other appropriate factors.

- D. The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the cost of antenna or tower removal.
- E. The antennas or towers will not interfere with other uses which have a higher priority as discussed in the paragraphs above.
- F. Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
- G. The applicant must reimburse the city for any costs which it incurs because of the presence of the applicant's antenna or tower.
- H. The user must obtain all necessary land use approval.
- I. The applicant will cooperate with the city's objective to promote collocations and thus limit the number of separate antenna sites requested.

5.18.080 Application Process. All applicants who wish to locate a communications antenna or tower on city-owned or private property must submit to the city clerk a completed application accompanied by a fee of \$150 and the following documents, if applicable:

- A. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
- B. A site plan drawn to scale showing property lines, tower location, tower height, guy wires, and anchors, existing structures, photographs, or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existed land uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.
- C. A current map or update for an existing map on file showing locations of applicant's antennas, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
- D. A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision, standards.
- E. Identification of the owners of all antennas and equipment to be located on the site.

- F. Written authorization from the site owner for the application.
- G. Evidence that a valid FCC license for the proposed activity has been issued.
- H. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- I. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- J. Additional information, as required, to determine that all applicable zoning regulations are met.
- K. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This set back requirement shall not apply to 1) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the city, or 2) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.

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

- A. Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
- B. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of the applicant.
- C. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

- D. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
- E. Applicant must provide the names, addresses, and telephone numbers of all owners of other towers or useable antenna support structures within a one-half mile radius of the proposed new tower site, including city-owned property, and written documentation that the applicant 1) made diligent but unsuccessful efforts for a minimum of forty (40) days prior to submission of the application to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by the city and other persons located within a one-half mile radius of the proposed tower site, or 2) written technical evidence from an engineer that the proposed tower or facilities cannot be installed or collocated on another persons' towers or support structure within a one-half mile radius of the proposed tower and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.
- F. Applicants must show that a new tower is designed to accommodate additional antenna equal in number to applicant's present and future requirements.
- G. Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.
- H. All towers and communications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof, roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles, and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.
- I. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the city clerk a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the city attorney.

- J. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setbacks on all sides shall be a distance equal to the height of the tower. The following height conditions apply:

Residential -- Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.

Business -- Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires a special exception.

Industrial -- Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires a special exception.

- K. A tower must be a minimum distance equal to one and one-half the height of the tower from property designated historic or architecturally significant and must be set back from all lot lines distances equal to the distance setback requirements or 25% of the tower height, whichever is greater.

All responses to applications for the siting of telecommunications towers and facilities shall be in writing and shall be made within 120 days after all application materials are received.

5.18.090 Noise and Emission Standards. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be exceeded temporarily.

The federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

5.18.100 Placement of Facilities and Related Lease Fees. The placement and maintenance of communications antennas or towers on city-owned sites, such as

water towers and parks, will be allowed when the following additional requirements are met.

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

1. The applicant must have written approval from the public works director each time access to the facility is desired. This will minimize the risk of contamination to the water supply.
2. There is sufficient room on the structure and/or the grounds to accommodate the applicant's facility.
3. The presence of the facility will not increase the water tower or reservoir maintenance cost to the city.
4. The presence of the facility will not be harmful to the health or safety or the workers maintaining the water tower or reservoir.

The following fees will be assessed for placing facilities on a city water tower: \$10,000.

B. Parks. The presence of certain communications antennas or towers represents a potential conflict with the purpose of certain city-owned parks and recreational facilities. Towers shall be prohibited in designated conservation areas. Communications antennas or towers will be considered only in the following parks after the recommendation of the park board and approval of the city council.

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

Fee for placing facilities on park property: \$10,000.

5.18.110 Abandonment. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the city council who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. At the earliest, 181 days from the date of abandonment, without reactivating or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

5.18.120 Termination. The city council may terminate any lease if it is determined that any one of the following conditions exist.

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

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

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

5.18.140 New Technologies. Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease present the opportunity to the holder of the lease to be more effective, efficient, and economical through the use of a substance or material other than those for which the lease was

originally made, the holder of the lease may petition the city council which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

5.18.150 Severability. If any such section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provision of this ordinance which can be given effect without the invalid portion or portions and to this end, each section and provision of this ordinance is severable.

5.18.160 Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Chapter 5.20

Excavation and Work on City Rights-of-Ways and Easements

5.20.010 Definitions. The following definitions shall apply to this ordinance:

- A. City - the City of Danville.
- B. Contractor - any person, company, corporation or designated representative thereof who is engaged in any type of work or excavation.
- C. Day - weekdays Monday through Friday excluding Holidays observed by the City.
- D. Easement - any easement held by or assigned to the City.
- E. Emergency - any after normal business hours of the City in which some type of work must be done to restore a service to residents or for public safety.
- F. Open hole or trench - means any hole or trench open below the previously established grade of the land or street or alley.
- G. Reconstruction meeting - a meeting in which plans will be reviewed with the Maintenance Superintendent and the order of work shall be discussed.
- H. Right of way - any right of way owned by or assigned to the City.
- I. Signing - warning, caution and informational signs.

- J. Utility - any provider of gas, electric, water, sewer, communications services or television services.

5.20.020 Anyone who is specified above must adhere to the following:

All open holes or trenches which are left unsupervised for any period of time must be barricaded, fenced or roped off in sufficient manner in which someone passing by will not enter the hole.

5.20.030 Any open holes or trenches left overnight must be as specified in Section 2 above and shall also receive reflective barricading and flashing amber caution lighting.

5.20.040 Holes and trenches shall be filled in 96 hours.

5.20.050 Except in emergencies, a contractor intending to excavate in the city shall give the City of Danville and any affected property owners 24 hours' notice of the proposed excavation. (Amended 2008 Codification)

5.20.055 Hours of Excavation. Unless authorized by the Mayor or Public Works Superintendent in response to a bona fide emergency, no person shall perform any excavation or other work in the city right-of-way except on weekdays between 7:00 A.M. and 5:00 P.M. (Ord. 194, §1, 2010)

5.20.060 Any contractor who is working on any street or alley or who has any equipment parked on the traveled portion of any street or alley shall provide proper signing and lighting in the sizes, colors and shapes and placed at the distance specified by the Manual of Uniform Traffic Control Devices to ensure safety of motorist and workers. (Amended 2008 Codification)

5.20.070 No person shall obstruct or close any public street or alley without the advance approval of the Public Works Superintendent. (Amended 2008 Codification)

5.20.080 Except for emergency repairs to restore service, any Utility who will be working within the City on City right-of-ways or easements shall give the City no less than 24 hours' notice for each 100 feet of work to be done on any right-of-way or easement. Example - if you are going to replace 1000 feet of pipe on a right-of-way or easement, you must give the City 10 days' notice.

5.20.090 Any Contractor or Utility must hold a preconstruction meeting with the City's Maintenance Superintendent prior to starting any work other than emergency repairs.

5.20.100 Any Contractor or Utility must call Iowa One Call for locates prior to any excavation - No Exceptions.

5.20.110 Any Contractor or Utility shall also follow any other pertinent State, Federal and Local laws and Ordinances.

5.20.120 Within 30 days after any project is completed over any portion of right-of-way or easement, the Contractor or Utility shall restore that portion of ground to its original or better condition using only new material of the same substance. Restoration shall include tamping, compacting or soaking the ground as required before replacing the surface material. All grass shall be reseeded and fertilized, and no annual grasses are allowed. All pavement, sealcoat, asphalt and rock shall also be of a type approved by the City Maintenance Superintendent.

5.20.130 Any violation of this chapter shall be a municipal infraction and each day's violation shall constitute a new violation.

5.20.140 The City also reserves the right if it deems in the best interest of the City to complete any uncompleted or rework any violation of the above Sections 1-13 to its satisfaction and any Contractor or Utility shall be responsible for reimbursing the City for the cost associated with such according to the City's Rates and Schedules. By commencing with any work within the City, all Contractors and Utilities agree with this provision.

TITLE 6

ANIMALS

(Ord. 173 §2, 2004 as amended by Ord. 204, Aug. 18, 2013)

Chapters:

6.04 Animal Control

Chapter 6.04

ANIMAL CONTROL

Sections:

6.04.010	Definitions.
6.04.030	Rabies Vaccination Tag.
6.04.040	Dogs at Large.
6.04.050	Vicious Animals Prohibited.
6.04.060	Enabling Animals to Leave Premises of Owner.
6.04.070	Animals on Private Property.
6.04.080	Animals in Business Zone.
6.04.090	Animals in Food Establishments.
6.04.100	Tying Animals.
6.04.110	Exceptions to Section 6.04.070 through Section 6.04.100
6.04.120	Solid Waste Removal.
6.04.130	Chasing People or Vehicles.
6.04.140	Noisy Animals.
6.04.150	Impoundment.
6.04.160	Reclaiming Impounded Animals.
6.04.170	Animal Bites.
6.04.175	Hearing.
6.04.180	Proper Care.
6.04.190	Abandonment Prohibited.
6.04.200	Motor Vehicle Accidents.
6.04.210	Poisonous Substances.
6.04.220	Sanitation of Premises.
6.04.230	Restrictions on Certain Animals.
6.04.240	Riding Animals on Public Ways.
6.04.250	Animal Traps.
6.04.260	Enforcement.

- 6.04.265 Notice.
- 6.04.270 Penalties.

6.04.010 Definitions. As used in this chapter, the following terms mean:

- A. "Abandon" means to cease providing food, water, or shelter for an owned animal.
- B. "Animal" means any live non-human vertebrate.
- C. "Animal Control Center" means any facility designated by the City Council to impound animals.
- D. "Bite" means any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.
- E. "Board of Health" means the Des Moines County Board of Health, or its representatives.
- F. "Cat" means a member of the Felidae animal family, male or female, whether neutered or not.
- G. "Dog" means any male or female animal of the family Canis Familiaris, whether neutered or not.
- H. "Hearing ear dog" means any dog owned by a deaf or partially deaf person, and which has been properly trained to aid its owner.
- I. "Danville Animal Control Officer" means any person designated by the State of Iowa or its governmental subdivisions and agencies to supervise or enforce any laws or regulations governing the control, care or conservation of animals, as well as the Board of Health, or any peace officer, or person so appointed by the City of Danville.
- J. "Identification tag" means a rabies vaccination tag.
- K. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, selling, letting for hire, or training of dogs and is licensed by the State of Iowa for such purpose.
- L. "Kennel animal" means animals which are kept or raised solely for the purpose of breeding or sale and which are kept in constant confinement in a kennel.

- M. "Neutered" means any animal that through a surgical procedure has been rendered incapable of siring or bearing offspring.
- N. "Owner" means any person, partnership or corporation owning, keeping, or harboring one or more animals. An animal shall be presumed to be harbored if it is fed or sheltered for three consecutive days or more.
- O. "Seeing eye dog" means any dog which is owned by a legally declared blind or partially sighted person and which has been properly trained at a special school to guide its owner in going from place to place.
- P. "Vicious animal" means any animal which has attacked or bitten any person or other animal without provocation, or when a propensity to attack or bite persons exists in the opinion of the Danville Animal Control Officer, or any law enforcement officer, or the same is known or should reasonably be known by the owner. (Ord. 205, 2013)

6.04.030 Rabies Vaccination Tag. The owner of all dogs and cats six months old or older shall obtain a current rabies vaccination for such animal from a licensed veterinarian and obtain a tag evidencing the same. The vaccination tag shall be attached to a substantial collar or harness on the animal for which the vaccination was given. The owner of a dog or cat may, at his or her option, have the thigh or ear tattooed to evidence such vaccination in lieu of attaching a tag thereto.

6.04.040 Animals at Large.

- A. An animal shall be deemed under restraint if:
 - 1. An animal is on the premises of the owner or a person given charge of the animal by the owner and is either:
 - a. accompanied by and obedient to the commands of the owner or the person given such charge; or
 - b. confined on those premises by an adequate protective fence or by leash, cord or chain that does not allow the animal to go beyond the owner's real property line.
 - 2. An animal is off the premises of the owner and it either is:

- a. on a leash, cord, or chain not more than six feet in length and under the control of a person competent to restrain and control the animal;
or
 - b. confined within a motor vehicle.
- 3. It is properly housed in a veterinary hospital or kennel.
- B. Animals shall be deemed to be at large if they do not have the necessary identification tags, or if they are not under restraint by one of the methods set forth in Subsection A of this section.
- C. Notwithstanding any other provisions of this chapter, any animal shall be deemed at large at any time when attacking persons, attacking domestic animals or destroying property. Furthermore, any female animal in heat shall be deemed at large at any time except:
 - 1. when housed in a building which is completely enclosed; or
 - 2. when housed in a veterinary hospital or kennel; or
 - 3. when on the premises of the owners, provided the area on which such animal is located is completely enclosed by a fence or other structure having a height of at least forty-two inches.
 - 4. Nothing in this provision, however, shall be construed as prohibiting any owner of a female in heat from walking such animal with a leash, cord or chain not more than six feet in length, or from transporting such animal within a motor vehicle.
- D. Any owner of an animal that is found to be at large has committed a public offense and shall be subject to the penalties prescribed in Section 6.04.270.

6.04.050 Vicious Animals Prohibited. It is unlawful for any person to own, harbor or keep, or have a vicious animal in his or her possession.

6.04.060 Enabling Animals to Leave Premises of Owner. It is unlawful for any person except the owner or his or her agent to open any gate or door on any premises or otherwise to entice or enable any animal to leave said premises.

6.04.070 Animals on Private Property. It is unlawful for any owner to permit or allow his or her animal to be on private property not owned by the owner of the animal

without permission of the person owning such property, or the person in charge thereof.

6.04.080 Animals in Business Zone. It is unlawful for any owner to permit or allow his or her animal to be in the central business zone without being on a leash, enclosed in a carrier, or confined in a vehicle.

6.04.090 Animals in Food Establishments. It is unlawful for any owner to permit or allow his or her animal to be on or in any building, store, restaurant or tavern where food or food products are sold, prepared or dispensed to people other than the owner thereof.

6.04.100 Tying Animals. It is unlawful for any owner to permit or allow his or her animal to be tied by any person to a utility pole, parking meter, building structure, fence, sign, tree, shrub, bush or other object on public property, or tied on private property without the consent of the owner or person in charge thereof.

6.04.110 Exceptions to Section 6.04.070 through Section 6.04.100. Section 6.04.070 through Section 6.04.100 shall not apply to Seeing Eye dogs and Hearing Ear dogs while such dogs are acting in such capacity.

6.04.120 Solid Waste Removal. All animal owners shall provide for the removal and disposal of all waste deposited by any owned animal on any public or private property not owned by the animal owner. For purposes of this section, the animal owner is responsible for such waste removal notwithstanding who is in actual control of the animal at the time the waste is deposited.

6.04.130 Chasing People or Vehicles. It is unlawful for any owner to permit or allow his or her animal to run after or chase persons, bicycles, autos or other vehicles.

6.04.140 Noisy Animals. It is unlawful for any person to permit his or her animal to annoy or disturb other persons in the area by excessive or continuous barking, howling or emitting other loud noises. (Ord. 205, 2013)

6.04.150 Impoundment.

- A. Any animal at large in the City shall be taken to a Danville Animal Control Officer or any peace officer and impounded at an Animal Control Center and be confined there in a humane manner.
- B. If by an identifying tag or other means, the owner of such animal can be determined, the Danville Animal Control Officer shall notify such owner of the

impoundment of the animal as soon as possible by mail pursuant to Section 6.04.265.

- C. All animals found without a vaccination tag, collar or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this title. Animals with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner. At the expiration of the required holding period, any animals not claimed or reclaimed shall become the property of the City and shall be humanely disposed of, or given to an appropriate person or party for adoption.
- D. It shall be lawful for any person who finds an animal at large on public or private property to seize and hold the animal. Any person so seizing or holding an animal may restrain the animal on their premises by an adequate protective fence or by leash, cord or chain that does not allow the animal to go beyond their real property line. The person seizing and holding the animal shall immediately notify the Danville Animal Control Officer and shall be responsible for the humane treatment of the animal while it is under that person's custody.

6.04.160 Reclaiming Impounded Animals.

- A. With proper identification, the owner of an impounded animal shall be entitled to resume possession of such animal, before the disposal of such animal by the City on the following conditions:
 - 1. The owner must pay the City Clerk an administrative fee in the amount of \$50.00 before such animal shall be released to the owner.
 - 2. In addition to the administrative fee provided in (1) above, the owner must pay all costs and charges incurred by the City for the impoundment, care and disposal of the owner's animal.
- B. Any animal impounded for seven (7) days without being claimed is considered abandoned and may be destroyed

6.04.170 Animal Bites.

- A. The owner of any animal that has bitten or attacked any person, or any person having knowledge of such bite or attack shall immediately report such fact to the Danville Animal Control Officer or Des Moines County Sheriff. The report

shall include name and address of the person bitten or attacked, and if known, time and location of the bite or attack, description of the animal, and name and address of the owner of such animal.

- B. It shall be the duty of every physician or nurse to immediately inform any peace officer or Des Moines County Sheriff, followed within twenty-four (24) hours with a written report, of the name and address of any person treated by him or her for bites inflicted by an animal together with such other information as will assist in the prevention of rabies or other disease and the identification and apprehension of the biting animal.
- C. Upon demand by any peace officer or Des Moines County Sheriff, the owner shall forthwith surrender any animal that has bitten or attacked any person, for supervised quarantine at an Animal Control Center at the expense of the owner. The animal shall remain confined for a minimum period of seven (7) days, under the supervision of a licensed veterinarian.
- D. When evidence is presented that such animal is currently inoculated against rabies, any peace officer or Des Moines County Sheriff, at his discretion, may give written order to confine the animal in the home of its owner, or in such a manner so as to prohibit the animal from coming into contact with or biting any other person or animal, for a minimum of seven (7) days provided, however, that the owner is willing to comply with the terms of the order and the owner has the means to adequately confine the animal. It shall be unlawful for any owner to fail to comply with such an order.
- E. A licensed veterinarian shall examine any animal that has bitten or attacked any person and a written report of the animal's clinical condition shall be forwarded to the any peace officer or Des Moines County Sheriff within twenty-four (24) hours.
- F. At the end of the confinement period, the veterinarian shall reexamine the animal and submit to any peace officer or Des Moines County Sheriff a written report of the animal and submit to the Danville Animal Control Officer or Des Moines County Sheriff a written report of the animal's final clinical condition, recommending whether or not the quarantine should be terminated.
- G. It is unlawful for the owner of any animal known to have bitten any person to euthanize, sell, give away or transport from this City, or otherwise dispose of such animal, until written release from the required quarantine for such animal is obtained from any peace officer or Des Moines County Sheriff.

- H. All expenses incurred in the confinement and examination of any animal, pursuant to the provisions of this section, shall be borne by the owner of such animal and paid in cash before the animal is released to the owner. (Ord. 205, 2013)
- I. When rabies has been diagnosed in an animal under quarantine or rabies is suspected by a licensed veterinarian, and the animal dies while under such observation, any peace officer or the Des Moines County Sheriff, or their deputies, shall immediately take the head of such animal to the State Health Department for pathological examination and shall notify the proper public health authorities of reports of human contacts and the diagnosis.

6.04.175 Hearing. While an animal is impounded, the owner of an impounded animal may request a hearing before the City Council at which the owner and other persons with knowledge may present evidence and arguments concerning the animal's status (for example, whether the animal is a "vicious animal," has attacked or bitten a person or other animal, was found to be "at large," etc.) The Council shall make such factual determination necessary to proceed with the return to the owner, impoundment or destruction of the animal under this Ordinance. (Ord. 205, 2013)

6.04.180 Proper Care. It is unlawful for any person to beat cruelly, ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. (Ord. 173 §2, 2004)

6.04.190 Abandonment Prohibited. It is unlawful for any owner of an animal to abandon such animal.

6.04.200 Motor Vehicle Accidents. The operator of any motor vehicle which strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to any peace officer. Violation of this section shall be a municipal infraction.

6.04.210 Poisonous Substances. It is unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the same shall be subject to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. This section shall not apply to licensed pest control operators or registered sanitarians or representatives of the Board of Health.

6.04.220 Sanitation of Premises. All structures, pens, coops or yards wherein animals or fowl are confined, shall be maintained in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The Danville Animal Control Officer may at any time inspect or cause to be inspected any structure or premises and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant or pertinent rule, regulation, or ordinance. It shall be unlawful for any owner to fail to comply with such an order.

6.04.230 Restrictions on Certain Animals.

A. It is unlawful for the owner of any cow, bull, mule, donkey, horse, goat, sheep, swine, rabbit, chicken, duck, turkey or other fowl, or other exotic animal to:

1. allow such animal to run at large; or
2. keep such animal in any outdoor enclosure or pasture, the exterior boundary of which is less than fifty (50) feet from:
 - a. the property of another,
 - b. commercial establishment property,
 - c. a church property, or
 - d. a school property.

B. Subsection A (2) of this section shall not include dogs and cats and shall only apply prospectively from January 16, 1989, but anyone prior to January 16, 1989, who kept the above enumerated animals in any outdoor enclosure of which the exterior boundary is less than fifty (50) feet from the above structures shall be prohibited from maintaining such usage at the time it is declared a legal nuisance by the Court. (Ord. 204, 2013)

6.04.240 Riding of Animals. It is unlawful for any person to ride any animal on any City sidewalk. It is unlawful for any person to ride any animal on any public ground except on a public street without first obtaining written consent from the Mayor of Danville. It is unlawful for any person to ride any animal on the private property of another without first obtaining written consent to do so from that property owner.

6.04.250 Animal Traps. It is unlawful for any person to set traps in the City for the purpose of apprehending wild or domesticated animals. This section does not prohibit:

- A. Trapping mice, rats, moles or other household vermin; or
- B. the setting of traps in the line of duty by the Danville Animal Control Officer, by the authorization of the Danville Animal Control Officer, or by licensed pest control operators.

6.04.260 Enforcement. The Danville Animal Control Officer or any peace officer shall enforce the civil and criminal provisions of this chapter. It shall be a violation of this chapter to interfere with, hinder, molest or abuse such officer in the exercise of such powers.

6.04.265 Notice.

- A. Within two business days after an animal impounded pursuant to Section 6.04.150 the Danville City Clerk shall notify the by ordinary mail to the owner's last known address, or the address associated with the animal's vaccination tag:
 - 1. That the owner's animal has been impounded.
 - 2. That the animal will be impounded for the period time prescribed by this ordinance.
 - 3. That the owner is required to retrieve the animal from the place of impoundment within seven (7) business days from the date of impoundment (the date to be specified) or the animal will be deemed unlawfully abandoned and destroyed or placed with a new owner.
 - 4. That the owner is required to pay all costs for the care and/or disposal of the animal. (Ord. 205, 2013)

6.04.270 Penalties.

- A. Unless otherwise stated, all public offenses set forth in this chapter are municipal infractions and punishable as provided in Section 1.12.020 of the Municipal Code. If any violation is continuing, each day's violation shall be deemed a separate violation.

TITLE 7

(RESERVED)

TITLE 8

HEALTH AND SAFETY⁶

Chapters:

<u>8.08</u>	<u>Nuisances</u>
<u>8.12</u>	<u>Sewage Disposal</u>
<u>8.16</u>	<u>Weeds and Brush</u>

Chapter 8.08

NUISANCES⁷

Sections:

8.08.010	Nuisances defined and designated.
8.08.020	Notice to be served or posted.
8.08.025	Hearing.
8.08.030	Abatement by council--Payment of costs.
8.08.040	Violation.

8.08.010 Nuisances defined and designated.

- A. For use within this chapter, the term "nuisance" shall be defined as follows:
Whatever is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to essentially interfere with comfortable enjoyment of life or property, is declared a nuisance.
- B. The following matters, things, substances, acts, and conditions are declared to be and the same are defined as nuisances:
 1. Any and all putrid or decaying carcasses, garbage, fish, vegetables, entrails, offal, filth, or other unwholesome or offensive substances of any kind left,

⁶For statutory provisions authorizing a city to exercise any power or perform any function it deems appropriate to preserve and improve the safety and health of its residents, see Iowa Code §364.1.

⁷For statutory provisions defining certain nuisances, see Iowa Code Ch. 657; for provisions giving cities the power to abate nuisances in any reasonable manner, see Iowa Code §364.12(3)(a).

deposited or existing upon any street, alley, private road, ground or public place, or in or about any vacant or occupied building;

2. Any deposit or pile of manure, except where the same is kept in a box or other receptacle, so covered or screened as not to be exposed to flies;
3. All filthy water or slops when thrown or deposited upon any street, alley or public or private road so as to be or become offensive;
4. All stagnant pools or ponds;
5. Any article or thing placed on any street, alley or public ground so as to obstruct the same and impede the normal flow of vehicular traffic, except where the same may be permitted by other ordinances of the city, or by resolution of by the city council;
6. The pollution of any well, stream, creek or body of water by the dumping or throwing of any sewage, industrial waste, carcass, garbage, refuse, offal or manure or other filth, except with the counsel and under the direction of a local health officer or the city council;
7. All noxious weeds, brush, vines, and dense and rank growth upon public or private property;
8. All buildings, walls, and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public, or which, because of their appearance, become injurious to the senses or obstruct the free use of property of others;
9. The storage of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper;
10. All open cisterns or cisterns with inadequate or improper and unsafe covers, basements, open holes, trenches, or other excavation not properly marked and where precautionary measures are not taken to prevent injury to the public by means of barricades, signs or other warning devices;
11. The depositing or keeping of junk or refuse such as old lumber, tin, wire, cans, barrels, cartons, poison, rakes, tires, inner tubes, boxes, piles of grass and hedge clippings, rocks, bricks, cinders, scrap iron, glass, bottles, wastepaper, bedsprings, discarded furniture, piles of garbage, and ashes;

12. All dilapidated or junk vehicles stored within the city limits. For purposes of this section, the following definitions shall apply:

- a. "Unlicensed" shall mean any vehicle which is not displaying a valid current license required by the laws of the State of Iowa for a vehicle to be operated on the public highways.
- b. "Vehicle" shall include without limitation a motor vehicle, automobile, truck or other self-propelled equipment.
- c. A "junk vehicle" is any unlicensed vehicle stored within the corporate limits of the city of Danville, Iowa, which has any one of the following characteristics:
 - i. Any vehicle with a broken or cracked windshield, headlight or any other cracked or broken glass.
 - ii. Any vehicle with a broken or loose fender, door, bumper, hood, door handle, window handle, steering wheel, trunk top, trunk handle, tailpipe.
 - iii. Any vehicle which has sustained substantial body damage or deterioration.
 - iv. Any vehicle which has become the habitat of rats, mice, snakes, insects or any other vermin.
 - v. Any motor vehicle which lacks an engine or two or more wheels or other structural parts which renders the motor vehicle inoperable.
 - vi. Any other vehicle which because of its defective or obsolete condition in any other way constitutes a threat to the public health and safety.

13. All refuse not disposed of according to the provisions of Title 8 of the Danville Municipal Code.

14. All trees inflicted with Dutch Elm disease.

(Ord. 17 §1, 1967; amended 2008 Codification).

8.08.020 Notice. Whenever a nuisance is found to exist upon any private property, the Mayor, or any Peace Officer upon the direction of the Mayor, may cause to be served upon the owner, occupant, or agent of the owner, a notice in writing requiring that such nuisance shall be removed within 20 days after the receipt of such notice. The notice shall be served by any peace officer in the same manner provided for by law for the service of original notice. If the owner cannot be found, such notice may be served by registered mail at the owner's address as it appears for property tax purposes in the office of the Des Moines County Treasurer.

The notice shall contain:

1. A description of what constitutes the nuisance.
2. The location of the nuisance.
3. An order to abate the nuisance and a statement of the act or acts to be taken to abate it. The statement may also include a statement giving the recipient an opportunity to submit an alternative abatement plan satisfactory to the city.
4. That twenty days is the time in which the abatement must be completed.
5. A statement of the recipient's right to a hearing.
6. A statement that if the nuisance is not abated as ordered and no request for hearing is made within the designated abatement period, the City will abate the nuisance and assess the costs against the property as provided in Iowa Code Section 364.12.

(Ord. 17 §3, 1967; amended Ord. 158 §1, 2001; amended Ord. 180 §1, 2005).

8.08.025 Hearing. Before the expiration of the twenty day period provided in Section 8.08.020, the landowner or occupant may request a hearing before the City Council. The hearing shall be at the next regular city council meeting or at a special meeting called by the Mayor for that purpose. The hearing shall be conducted by the Mayor who shall permit the landowner to present evidence and make argument to the Council. At the conclusion of the hearing, the Council shall decide by motion whether to order the alleged nuisance abated and may issue an order for abatement which shall include the specific time when the nuisance must be abated and notice to the landowner or occupant of the consequences of failure to abate. (Ord. 158 §2, 2001; amended Ord. 180 §2, 2005).

8.08.030 Abatement by Council--Payment of costs. In addition to citing the landowner or occupant for a municipal infraction, if the owner or occupant fails to abate the nuisance, the council may order the nuisance abated by the City and the costs of such abatement or removal of the nuisance assessed against the property by certifying such costs to the Des Moines County Treasurer for collection as taxes pursuant to Iowa Code Section 364.12. If a municipal infraction is found, the court shall, in addition to imposing a penalty, order the nuisance to be abated by a date certain. (Ord. 17 §5, 1967; amended Ord. 180 §3, 2005).

8.08.040 Violation. The creation or maintenance of a nuisance within the corporate limits of the City of Danville, Iowa, is a municipal infraction. (Ord. 17 §2, 1967).

Chapter 8.12

SEWAGE DISPOSAL⁸

Sections:

- 8.12.010 Required.
- 8.12.020 Connection.
- 8.12.030 Exception.

8.12.010 Required. All inhabited dwellings in the city shall have a sanitary means of disposing of human body waste as set forth in this chapter. (Ord. 2 §1 [part], 1942).

8.12.020 Connection. No septic tank, cesspool, or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable. There shall be installed within every dwelling constructed in the city, a sanitary, flush-type toilet which shall be connected with the sanitary sewer. (Ord. 22 §1, 1967; Ord. 2 §1(A), 1942).

8.12.030 Exception. The city council is empowered to waive the requirements set forth in Section 8.12.020 provided it is shown that compliance will cause an unusual or extraordinary hardship to the person or persons attempting to comply with the section. Where there is no sanitary sewer available and with the approval of the city council in the event of a waiver of the requirements of Section 8.12.020, any septic tank, cesspool, or similar means of sewer disposal shall be installed subject to all applicable state laws and subject to the approval of the city council and the county health officer. (Ord. 22 §2, 1967; Ord. §2(B), 1942).

⁸For statutory provisions authorizing municipalities to require installation of sanitary toilet facilities and removal of other toilet facilities, see Iowa Code §364.12(3)(f).

Chapter 8.16

WEEDS AND BRUSH⁹

Sections:

- 8.16.010 Duty of owner or occupant.
- 8.16.020 Notice to be served--Noncompliance.
- 8.16.030 Method of serving and posting notice.
- 8.16.040 Noncompliance--Recovery of costs.
- 8.16.050 Service of Notice
- 8.16.060 Recovery of Costs

8.16.010 Duty of owner or occupant. It shall be the duty of every person owning or occupying property in the city, at all times, to keep weeds, vines, brush, and all other growth, on such property and to the center of the public streets abutting thereon, cut, trimmed, destroyed, or otherwise treated so as to not constitute a menace to public health, safety, or welfare, nor to constitute a fire hazard. It shall be the duty of any owner or occupant of any property in the city to cut any or all noxious weeds thereon upon notification from the city council provided in this chapter. The abutting property owner is responsible for the maintenance of all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner is not required to remove diseased trees or dead wood on the publicly owned right-of-way. (Ord. 18, §1, 1967).

8.16.020 Notice to be served--Noncompliance. In the event the city council finds that weeds, vines, brush, or other growth, on private property or to the center of city streets or alleys abutting thereon, are a menace to public health and safety or a fire hazard, then the mayor shall, upon a resolution properly passed by the council, cause a notice to be served on the owner or occupant of such property requiring the weeds, vines, brush or other growth to be cut or destroyed. The notice shall provide that the owner or occupant of such property shall cut or destroy the weeds, vines, brush or other growth within five days following the service of such notice. Upon the failure of the owner or occupant of the property to comply with such notice, the city council may provide for the cutting or destruction of weeds, vines, brush, or other growth by the city, and by resolution all costs and expenses thereof may be assessed against the property. (Ord. 18 §2, 1967).

⁹For statutory provisions on weed control, see Iowa Code Ch. 317; for provisions giving cities the power to require the cutting or destruction of weeds or other growth which constitute a health, safety, or fire hazard, see Iowa Code §364.12.

8.16.030 Method of serving or posting notice. The notice required by Section 8.16.020 of this chapter shall be served personally on the owner or occupant of the property by any peace officer or other person permitted to serve original notices in civil actions. In the event the owner or occupant of the property cannot be located, the process server will certify that fact in writing with the city clerk and the clerk shall then cause such notice to be posted in three public places in the city, and service shall be completed five days following the date of posting. (Ord. 18 §3, 1967).

8.16.040 Noncompliance--Recovery of costs. In the event the weeds, vines, brush or other growth are not cut or destroyed by the owner or occupant of the property within the five-day period allowed by the notice, upon notification to the city council, the council may then have the growth cut or otherwise destroyed at city expense. The total cost of the cutting or destruction incurred by the city may then be assessed against such property by resolution of the city council. (Ord. 18 §4, 1967). Additionally, the city may seek reimbursement by a civil action for damages pursuant to Iowa Code §364.12(4). (Added during 2000 codification.)

8.16.050 Service of Notice. Any notice required to be served by the provisions of this chapter may be served by mailing such notice, certified mail, to the owner of the property as shown by the Des Moines County tax records at the address shown on such tax records. Service is complete when such notice is mailed.

8.16.060 Recovery of Costs. The City may recover the costs of any action required by this chapter pursuant to Iowa Code §364.12.

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

<u>9.06</u>	<u>Public Consumption, Intoxication, and Open Container</u>
<u>9.12</u>	<u>Offenses By or Against Minors</u>
<u>9.16</u>	<u>Fireworks</u>

Chapter 9.06.010

PUBLIC CONSUMPTION, INTOXICATION, AND OPEN CONTAINER (Ord. 198, 2012)

Sections:

9.06.011	Definition.
9.06.012	Public Consumption.
9.06.013	Authorization.
9.06.014	Open Containers.
9.06.015	Penalty.

9.06.011 Definition. As used in this section unless the context otherwise requires.

- A. "Public Place" includes but is not limited to any sidewalk, footpath, walkway, street, alley, stadium, ballpark or sports playing field, cemetery, park, fire department, city building, and parking lot or privately owned parking lot which is generally available for public use.
- B. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from pre-kindergarten through grade twelve.

9.06.012 Public Consumption. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on School property or while attending any School or School-related function. A person shall not possess, use or consume alcoholic liquors, wine or beer within any park.

9.06.013 Authorization. The city may enter into a written agreement with an authorized entity that allows for the sale of beer and/or wine in a city park, on public right of way, or other public place. The term of said agreement shall not exceed one year.

9.06.014 Open Container. A person shall not possess an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage in a public place. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle.

9.06.015 Penalty. A person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.12 of the Danville Municipal Code.

Chapter 9.12

MINORS (Ord. 118, 1991)

Sections:

- 9.12.010 Curfew.
- 9.12.040 Sale or gift of cigarettes to minors prohibited.
- 9.12.050 Minors required to give information.
- 9.12.060.123 Sale or gift of alcohol to minors prohibited.

9.12.010 Curfew.

A. Purpose. The City Council of the City of Danville, 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 who are 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 groups that prevail in public places after the curfew hour.

B. Definitions.

1. "Curfew Hours" means: when school is in session the next day 10:30 p.m. to 4:30 a.m. and when school is not in session the next day 11:00 p.m. to 4:30 a.m.
2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
4. "Guardian" means:
 - a. a person who, under court order, is the guardian of the person of a minor; or
 - b. a public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under 18 years of age and is used interchangeably with "JUVENILE" in this ordinance.
6. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment including the members or partners of an association or partnership and the officers of a corporation.
7. "Parent" means a person who is:
 - a. a natural parent, adoptive parent, or step-parent of another person; or
 - b. at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways,

and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

9. "Remain" means to:

- a. linger or stay; or
- b. fail to leave the premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

10. "Serious Bodily Injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

11. "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.

C. Offenses.

- 1. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.
- 2. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of an establishment within the city during curfew hours.
- 3. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

D. Defenses.

- 1. It is a defense to prosecution under §9.12.010(c) that the minor was:

- a. accompanied by the minor's parent or guardian;
 - b. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. in a motor vehicle involved in interstate travel;
 - d. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. involved in an emergency;
 - f. on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to a peace officer about the minor's presence.
 - g. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Danville, a civic organization, or another similar entity that takes responsibility for the minor, or going or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Danville, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
 - i. married or had been married or had disabilities of minority removed in accordance with Code of Iowa §599.
2. It is a defense to prosecution under §9.12.010(c) that the owner, operator, or employee of an establishment promptly notified a Peace Officer that a minor was present on the premises of the establishment during curfew hours and refused to leave.

E. Enforcement.

1. Before taking any enforcement action under this section, a Peace Officer shall ask the apparent offender's age and reason for being in the public place. In the absence of convincing evidence such as a birth certificate or

driver's license, a Peace Officer on the street shall, in the first instance, use his or her best judgment in determining age. The officer shall not issue a citation or take a minor into custody under this section unless the officer reasonably believes that an offense has occurred and that, based on the minor's response and other circumstances, no defense in §9.12.010(c) is present.

2. A peace officer may take a minor into custody for violation of this ordinance pursuant to Section 232.19 of the Code of Iowa for the limited purpose of detaining the minor until he or she can be reunited with the minor's family or guardian or other responsible adult or if the peace officer has probable cause to believe that the minor has committed a delinquent act which if committed by an adult would constitute a public offense. A peace officer who takes a minor into custody 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. After a minor is taken into custody, the peace 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 minor in court at such time as the court may direct.
4. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the minor, or another adult person who is known to the minor.

F. Penalties.

1. Responsible Adult's First Violation - Warning. In the case of a first violation by a minor, any Peace Officer or the Mayor shall, by certified mail or personal service, deliver 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 - Municipal Infraction. 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 guilty of a municipal infraction as set forth in Danville Municipal Code §1.12.020 and upon conviction shall be punished by a fine as established in §1.12.020.

3. Minor's First Violation - Warning. In the case of a first violation by a minor, the Peace 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 - Municipal Infraction. For the minor's second and subsequent violation of any of the provisions of this chapter the minor shall be guilty of a municipal infraction as set forth in Danville Municipal Code §1.12.020 and upon conviction shall be punished by a fine as established in §1.12.020.
5. Operator's First Violation - Warning. In the case of a first violation by an operator, any Peace Officer or the Mayor shall, by certified mail or personal service, deliver to the operator written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against the operator, with applicable penalties.
6. Operator's Second Violation - Municipal Infraction. Any operator of an establishment 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 guilty of a municipal infraction as set forth in Danville Municipal Code §1.12.020 and upon conviction shall be punished by a fine as established in §1.12.020.

9.12.040. Sale or gift of cigarettes to minors prohibited. No person shall furnish to any minor under eighteen years of age, by gift, sale or otherwise, any cigarette or cigarette papers, or any paper or other substance made or prepared for the purpose of using and making cigarettes. No person shall directly or indirectly, by himself or an agent, sell, barter, or give to any minor under eighteen years of age any tobacco in any form whatsoever except upon the written order of his parent or guardian or the person in whose custody he is. Any person who violates any provision of this section shall be guilty of a simple misdemeanor. (Renumbered in 2014 Recodification).

9.12.050. Minors required to give information. Any minor under eighteen years of age in place other than at the home of his parent or parents, being in the possession of a cigarette or cigarette papers, shall be required at the request of any peace officer, juvenile court officer, truant officer or teacher in any school to give information as to

where he or she obtained such article. Any minor under eighteen years of age refusing to give information as required by this section shall be guilty of a simple misdemeanor. Said minor shall be certified by the associate court judge before whom the case is tried, to the juvenile court for such action as the court shall deem proper. (Renumbered in 2014 Recodification).

9.12.060.123. Sale or gift of alcohol to minors prohibited. No person shall sell, give or otherwise supply alcoholic liquor or beer to any person, knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or administered to him by either a physician or dentist for medicinal purposes, and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under the provisions of Iowa Code Chapter 123. Any person who violates this section shall be guilty of a simple misdemeanor. (Renumbered in 2014 Recodification).

Chapter 9.13

RECKLESS

Sections:

9.13.010 Reckless throwing.

9.13.010 Reckless Throwing. It is unlawful for any person to throw stones, bricks, or missiles of any kind; or to shoot or discharge arrows, rubber guns, paintball guns, slingshots, air rifles, BB guns, or to throw or project any object into any street, alley, highway, sidewalk, public way, public ground or public building or at motor vehicles. A violation of this provision is a simple misdemeanor (Ord. 200, 2012).

Chapter 9.16

FIREWORKS

(Ord. 216, July 31, 2017)

Sections:

- 9.16.010 Definitions.
- 9.16.020 Prohibition.
- 9.16.030 Application.
- 9.16.040 Age and Qualification of the Applicant and Operator.
- 9.16.050 Fireworks Display, Search for and Disposal of Unexploded Fireworks.
- 9.16.060 Consideration of Prior Permits.
- 9.16.070 Penalty.

9.16.010 Definitions.

- A. "Consumer Fireworks" shall have the same meaning as in Iowa Code §727.2(1)(a).
 - B. "Display Fireworks" shall have the same meaning as in Iowa Code §727.2(1)(b).
 - C. Operator. A person eighteen (18) years of age or older trained in fireworks safety who will set up and explode the fireworks.
 - D. Applicant. The municipality, organization, fair association, amusement park, or group of individuals requesting a fireworks permit.
 - E. Fireworks display. The explosion of display fireworks regulated hereunder. The test firing of fireworks by a person certified by the ATF to build fireworks shall not be considered a fireworks display so long as said person's name and address are on file with the Danville City Council for that purpose.
- (Amended Ord. 216, §2, 2017).

9.16.020 Prohibition.

- A. No person shall operate or explode consumer fireworks in the incorporated area of the City of Danville.

- B. No person shall conduct or cause to conduct a fireworks display in the incorporated area of Danville, Iowa unless a permit for such display is first obtained from the Danville City Council.
- C. No person shall conduct or cause to conduct a fireworks display or engage in the testing of all fireworks in the incorporated area of Danville, Iowa during any time in which a burn ban or other applicable burn restriction(s) has/have been issued or otherwise placed in effect by any lawful authority.

(Amended Ord. 216, §3, 2017).

9.16.030 Application.

- A. Application for a permit under this Ordinance shall be made in writing on a form prescribed by the Danville City Council no later than 14 days before the anticipated fireworks display. The Council may, in its discretion, accept applications filed beyond the deadline set out herein.
- B. The application shall include such information as deemed by the Council to be necessary for its consideration, including but not limited to the name, address and telephone number of the applicant; the name, age, address, and telephone number of the person signing the application; the name, age, address and telephone number of the operator; an explanation of the operator's proficiency or training in the use of fireworks; a drawing of the shoot site and drop zone, including their distance from the spectators and any building and the proposed approximate time of the display. Additionally, the application shall be accompanied by a copy of any necessary ATF permits or certifications.
- C. The application shall be accompanied by a non-refundable application fee in the amount of \$20.00 for each day the fireworks will be used. If the fireworks are to be used on multiple dates, each date shall require a separate application except that the application fee shall be not more than \$50.00 for each 120-day period.

9.16.040 Age and Qualification of the Applicant and Operator. Permits may be granted to municipalities, fair associations, amusement parks, organizations, or groups of individuals. Any applicant requesting a permit for a display of "display fireworks" shall have an operator eighteen (18) years of age or older who possesses a current and valid ATF permit as set forth by the Safe Explosives Act and is certified by a nationally-recognized fireworks safety organizations such as the American Fireworks Association or the Pyrotechnics Guild International, Inc. The representative signing the application of behalf of a municipality, fair association, amusement park,

and/or organization or group of individuals shall be at least eighteen (18) years of age.

9.16.050 Fireworks Display, Search for and Disposal of Unexploded Fireworks.

- A. The Discharge of fireworks under a permit granted pursuant to the Ordinance will not be allowed before sunrise or after ten thirty o'clock (10:30) p.m. of the date of the display unless otherwise permitted by the Danville City Council at the time the permit application is approved.
- B. Any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, as soon as practicable after the conclusion of the display, shall make a complete and thorough search for any fireworks or fuses, or parts thereof, which have not exploded or functioned.
- C. No fireworks may be exploded less than 500 feet from any residence.
- D. No fireworks may be exploded which result in more than 110 decibels of sound volume at the point of detonation.

9.16.060 Consideration of Prior Permits. In determining whether the application for a fireworks permit should be granted, the Council may consider an applicant's or operator's conduct in association with prior fireworks permits.

9.16.070 Penalty. Violation of any of the provisions of this Ordinance shall constitute a municipal infraction punishable as provided in Ord. 1.12.010. (Ord. 208, 2014).

TITLE 10

VEHICLES, PARKING AND TRAFFIC

Chapters:

- 10.24 Weight Limits
- 10.25 Permitting the Limited Operation of Off-Road Utility Vehicles (UTVs) Upon City Streets
- 10.26 Permitting the Limited Operation of Golf Carts Upon City Streets
- 10.27 Permitting the Limited Operation of All-Terrain Vehicles (ATVs) Upon City Streets
- 10.28 Parking Regulations

Chapter 10.24

WEIGHTS LIMITS (Ord. 149, Sep. 5, 2000)

Sections:

- 10.24.010 Definitions.
- 10.24.020 Temporary embargo.
- 10.24.040 Load limits upon certain streets.
- 10.24.050 Load limits upon bridges.
- 10.24.060 Truck route.
- 10.24.070 Weighing of vehicles and removal of excess-violation and penalty.
- 10.24.080 Farm to market route.
- 10.24.090 Exemptions.
- 10.24.100 Placements of signs.
- 10.24.110 Penalties.

10.24.010 Definitions. Where words or phrases used in this title are defined by the laws of Iowa, such definitions apply to this title. In addition, the following terms are defined:

- A. A “truck” includes any motor vehicle, trailer, semi-trailer, tandem trailer or any combination of truck, trailers, or motor vehicles as defined in Section 321.1 of the Code of Iowa, as amended.
- B. Vehicle is defined as established in Section 321.1 of the Code of Iowa, as amended.

- C. Section 321.1 of the Code of Iowa, as amended, is adopted by reference and made a part of this chapter, and the definitions contained therein shall apply to the interpretation and enforcement of this chapter.

10.24.020 Temporary Embargo. If the council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 10.24 of this Traffic Code. (Code of Iowa, §321.471 & 472, as amended).

10.24.040 Load Limits Upon Certain Streets. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Chapter 10.24 of this Traffic Code. (Code of Iowa, §321.473 & 475).

10.24.050 Load Limits on Bridges. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 10.10 of the Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit. (Code of Iowa, §321.473).

10.24.060 Truck Route. When truck routes have been designated in accordance with Chapter 10.24, any motor vehicle exceeding established weight limits shall comply with the following:

- A. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other. (Code of Iowa, §321.473).
- B. Deliveries off truck route. Any such motor vehicle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route. (Code of Iowa, §321.473).

- C. Employer's responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section. (Code of Iowa, §321.473).

10.24.070 Weighing of Vehicles and Removal of Excess-Violation and Penalty. Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to weighing of the same wither by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales.

If an officer upon weighing a vehicle and load determine that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or the operator. The owner or operator of an overweight vehicle, designed to transport solid waste, shall not be required to unload any portion of the load, if the load is indivisible, processing, or recycling. For purposes of this section, "solid waste" means waste which is acceptable at a local sanitary landfill and the solid waste shall be considered to be an indivisible load.

A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with this section, is guilty of a simple misdemeanor.

10.24.080 Farm-to-Market Route. The following farm to market route shall be designated within the city limits and shall include the following:

- A. The farm to market route for the City of Danville shall be on South Main Street, from the intersection of South Main Street and East Michigan Street to the southern city limits. The following farm to market route shall include all of East Michigan Street, East Dewey Street and East Seymour Street. This shall also include South Third between East Dewey and East Seymour. This shall also include East and West Roosevelt Streets. Also included is the 300 block of North Main Street and all of East Plank Road north of Highway 34. Vehicles can use the farm to market route only when covered by the farmer for farm to market and then back to the farm.

B. The City Council may by resolution fix the fee for any permit(s) required by this ordinance.

C. A “farm to market” road shall mean a road as defined in Iowa Code Section 306.3(3). (Ord. 155 §1, 2000).

10.24.090 Exemptions. All emergency vehicles with loads in excess of the posted weight limits, and implements of husbandry, are exempted from this section. (Ord. 149 2000, amended Ord. 155 §2, 2000).

10.24.100 Placement of Signs. All signs shall read “14 Ton Load Limit”, “Local Deliveries Exempt” and be placed at the following intersections: N. Ash & Highway 34, N. Birch & Highway 34, N. Main & Highway 34 (for southbound traffic onto N. Main Street), E. Division Street & Highway 34, East Michigan Street & Highway 34, E. Dewey Street & Highway 34, S. Main & E. Roosevelt, entry to S. Main from X31 South, (south of city limits). (Amended 2008 Codification).

10.24.110 Penalties. Violations of any part of Chapter 10.24 of the City of Danville pertaining to the load and weight restrictions are a municipal infraction and the violator shall be fined in accordance with Iowa Code §321.473.

Chapter 10.25

PERMITTING THE LIMITED OPERATION OF OFF ROAD UTILITY VEHICLES (UTVs) UPON CITY STREETS¹⁰ (Ord. 215, Aug. 28, 2017)

Sections:

10.25.010	Definitions
10.25.020	Operation of Off-Road Utility Vehicles (UTVs) Permitted
10.25.030	Equipment Required
10.25.040	Permits
10.25.050	Operation Regulations
10.25.060	Prohibited Streets
10.25.070	Unlawful Operation
10.25.080	Penalty
10.25.090	Negligence

¹⁰For statutory provisions regarding the operation of UTVs on a highway, see Iowa Code §321.234A.

10.25.010 Definitions. “Off Road Utility Vehicle (UTV)” shall have the same meaning as in Iowa Code §321I.1(17). In this Ordinance, such vehicles may be referred to as UTVs or UTV. No other types of All Terrain Vehicles or Off-Road vehicles shall be permitted by this ordinance.

10.25.020 Operation of Off-Road Utility Vehicles (UTVs) Permitted. UTVs may be operated upon the streets of the City of Danville by persons possessing a valid full Iowa operator’s license. Owners and operators shall not operate any UTV in the City that does not comply with all registration and titling requirements of Iowa Code §321I. UTV operators shall observe all state and local traffic control regulations and devises.

10.25.030 Equipment Required. A UTV operated on city streets within the City of Danville shall be equipped with a minimum of the following safety features:

- A. A slow-moving vehicle sign;
- B. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level;
- C. Functioning brakes;
- D. Rear view mirror;
- E. Functioning noise control device such as a functioning muffler;
- F. Functioning exhaust system;
- G. All equipment required by Iowa Code Section 321I.

10.25.040 Permits. No person shall operate a UTV on any public street or alley, for any purpose, unless the operator possesses a permit from the City of Danville to operate a UTV on City streets, issued by the City Clerk of Danville, Iowa.

- A. UTV owners may apply for a permit from the City Clerk on forms proved by the City.
- B. The Clerk shall not issue a permit unit the owner/operator has provided the following:
 - a. Evidence that the operator possesses a valid full Iowa driver’s license;

- b. Proof of registration compliance with Iowa Code Sections 321 and 321I;
- C. All permits shall be issued for a specific UTV. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.
- D. The fee for such permits shall be twenty dollars (\$20.00).
- E. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased anytime during the year, but will be valid only through December 31 of the year in which the permit was purchased.
- F. A permit may be suspended or revoked by the City Council as a result of any violation of this Ordinance. For purposes of suspension or revocation, all operator offenses shall be attributed to the Owner.
 - a. The period of suspension or revocation for first time offenses shall be for six months.
 - b. The notice of revocation, including a description of the violation, shall be provided in writing and served by ordinary mail to the owner of the UTV at the address shown on the permit application.
 - c. There will be no refund of the permit fee.

10.25.050 Operation Regulations. The following apply to the operation of a UTV within the City:

- A. Any operator of a UTV must have a valid full driver's license;
- B. All riders in the UTV must remain seated at all times;
- C. No more than two adult people may ride in the front seat of a UTV and not more than two adult people may ride in the backseat of a UTV, if said seat exists;
- D. While operating any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the UTV;
- E. Children must be accompanied by an adult driver and must follow all requirements of this section except the capacity limits as long as all children are seated on the seat(s) and no part of the body of the child extends beyond

the sides of the UTV. No child shall be in the area of the operator or operator's position;

F. No passengers shall be transported in any cargo area or sitting on another passenger;

G. Headlights.

1. Golf carts may be operated on city streets only between sunrise and sunset without functioning headlights.

2. Golf carts equipped with functioning headlights may operate on city streets between the hours of 4:00 a.m. to 10:00 p.m. (Ord. 230, 2020).

H. UTVs shall not be operated at a speed in excess of twenty-five (25) miles per hour;

I. In case of accidents resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, the operator, or someone acting for the operator, shall immediately notify a law enforcement officer, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

10.25.060 Prohibited Streets. UTVs may cross but not be operated on Old Highway 34.

10.25.070: Unlawful Operation. The following are considered unlawful operation of a UTV:

A. No UTVs shall be parked upon City sidewalks;

B. No UTVs shall be driven or operated on City sidewalks except while removing snow or debris;

C. No UTVs shall be parked or operated in City parks;

D. No UTV shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs.

E. No person shall operate a UTV in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same;

- F. No UTV shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the “parking,” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter;
- G. No item shall be towed by a UTV except a single axle utility trailer, no greater than eight (8) feet in length;
- H. No UTV shall be operated upon private property without the express consent of the owner thereof;
- I. No UTV shall be operated on roadways or other areas in cemeteries located in the City;
- J. No UTV shall be operated during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of five hundred (500) feet;
- K. No UTV shall be operated in a manner which violates Iowa Code Section 321, which shall be and is adopted as applicable to the operation of UTVs in the City as are all section of the Danville City Code concerning the operation of motor vehicles.

10.25.080 Penalty. In addition to the suspension or revocation of the UTV permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as provided under Iowa Code.

- A. Any person guilty of violating this Chapter two (2) times shall be subject to permanent revocation of the City of Danville permit.

10.25.090 Negligence. The owner and operator of an UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of an UTV shall be liable for any such injury or damage only if the owner was the operator of the UTV at the time the injury or damage occurred or if the operator had the owner’s consent to operate the UTV at the time the injury or damage occurred.

Chapter 10.26¹¹

PERMITTING THE LIMITED OPERATION OF
GOLF CARTS UPON CITY STREETS
(Ord. 214, Aug. 28, 2017)

Sections:

10.26.010	Definitions
10.26.020	Operation of Golf Carts Permitted
10.26.030	Equipment Required
10.26.040	Permits
10.26.050	Operation Regulations
10.26.060	Prohibited Streets
10.26.070	Unlawful Operation
10.26.080	Penalty
10.26.090	Negligence

10.26.010 Definitions. “Golf cart” means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.

10.26.020 Operation of Golf Carts Permitted. Golf carts may be operated upon the streets of the City of Danville by persons possessing a valid full Iowa driver’s license. Golf cart operators shall observe all state and local traffic control regulations and devises.

10.26.030 Equipment Required. A golf cart operated on city streets within the City of Danville shall be equipped with a minimum of the following safety features:

- A. A slow-moving vehicle sign;
- B. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level;
- C. Functioning brakes;
- D. Rear view mirror;

¹¹For statutory provisions regarding the operation of golf carts within city limits, see Iowa Code §321.247.

E. Functioning noise control device such as a functioning muffler.

10.26.040 Permits. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a permit from the City of Danville to operate a golf cart on City streets, issued by the City Clerk of Danville, Iowa.

A. Golf cart owners may apply for a permit from the City Clerk on forms provided by the City.

B. The Clerk shall not issue a permit until the owner/operator has provided the following:

a. Evidence that the operator possesses a valid full Iowa driver's license.

C. All permits shall be issued for a specific golf cart. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.

D. The fee for such permits shall be twenty dollars (\$20.00).

E. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased anytime during the year, but will be valid only through December 31 of the year in which the permit was purchased.

F. A permit may be suspended or revoked by the City Council as a result of any violation of this Ordinance. For purposes of suspension or revocation, all operator offenses shall be attributed to the Owner.

a. The period of suspension or revocation for first time offenses shall be for six months.

b. The notice of revocation, including a description of the violation, shall be provided in writing and served by ordinary mail to the owner of the golf cart at the address shown on the permit application.

c. There will be no refund of the permit fee.

10.26.050 Operation Regulations. The following apply to the operation of a golf cart within the City:

A. Any operator of a golf cart must have a valid full driver's license;

- B. All riders in the golf cart must remain seated at all times;
- C. No more than two adult people may ride in the front seat of a golf cart and not more than two adult people may ride in the backseat of a golf cart, if said seat exists;
- D. While operating any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the cart;
- E. Children must be accompanied by an adult driver and must follow all requirements of this section except the capacity limits as long as all children are seated on the seat(s) and no part of the body of the child extends beyond the sides of the golf cart. No child shall be in the area of the operator or operator's position;
- F. Headlights.
 - 1. Golf carts may be operated on city streets only between sunrise and sunset without functioning headlights.
 - 2. Golf carts equipped with functioning headlights may operate on city streets between the hours of 4:00 a.m. to 10:00 p.m. (Ord. 230, 2020).
- G. Golf carts shall not be operated at a speed in excess of twenty-five (25) miles per hour;
- H. In case of accidents resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, the operator, or someone acting for the operator, shall immediately notify a law enforcement officer, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

10.26.060 Prohibited Streets. Golf carts may cross but not be operated on Old Highway 34.

10.26.070 Unlawful Operation. The following are considered unlawful operation of a golf cart:

- A. No golf carts shall be operated or parked upon City sidewalks or in City parks;

- B. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs;
- C. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same;
- D. No golf cart shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking," except for purposes of crossing the same to a public street upon which operation is authorized by this chapter;
- E. No item shall be towed by a golf cart;
- F. No golf cart shall be operated upon private property without the express consent of the owner thereof;
- G. No golf cart shall be operated on roadways or other areas in cemeteries located in the City;
- H. No golf cart shall be operated during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of five hundred (500) feet;
- I. No golf cart shall be operated in a manner which violates Iowa Code Section 321, which shall be and is adopted as applicable to the operation of golf carts in the City as are all section of the Danville City Code concerning the operation of motor vehicles.

10.26.080 Penalty. In addition to the suspension or revocation of the golf cart permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as provided under Iowa Code.

- A. Any person guilty of violating this Chapter two (2) times shall be subject to permanent revocation of the City of Danville permit.

10.26.090 Negligence. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart. The owner of a golf cart shall be liable for any such injury or damage only if the owner was the operator of the golf cart at the time the injury or damage occurred or if the operator had the owner's consent to operate the golf cart at the time the injury or damage occurred.

Chapter 10.27

PERMITTING THE LIMITED OPERATION OF ALL-TERRAIN VEHICLES (ATVs) UPON CITY STREETS¹²

(Ord. 217, Sept. 5, 2017)

Sections:

10.27.010	Definitions
10.27.020	Operation of All-Terrain Vehicles (ATVs) Permitted
10.27.030	Equipment Required
10.27.040	Permits
10.27.050	Operation Regulations
10.27.060	Prohibited Streets
10.27.070	Unlawful Operation
10.27.080	Penalty
10.27.090	Negligence

10.27.010 Definitions. "All-Terrain Vehicle (ATV)" shall have the same meaning as in Iowa Code §321I.1(1)(a). In this Ordinance, such vehicles may be referred to as ATVs or ATV. No other types of All-Terrain Vehicles or Off-Road vehicles shall be permitted by this ordinance.

10.27.020 Operation of All-Terrain Vehicles (ATVs) Permitted. ATVs may be operated upon the streets of the City of Danville by persons possessing a valid full Iowa operator's license. Owners and operators shall not operate any ATV in the City that does not comply with all registration and titling requirements of Iowa Code §321I. ATV operators shall observe all state and local traffic control regulations and devices.

10.27.030 Equipment Required. An ATV operated on city streets within the City of Danville shall be equipped with a minimum of the following safety features:

- A. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level;
- B. Functioning brakes;
- C. Rear view mirror;
- D. Functioning noise control device such as a functioning muffler;

¹²For statutory provisions regarding the operation of ATVs on highways, see Iowa Code §321.234A.

- E. Functioning exhaust system;
- F. All equipment required by Iowa Code §321I.

10.27.040 Permits. No person shall operate an ATV on any public street or alley, for any purpose, unless the operator possesses a permit from the City of Danville to operate an ATV on City streets, issued by the City Clerk of Danville, Iowa.

- A. ATV owners may apply for a permit from the City Clerk on forms provided by the City.
- B. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - a. Evidence that the operator possesses a valid full Iowa driver's license;
 - b. Proof of registration compliance with Iowa Code §321 and 321I;
- C. All permits shall be issued for a specific ATV. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.
- D. The fee for such permits shall be twenty dollars (\$20.00).
- E. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased anytime during the year but will be valid only through December 31 of the year in which the permit was purchased.
- F. A permit may be suspended or revoked by the City Council as a result of any violation of this Ordinance. For purposes of suspension or revocation, all operator offenses shall be attributed to the Owner.
 - a. The period of suspension or revocation for first time offenses shall be for six months.
 - b. The notice of revocation, including a description of the violation, shall be provided in writing and served by ordinary mail to the owner of the ATV at the address shown on the permit application.
 - c. There will be no refund of the permit fee.

10.27.050 Operation Regulations. The following apply to the operation of an ATV within the City:

- A. Any operator of an ATV must have a valid full driver's license;
- B. All riders in the ATV must remain seated at all times;
- C. The number of occupants shall not exceed the number of seats installed by the manufacturer in the ATV;
- D. While operating any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the ATV;
- E. Children must be accompanied by an adult driver and must follow all requirements of this section except the capacity limits as long as all children are seated on the seat(s) and no part of the body of the child extends beyond the sides of the ATV. No child shall be in the area of the operator or operator's position;
- F. No passengers shall be transported in any cargo area or sitting on another passenger;
- G. Headlights.
 - 1. Golf carts may be operated on city streets only between sunrise and sunset without functioning headlights.
 - 2. Golf carts equipped with functioning headlights may operate on city streets between the hours of 4:00 a.m. to 10:00 p.m. (Ord. 230, 2020).
- H. ATVs shall not be operated at a speed in excess of twenty-five (25) miles per hour;
- I. In case of accidents resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, the operator, or someone acting for the operator, shall immediately notify a law enforcement officer, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

10.27.060 Prohibited Streets. ATVs may cross but not be operated on Old Highway 34.

10.27.070: Unlawful Operation. The following are considered unlawful operation of an ATV:

- A. No ATVs shall be parked upon City sidewalks;
- B. No ATVs shall be driven or operated on City sidewalks except while removing snow or debris;
- C. No ATVs shall be parked or operated in City parks;
- D. No ATV shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs,
- E. No person shall operate a ATV in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same;
- F. No ATV shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking," except for purposes of crossing the same to a public street upon which operation is authorized by this chapter;
- G. No item shall be towed by a ATV except a single axle utility trailer, no greater than eight (8) feet in length;
- H. No ATV shall be operated upon private property without the express consent of the owner thereof;
- I. No ATV shall be operated on roadways or other areas in cemeteries located in the City;
- J. No ATV shall be operated during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of five hundred (500) feet;
- K. No ATV shall be operated in a manner which violates Iowa Code Section 321, which shall be and is adopted as applicable to the operation of ATVs in the City as are all section of the Danville City Code concerning the operation of motor vehicles.

10.27.080 Penalty. In addition to the suspension or revocation of the ATV permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as provided under Iowa Code.

- A. Any person guilty of violating this Chapter two (2) times shall be subject to permanent revocation of the City of Danville permit.

10.27.090: Negligence. The owner and operator of an ATV are liable for any injury or damage occasioned by the negligent operation of the ATV. The owner of an ATV shall be liable for any such injury or damage only if the owner was the operator of the ATV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV at the time the injury or damage occurred.

Chapter 10.28

PARKING REGULATIONS (Ord. 210, Apr. 20, 2015)

Sections:

10.25.010	Purpose
10.25.020	Definitions
10.25.030	Angle Parking
10.25.040	Angle Parking - Manner
10.25.050	Parking for Certain Purposes Illegal
10.25.060	Parking Prohibited
10.25.070	Persons with Disabilities Parking
10.25.080	Parking of Recreational Vehicles and Equipment
10.25.090	Penalty

10.28.010 Parking Limited or Controlled. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

10.28.020 Park Adjacent to Curb. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets. (Iowa Code §321.361).

10.28.030 Angle Parking. Angle or diagonal parking is permitted only in locations designated by the City Council and properly marked to indicate individual parking spaces. The City Council shall keep a record of all designated angle or diagonal parking locations. (Iowa Code §321.361).

10.28.040 Angle Parking - Manner. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge or roadway. (Iowa Code §321.361).

10.28.050 Parking for certain purposes illegal. No person shall park a vehicle upon public property for more than seventy-two (72) hours, or for any of the following principal purposes:

- A. Sale. Displaying such vehicle for sale.
- B. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
- C. Advertising. Displaying advertising.
- D. Merchandise Sales. Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the Code of Ordinances.

(Iowa Code §321.236(1)).

10.28.060 Parking Prohibited. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

- A. Crosswalk. On a crosswalk. (Iowa Code §321.358(5)).
- B. Center Parkway. On the center parkway or dividing area of any divided street. (Iowa Code §321.236(1)).
- C. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway. (Iowa Code §321.236(1)).

- D. Sidewalks. On or across a sidewalk. (Iowa Code §321.358(1)).
- E. Driveway. In front of a public or private driveway. (Iowa Code § 321.358(2)).
- F. Intersection. Within, or within ten (10) feet of an intersection of any street or alley. (Iowa Code § 321.358(3)).
- G. Fire Hydrant. Within five (5) feet of a fire hydrant. (Iowa Code §321.358(4)).
- H. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway. (Iowa Code §321.358(6)).
- I. Railroad Crossing. 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. (Iowa Code §321.358(8)).
- J. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted. (Iowa Code §321.358(9)).
- K. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic. (Iowa Code §321.358(10)).
- L. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street. (Iowa Code §321.358(11)).
- M. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs. (Iowa Code §321.358(13)).
- N. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose. (Iowa Code §321.360).

- O. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services. (Iowa Code § 321.236(1)).
- P. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp. (Iowa Code §321.358(15)).
- Q. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.
- R. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

10.28.070 Persons with disabilities parking. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

- A. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
- B. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances: (Iowa Code §321L.4-2).
 - 1. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
 - 2. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with §321L.2[1b] of the Code of Iowa;

3. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.
- C. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
3. A person issued a persons with disabilities parking permit must comply with the requirements of §321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.
 4. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of §321L.2A(1) of the Code of Iowa.

10.28.080 Parking of Recreation Vehicles and Equipment. No camper, motor home, travel trailer or boat and/or boat trailer shall be parked on public property; however, from April 1 through October 31 of each year, a camper, motor home, travel trailer or a boat and/or boat trailer may be parked on public property, excluding riverfront lots not specifically identified for parking of recreational vehicles and boat and/or boat trailers. No camper, motor home, travel trailer, utility trailer or boat and/or boat trailer shall be parked on the public right-of-way within twenty-five (25) feet of any street intersection. "Right-of-way" includes not only the travelled street, but also any area adjacent thereto dedicated to public uses, such as utility easements and sidewalks.

10.28.90 Penalty. Violation of any of the parking regulations set out in Chapter 10.28 of the Danville Municipal Code shall constitute a municipal infraction for which the penalties shall be not less than \$60.00.

TITLE 11

(RESERVED)

TITLE 12

STREETS AND SIDEWALKS

Chapters:

<u>12.04</u>	<u>Sidewalk Care and Maintenance</u>
<u>12.08</u>	<u>Obstruction of Drainage Ditches</u>
<u>12.12</u>	<u>Street Names</u>
<u>12.16</u>	<u>Trees, Shrubs and Bushes</u>

Chapter 12.04

SIDEWALK CARE AND MAINTENANCE

(Ord. 219, Jan. 3, 2018)

Sections:

12.04.010	Definitions
12.04.020	Duty of Owners
12.04.030	Council Authority to Repair
12.04.040	Form and Service of Notice
12.04.050	Noncompliance-Recovery of Costs
12.04.060	Permit Required
12.04.070	Sidewalk Standards
12.04.080	Sidewalk Replacement Program
12.04.090	Ice and Snow Removal
12.04.100	Failure to Remove Ice and Snow

12.04.010: Definitions. (Ord. 219 §2, 2018).

- A. "Concrete" means Portland Cement Concrete with a minimum comprehensive strength of 4,000 psi.
- B. "Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - 1. Vertical separations equal to three-fourths (3/4) inch or more;
 - 2. Horizontal separations equal to one (1) inch or more;

3. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter;
 4. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more;
 5. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more;
 6. A single square of sidewalk cracked in such a manner that no unbroken portion is greater than one square foot;
 7. A sidewalk with any part thereof missing to the full depth;
 8. A change from the design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
- C. "Property Owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
- D. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
- E. "Sidewalk Improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
- F. "Spalling" means breaking up into flakes, chips or fragments.

12.04.020 Duty of Owners. It is the duty of all owners of property located in the city to repair, maintain and care for all sidewalks located on or adjoining or abutting the property. (Ord. 16 §2, 1967; Ord. 219 §3, 2018).

12.04.030 Council Authority to Repair. The City Council shall have the authority to order a property owner to repair any broken or defective sidewalks for which the owner is, by the terms of this chapter, made responsible, and upon notice to the owner the repair shall be accomplished within sixty days following the receipt of such notice. (Ord. 16 §3, 1967; Ord. 219 §4, 2018).

12.04.040 Form and Service of Notice. The notice required by Section 4 of this chapter shall be personally served upon the owner of the property in the manner provided by law for the service of original notices. In the event the owner cannot be located, the

person attempting to serve such notice shall certify that fact in writing with the city clerk, and the clerk shall then cause such notice to be served by ordinary mail at the property address adjacent to the sidewalk. If the notice cannot be personally served and the mailed notice is returned undeliverable, the Clerk shall cause the notice to be posted at the address of the property that is the subject of the notice. The notice shall be addressed to the owner, signed by the city clerk, shall contain a brief statement of the repair required for the purpose of maintenance of the sidewalk, and the date when such repair shall be completed which shall not be more than 60 days from the date of the notice. (Ord. 16 §4, 1967; amended, 2008 Codification; Ord. 219 §5, 2018).

12.04.050 Noncompliance – Recovery of Costs. In the event a property owner fails to comply with a notice to repair a sidewalk within sixty days following the service of such notice, then the city may cause the repair to be made and all costs thereof shall, by resolution of the city council, be certified to the county treasurer to be assessed against the property involved. (Ord. 16 §5, 1967). Additionally, the city may seek reimbursement by a civil action for damages pursuant to Iowa Code Section 364.12(4). (Added during 2000 codification.) (Ord. 219 §6, 2018).

12.04.060 Permit Required. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. (Ord. 219 §7, 2018).

12.04.070 Sidewalk Standards. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards. (Ord. 219 §8, 2018).

- A. Minimum Width – 4 feet.
- B. Maximum Running Slope – 5% except at pedestrian ramps.
- C. Maximum Cross Slope – 2%.
- D. Material – Portland Cement Concrete (PCC) with a minimum comprehensive strength of 4,000 psi.
- E. Minimum Thickness – 4 inches.
- F. Sidewalks through Driveways:
 - 1. Minimum Thickness - 6 inches.

2. Slope - Sidewalk slopes shall be maintained through the driveways.
 3. Steel reinforcing required.
- G. Sidewalk and Pedestrian ramps shall comply with Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual Chapter 12: Sidewalk and Bicycle Facilities at all curbed and guttered intersections.
- H. Detectable Warning Panels – Required at all street approaches (this does not include alleys).

12.04.080 Sidewalk Replacement Program. When funds are available, the City shall set aside funds towards a Sidewalk Replacement Program. (Ord. 219 §9, 2018).

12.04.090 Ice and Snow Removal. It is the duty of all property owners, occupants, lessees, tenants, or persons in charge to remove all accumulations of ice and snow from the sidewalks for which they are, by this chapter, responsible, within a period of twenty-four hours following the deposit of such ice and snow. (Ord. 16 §6, 1967). Violation of this section is a municipal infraction. (Ord. 219 §10, 2018).

12.04.100 Failure to Remove Ice and Snow. In the event a failure of the owner to remove accumulations of ice and snow, the City Council is empowered to provide for the removal of such ice and snow and the expense shall be assessed to the property owner. In the event of a refusal of the owner to pay the costs of removal, the city council may, by resolution, certify the same to the county treasurer to be assessed against the property. (Ord. 16 §7, 1967). Additionally, the city may seek reimbursement by a civil action for damages pursuant to Iowa Code §364.12(4). (Added during 2000 codification). (Ord. 219 §11, 2018).

Chapter 12.08

OBSTRUCTION OF DRAINAGE DITCHES

Sections:

- | | |
|-----------|---|
| 12.08.010 | Consolidation of districts for application. |
| 12.08.020 | Designated. |
| 12.08.021 | Culvert and Drainage Tile Policy |
| 12.08.030 | Enforcement. |

12.08.010 Consolidation of districts for application. For the purpose of this chapter, the entire municipality is consolidated into one district. (Ord. 4 §1, 1954; amended 2000 codification).

12.08.020 Designated. It is unlawful for any person, firm, or corporation, or anyone acting on their instructions, to place rubbish, weeds, or other debris in the drainage ditches of the streets or alleys in the city. (Ord. 4 §3, 1954).

12.08.021 Culvert Drainage Tile Policy. No person or persons shall place any culvert, drainage tile or pipe upon any city right-of-way without written authorization of the City Council. This written authorization will be an approved application form from the landowner. The cost of any culvert, drainage tile or pipe placed in any public right-of-way shall be at the expense of the property owner. When it may be determined by the City Council that an open ditch may cause a hazard to life and or property, the City may opt to stand a portion of the cost to resolve any such situations. Once placed on the city right-of-way, the culvert, drainage tile or pipe becomes the property of the City. The culvert, drainage tile or pipe shall be of a size and type approved by the City.

12.08.030 Enforcement. It shall be the duty of the mayor to enforce the provision of this chapter, but any and all of the powers and duties conferred on the mayor by this chapter may be delegated or transferred to any other officer or employee of the municipality by resolution passed by a majority vote of the members of the council. (Ord. 4 §2, 1954).

Chapter 12.12

STREET NAMES

Sections:

12.12.010	Base lines established.
12.12.020	Ash Street
12.12.030	Birch Street
12.12.040	Cedar Street
12.12.050	Cherry Street
12.12.060	Dewey Street
12.12.070	Division Street
12.12.080	Elm Street
12.12.090	First Avenue
12.12.100	Main Street

12.12.110	Michigan Street
12.12.120	Plank Road
12.12.130	Roosevelt Road
12.12.140	Second Avenue
12.12.150	Seymour Street
12.12.160	Shepherd Street
12.12.170	Third Avenue
12.12.180	Albright Avenue
12.12.190	Warth Drive
12.12.200	High Acres Road
12.12.210	Trulaine Drive
12.12.240	Oak Street
12.12.250	Walnut Street
12.12.260	Old Highway 34

12.12.010 Base lines established. Division Street and Main Street shall constitute the base lines for the city. All streets running in a northerly and southerly direction on the north side of Division Street shall have the prefix "North", and all streets running in a northerly and southerly direction south of Division Street shall have the prefix "South". All streets running in an easterly and westerly direction east of Main Street shall have the prefix "East", and all streets running in an easterly and westerly direction west of Main Street shall have the prefix "West". (Ord. 7 §4; Ord. 120 §2, 1991).

12.12.020 Ash Street. The street running in a northerly and southerly direction along the west edge of the City from Old Highway 34 to Roosevelt Road. (Ord. 160 § 2, 2001) (Ord. 187 §1, 2007).

12.12.030 Birch Street. "Birch Street" is the second north-south street east of Ash Street and runs from Highway 34 on the north to Seymour Street on the south. (2000 Codification)

12.12.040 Cedar Street. "Cedar Street" is the first north-south street east of Ash Street and runs from Shepherd Street on the north to the south edge of Division Street. (Ord. 7 §8; Ord. 120 §2, 1991).

12.12.050 Cherry Street. "Cherry Street" is the first east-west street south of Division Street and runs from Ash Street on the west to its termination in a circular drive west of Main Street. (Ord. 7 §6; Ord. 120 §2, 1991).

12.12.060 Dewey Street. The second street south of Division Street and east of Main Street running from Main Street to U.S. Highway 34 is "Dewey Street". (Ord. 7 §13; Ord. 120 §2, 1991).

12.12.070 Division Street. The street running east and west from Ash Street on the west edge of the city to U.S. Highway 34 and named heretofore and located one block south of the park is named "Division Street". (Ord. 7 §1; Ord. 120 §2, 1991).

12.12.080 Elm Street. "Elm Street" is the third north-south street east of Ash Street and runs from Shepherd Street on the north to Division Street on the south, and from Shepherd Street north to the northwest corner of the City Park. (Ord. 97 §1, 1983; Ord. 120 §2, 1991).

12.12.090 First Avenue. "First Avenue" is the first street east of Main Street running north and south from Dewey Street on the north to its termination in a circular drive east of Main Street in the Gerdes Subdivision, and also one block east of Main Street from Plank Road north to the end of its termination in Smith's Addition. (Ord. 7 §15; Ord. 120 §2, 1991).

12.12.100 Main Street. The street running north and south from the north edge of the city limits to the south edge of the city limits along the north and south section line dividing Sections 15 and 16, and Sections 21 and 22, and unnamed heretofore, is named "Main Street". (Ord. 7 §2; Ord. 120 §2, 1991).

12.12.110 Michigan Street. The first street south of Division Street and east of Main Street running from Main Street to U.S. Highway 34 is "Michigan Street". (Ord. 7 §12; Ord. 120 §2, 1991).

12.12.120 Plank Road. The street on the north side of the railroad tracks running in a northwesterly-southeasterly direction from the east edge of the city limits to a point 135 feet northwest of the southeast corner of Lot 1 in Shepard's Addition to the Town of Danville, Iowa. (2000 Codification).

12.12.130 Roosevelt Road. The street running east and west from the west edge of the city limits to the east edge of the city limits and along the east and west section line dividing Sections 16 and 21, and Sections 15 and 22, and unnamed heretofore, is named "Roosevelt Road". (Ord. 7 §3; Ord. 120 §2, 1991).

12.12.140 Second Avenue. The second street east of Main Street running from Michigan Street on the north to the south side of Blocks 9 and 10 of Seymour's Addition; and also the first street east of Main Street running north 769 feet from Roosevelt Road is known as "Second Avenue". (Ord. 7 §6; Ord. 120 §2, 1991).

12.12.150 Seymour Street. The third street south of Division Street running east from Main Street to Third Avenue and west of Main Street to Birch Street is known as Seymour Street. (2000 Codification).

12.12.160 Shepherd Street. "Shepherd Street" is the first east-west street north of Division Street and runs from Main Street on the east to Ash Street on the west. (Ord. 7 §5; Ord. 120 §2, 1991).

12.12.170 Third Avenue. The third street east of Main Street and running from Dewey Street on the north to the south side of Blocks 10 and 11 of Seymour's Addition is "Third Avenue". (Ord. 7 §17; Ord. 120 §2, 1991).

12.12.180 Albright Avenue. "Albright Avenue" is the first street north of the City Park running from the northwest corner of the City Park east and west to Main Street. (Ord. 97 §2, 1983; Ord. 120 §2, 1991).

12.12.190 Warth Drive. The first alley east of Main Street that runs north from Michigan Street approximately 600 feet to Highway 34 will be known as "Warth Drive". (Ord. 120 §2, 1991).

12.12.200 High Acres Road. The first street that runs west of South Second Avenue 175 feet to its termination in High Acres Subdivision is known as "High Acres Road". (Ord. 120 §2, 1991).

12.12.210 Trulaine Drive. The second street south of Division street that runs in an east and west direction from the southeast corner of Campbell Subdivision starting at Birch Street to its termination to the west on Ash Street will be known as "Trulaine Drive". (Ord. 120 §2, 1991).

12.12.240 Oak Street. Oak Street is the second east-west street north of Division Street and runs from Birch Street on the east to Ash Street on the west. (2000 Codification)

12.12.250 Walnut Street. Walnut Street is the third east-west street north of Division Street and runs from Birch Street on the east to Ash Street on the west.

12.12.260 Old Highway 34. Former US Highway 34 is named "Old Highway 34" from the intersection of US Highway 34 with the west City limit east and along such highway to the east City limit line. (Ordinance 187 §2, 2007)

Chapter 12.16

TREES, SHRUBS AND BUSHES¹³

Sections:

- 12.16.010 Definitions.
- 12.16.020 Maintenance by owner.
- 12.16.030 Council authority to serve notice and take action.
- 12.16.040 Notice.
- 12.16.050 Emergency action by council.
- 12.16.060 Assessment--Payment by installments.

12.16.010 Definitions. For use in this chapter, the following terms are defined:

- A. "Property owner" means the contract purchaser if there is one of record, otherwise, the record holder of legal title.
- B. "Street" includes the entire width between the property lines of streets, avenues, or highways, or includes the entire street right-of-way. (Ord. 63 §1, 1977 codification).

12.16.020 Maintenance by Owner. All abutting or adjoining property owners shall maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased or dead wood on the publicly owned property or right-of-way. Such maintenance shall include, but not be limited to, the pruning and care of all trees, shrubs and bushes upon the public street or right-of-way. (Ord. 63 §3, 1977 codification).

12.16.030 Council Authority to Serve Notice and Take Action. The city council may order the property owner of property adjoining or abutting the streets in the city to maintain all property outside the lot and property lines and inside the curb lines of the public streets, by serving upon such property owner a notice to comply with the order. If the adjoining or abutting property owner does not perform an action required under this chapter within a reasonable time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. (Ord. 63 §3, 1977 codification).

¹³For statutory provisions on city powers over trees on and adjacent to city streets, see Iowa Code §364.12.

12.16.040 Form and Service of Notice. The notice required by Section 12.16.030 of this chapter shall be personally served upon the owner of the property in the manner provided by law for the service of original notices. In the event the owner cannot be located, the person attempting to serve such notice shall certify that fact in writing with the city clerk, and the clerk shall then cause such notice to be served by ordinary mail at the property address adjacent to the sidewalk. If the notice cannot be personally service and the mailed notice is returned undeliverable, the Clerk shall cause the notice to be posted at the address of the property that is the subject of the notice. The notice shall be addressed to the owner, signed by the city clerk, shall contain a brief statement of the action under this chapter, and the date when such repair shall be completed which shall not be more than 60 days from the date of the notice. The notice shall advise the property owner of a right to a hearing before the Council before the costs may be assessed against the owner and property. (Ord. 63 §4; 1977 codification; amended 2009 Codification).

12.16.050 Emergency Action by Council. If the city council makes a finding that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in the minutes of its meeting, the city may perform any action which may be required under this chapter without prior notice, and assess the costs as provided in this chapter, after notice to the property owner and hearing. Additionally, the city may seek reimbursement by a civil action for damages pursuant to Iowa Code Section 364.12(4). (Ord. 63 §5, added 1977 codification; amended 2000 codification)

12.16.060 Assessment--Payment by Installments. If any amount assessed against property under this chapter will exceed one hundred dollars, the city council may permit the assessment to be paid in up to ten installments, in the same manner and with the same interest rates as provided for assessments against benefited property under Chapter 384 of the Code of Iowa 1975. (Ord. 63 §6, 1977).

TITLE 13

GARBAGE, WATER, SEWERS, AND ELECTRIC

Chapters:

<u>13.02</u>	<u>Garbage</u>
<u>13.04</u>	<u>Sewer Connections</u>
<u>13.06</u>	<u>Water Rates, Charges and Rules</u>
<u>13.08</u>	<u>Sewer Rates</u>
<u>13.10</u>	<u>Electric Rules and Rates</u>

Chapter 13.02

GARBAGE

Sections:

13.02.010	Purpose.
13.02.020	Definitions.
13.02.030	Duty to provide cans.
13.02.040	Accumulation and deposit.
13.02.050	Storage.
13.02.060	Necessity of permit.
13.02.070	Collection.
13.02.080	Optional means of collection.
13.02.090	Refuse other than garbage and rubbish.
13.02.100	Items that will not be picked up.
13.02.110	Hauler destination of garbage and rubbish.
13.02.120	Penalty for violations of Chapter 13.02.
13.02.130	Payment Due Date and Late Payment Penalty Amount.

13.02.010 Purpose. The purpose of this chapter is to eliminate unhealthy, unsanitary, and unsightly conditions in the city caused by the deposit and accumulation of refuse. (Ord. 34 §1, 1971; amended 1977 codification; amended Ord. 150 §2, 2000).

13.02.020 Definitions. For the purpose of this chapter, the following terms are defined:

- A. "Can" means a container for the storage of garbage or rubbish which is provided with a handle and tight-fitting cover, watertight, substantially made

of galvanized iron or other nonrusting material, and of a size that may be conveniently handled by the collector.

- B. "Garbage" includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink
- C. "Person" includes any individual, firm, corporation, trust, or any organized group. "Person" also includes any person or persons having the ownership, control, or possession of property located within the city.
- D. "Refuse" includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health, or detrimental to the best interests of the community, except dead animals not killed for food.
- E. "Rubbish" includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans. (Ord. 34 §2, 1971; amended 1977 codification; amended Ord. 150 §2, 2000).

13.02.030 Duty to provide cans or bags. Each person shall provide cans for the storage of garbage and rubbish accumulating on premises owned or occupied by that person. Suitable garbage bags may be substituted for cans under this section, provided that such bags are closed and free from tears. Such cans or bags shall be kept covered and reasonably clean at all times. (Ord. 92 §1, 1982; amended Ord. 150 §2, 2000).

13.02.040 Accumulation and Deposit. No person shall permit refuse to accumulate on premises owned or occupied by that person unless in cans or suitable garbage bags as described in Section 13.02.030. Nor shall any person deposit waste materials upon any other premises in the city. (Ord. 92 §2, 1982; amended Ord. 150 §2, 2000; and Ord. 193, 2010).

13.02.050 (Repealed, Ord. 92 §3, 1982; amended Ord. 150 §2, 2000).

13.02.060 Necessity of permit. No person shall collect garbage or rubbish except his own unless authorized by contract or permit. (Amended during 1977 codification: Ord. 34, §8, 1971; amended Ord. 150 §2, 2000).

13.02.070 Collection. All garbage and rubbish should be removed from dwellings and business establishments at least once each week and more frequently as the council may require. All garbage and rubbish should be transported in a covered vehicle or covered containers so constructed as to prevent spilling, draining, offensive odors, or the loss of materials during transit. (Ord. 34 §6, 1971; amended 1977 codification; amended Ord. 150 §2, 2000).

13.02.080 Optional Means of Collection.

- A. It is optional whether the city: (1) collects garbage and rubbish with its own equipment and employees; or, (2) makes a contract with a person to collect garbage and rubbish; or (3) issues a permit to a person to collect garbage and rubbish; or (4) may elect to collect from residential customers only by one of the above methods (1, 2, or 3) and require that business/commercial establishments arrange to have their own garbage, refuse and/or rubbish removed. (Ord. 34 §4, 1982; amended Ord. 150 §2, 2000).
- B. For residential collection, the Council may elect the method or methods to be used in the collection of garbage and rubbish. The City may select from any combination of options 1, 2 or 4, as stated in 13.02.080(A) having an established monthly collection fee to defray the cost of said collection to be chargeable to each household or dwelling at the rate of \$14.00 per month starting July 1, 2012. The collection fee shall be charged to each household or dwelling on a monthly basis and may be submitted along with any billing for other municipal utilities. (Ord. 119 §2, 1991; Ord. 130 §2, 1995; Ord. 193, 2010; and Ord. 199, 2012).
- C. If the City, by its Council, elects to permit the collection of garbage and rubbish other than by contract, the Council may issue permits to applicants upon the payment of the \$25.00 permit fee. Each permit shall expire one year from the date of issuance. The Council may establish regulations necessary to protect the public health which each permit holder must obey. Upon the holder's failure to comply with the rules established or with the provisions of this chapter, the Council may revoke the permit. (Ord. 34 §4, 1982).
- D. If the City Council elects option (4) as stated in 13.02.080(A), then each business/commercial establishment will be required to arrange for their own garbage, rubbish and trash removal with a contractor of their choosing at their own expense, but must still adhere to all provisions set forth in other sections of this chapter. (Amended Ord. 150 §2 2000; and Ord. 193, 2010).

13.02.090 Refuse other than garbage and rubbish. Each person shall dispose of all refuse, other than garbage and rubbish, accumulating on premises he owns or occupies, before it becomes a nuisance. (Ord. 34 §9, 1971; amended 1977 codification; amended Ord. 150 §2, 2000).

13.02.100 Items that will not be picked up. Persons may not set out or include for collection with their garbage, refuse or rubbish, any of the following items without express consent from the City.

- A. Petroleum products including oils and fuels.
- B. Liquid paint (paint is acceptable if the container is completely dried out and hardened.)
- C. Lead Acid, Nickel Cadmium, Metal Hydride or Lithium batteries.
- D. Tires.
- E. Lumber, shingles or any other construction debris.
- F. Any product containing Asbestos.
- G. Porcelain goods such as toilets, sinks or other fixtures.
- H. Large appliances such as refrigerators, stoves, air conditioners, etc.
- I. Yard waste, including leaves, branches, and grass clippings.
- J. Any chemical or substance which is hazardous to the environment as determined by Government Agencies, with the exception of household substances that are empty and being disposed of in accordance with the manufacturer's instructions.
- K. A list will be provided to residents of items that will and will not be allowed to be placed curbside for any special city-wide cleanups. (Amended Ord. 150 §2, 2000).

13.02.110 Hauler destination of garbage and rubbish. Any person or hauler of trash, garbage or rubbish shall deposit all of the hauled trash, garbage or rubbish collected to the Des Moines County Landfill located in West Burlington, Iowa, unless otherwise authorized in writing by the Danville City Council. (Amended Ord. 150 §2, 2000).

13.02.120 Penalty for Violations of Chapter 13.04. Violation of any provision of Chapter 13.02 shall be a Municipal Infraction. Any violation of Chapter 13.02 which is also a violation of Iowa Code Chapter 455B is an environmental violation punishable by a civil penalty of not more than one thousand dollars for each occurrence as specified in Iowa Code Section 364.22, as amended. (Added 2000 codification; amended Ord. 150 §2, 2000; and Ord. 193, 2010)

13.02.130 Payment Due Date and Late Payment Penalty Amount. The utility bills come out the first of each month, due by the 20th of each month. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address or the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 10% per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment. (Ord. 186 §1, 2007).

Chapter 13.04

SEWER CONNECTIONS¹⁴

Sections:

- 13.04.010 Purpose.
- 13.04.020 Definitions.
- 13.04.030 Sewer systems--Providing backfill and maintenance required.
- 13.04.040 Sewer system--Connection regulations.
- 13.04.050 Connection required.
- 13.04.060 Permit--Application and fee.
- 13.04.070 Permit--Revocation.
- 13.04.080 Inspection and approval.
- 13.04.090 Sewer pipe requirements.
- 13.04.100 Grade and offsetting.
- 13.04.110 Excavations.
- 13.04.120 Unlawful connections and discharges.
- 13.04.130 Unlawful discharges.
- 13.04.140 Enforcement.
- 13.04.150 Violations.
- 13.04.160 Enforcement.
- 13.04.170 Injunctive Relief.
- 13.04.180 Violation Deemed a Public Nuisance.
- 13.04.190 Remedies Not Exclusive.
- 13.04.200 Environmental Violations.

13.04.010 Purpose. The purpose of this chapter is to establish the procedure and regulations to be followed in making private connections to the public sanitary sewer

¹⁴For statutory provisions authorizing cities to require connections to a public sewer system, see Iowa Code §364.12(3)(f).

of the city to protect the public health, safety, and welfare. (Ord. 39 §1, 1972; Ord. 100 §1, 1985).

13.04.020 Definitions. For use within this chapter, the following terms are defined:

- A. "Building drain" means that part of the lowest piping of a drainage system that receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins three feet outside the building wall.
- B. "Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receiving the discharge of the building drain and conveying it to a public sanitary sewer, private sanitary sewer, individual sewage disposal system, or other point of disposal.
- C. "Person" means any individual person, partnership, corporation, or other association.
- D. "Private sewer" means a sanitary building drain and sewer privately owned and not directly controlled by Public authority.
- E. "Public sewer" means a common sanitary sewer directly controlled by Public authority.
- F. "Sanitary sewer" means pipe that carries sewage and excludes storm, surface, and groundwater.
- G. "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution. (Ord. 39 §1, 1972; Ord. 100 §1, 1985).

13.04.030 Sewer Systems--Providing backfill and maintenance required. It shall be the duty of any person, firm or corporation constructing sewer systems in the city to provide for the backfill required by such construction, and to maintain at his own expense any sewer system located upon private property and not dedicated to the city. In the event of a failure of any person, firm, or corporation to provide for the backfill and maintenance of the sewer system, the city may remedy such condition, and the costs thereof by resolution shall be certified to the county auditor and assessed against the property for collection in the same manner as other taxes. (Ord. 20 §2, 1967; Ord. 100 §1, 1985).

13.04.040 Sewer Systems--Connection Regulations. All property owners of the

incorporated city constructing buildings and connecting the sewer and water systems

- A. A permit approved by the city council and signed by the mayor, or some authorized person acting for the mayor in his absence, is required before any property owner can start any building or construction project.
- B. All sewer connections from the property to the sewer system must be of rubber gasket type, and the connections must be made at a permanent sye, and if no sye is available, a tap on the sewer system must be supervised by the street commissioner.
- C. A charge shall be made payable to the City of \$80.00 for each sewer connection. Such charges will be due and payable at the time a building permit is applied for. (Ord. 20 §1, 1967; Ord. 71 §1, 1979; Ord. 81 §1, 1981; Ord. 100 §1, 1985).
- D. Every structure is required to have separate connections at the main. The size of the connection shall be determined by the public works superintendent. (Ord. 126 §1, 1994).

13.04.050 Connection required. The owners of all residences and business establishments intended or used for human habitation, occupancy, or other uses requiring sanitary sewer facilities within the corporate limits of the city, must connect their sewage facilities to such public sewers as are reasonably accessible. Any property abutting or adjacent to a public sewer shall be deemed reasonably accessible to the sewer regardless of the area of the property. (Ord. 39 §4, 1972; Ord. 100 §1, 1985).

13.04.055 Cost of Sewer Extensions. The city will construct extensions of its sewer lines to points within its service area, but city shall not be required to make such installations unless the customer pays the city the entire cost of the installation. In the case of subdivision development, it shall be the responsibility of the subdivider and/or the developer to construct extensions to the sewer system at the developer's own expense and in accordance with the requirement set forth in the subdivision ordinance of the City of Danville. No extension shall be commenced or made to the municipal sewer system until plans and specification for such extension have been submitted to and approved by the city. Upon completion of construction of any extension to the city sewer, the extension shall be dedicated to and become the property of the city. All decisions concerning the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the city and such extension shall be the property of the city and no other person shall have any right, title, or interest in such extension. (Ord. 126 §2, 1994).

13.04.060 Permit--Application and Fee. Before any person opens, uncovers, or in any manner makes a connection with or modifies any part of the public sewer, he shall obtain a written permit from the city council. The application for the permit shall be filed along with any application for building permit in the event the sewer installation accompanies construction for which a building permit is required. The fee for the permit shall be that established by Section 13.04.040. Work under any permit involving a public sewer must be commenced within six months following the date of the issuance of the permit. (Ord. 39 §5, 1972; Ord. 100 §1, 1985).

13.04.070 Permit--Revocation. The city council, or the building inspector upon recommendation of the city council may at any time revoke a sewer permit for any violation of this chapter and require that the work be stopped. (Ord. 39 §6, 1972; Ord. 100 §1, 1985).

13.04.080 Inspection and approval. All private sewers and their connections with the public sewers must be inspected and approved by the building inspector before they are covered. The building inspector shall keep a written record of such approvals on file with the city clerk. Each person who uses or intends to use the public sewers or makes any connection with the same shall permit the building inspector or his authorized assistant to enter the premises to inspect the sewer connection or to make necessary alterations or repairs at all reasonable hours. (Ord. 39 §12, 1972; Ord. 100 §1, 1985).

13.04.090 Sewer pipe requirements. Building sewer pipes shall be of the best quality, free from flaws, splits, or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the length between bells has a perfect bearing on the ground. Joints between sewer pipes must be laid in such a manner as to prevent rupture by settlement or freezing. (Ord. 39 §7, 1972; Ord. 100 §1, 1985).

13.04.100 Grade and offsetting. All sewer pipes shall be laid with a uniform grade from the building to the public sewer and no offsetting will be allowed without written permission of the building inspector. (Ord. 39 §8, 1972; Ord. 100 §1, 1985).

13.04.110 Excavations. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement, or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. (Ord. 39 §9, 1972; Ord. 100 §1, 1985).

13.04.120 Unlawful connections and discharges.

- A. No person shall discharge or permit to be discharged into sanitary sewers any storm water, rainwater, groundwater, or surface drainage by means of any connection of any gutter, downspout, house tile, field tile, storm tile, septic pump, or any other tile or pipe designed for surface or subsurface drainage with any sanitary sewer. (Ord. 39 §10, 1972; Ord. 100 §1, 1985 ; Ord. 197 § 1; Ord. 197 §1, 2012).
- B. No person shall knowingly connect any gutter, downspout, house tile, field tile, storm tile, septic pump or system, or other surface or subsurface groundwater drainage device into a sanitary sewer.
- C. No person shall use, maintain, or permit the connection of any gutter, downspout, house tile, field tile, storm tile, sump pump, or other surface or subsurface water or groundwater drainage device into any sanitary sewer. (Ord. 197 §1, 2012).
- D. The construction, use, maintenance, or continued existence of a prohibited connection to the sanitary sewer system, or any other violation of the provisions if this Chapter is a municipal infraction punishable as provided in Iowa Code Section 364.22. Each day of violation is a separate municipal infraction. (Ord. 197 §1, 2012).
- E. The prohibitions contained in Chapter 13.04 include connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 197 §1, 2012).

13.04.130 Unlawful discharge. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substance which will clog the pipes, produce explosive mixtures, destroy, or materially damage the pipes or other joints, or unduly interfere with a sewage disposal process. (Ord. 39 §3, 1972; Ord. 100 §1, 1985).

13.04.140 Enforcement. The Danville Public Works Superintendent, or his/her designee, shall supervise the installation of private sewers and their connections with public sewers in the city and enforce all regulations pertaining thereto and in accordance with this chapter. This chapter shall apply to all existing sewers, replacements, and new and existing sewer connections. (Ord. 39 §3, 1972; Ord. 100 §1, 1985; Ord. 197 §2, 2012).

13.04.150 Violations. Violation of any provision of this chapter shall be a municipal infraction. In addition, the city may seek damages and injunctive relief in the appropriate court. (Ord. 100 §1, 1985).

13.04.160 Enforcement. The Danville Works Superintendent, or his/her designee, shall routinely inspect and enforce the provisions of this chapter. (Ord. 197 §3, 2012)

- A. The Public Works Superintendent, or his/her designee, shall conduct such regular inspections as necessary to detect, prevent, and eliminate unlawful and prohibited connections to the sanitary sewer system. (Ord. 197 §3, 2012).
- B. The Public Works Superintendent, or his/her designee, shall divide the City into six (6) separate areas for the purpose of inspecting sanitary sewer connections. The Public Works Superintendent, or his/her designee, shall then regularly conduct area-wide inspections of sanitary sewer connections within a selected area. (Ord. 197 §3, 2012).
- C. Before seeking an administrative warrant for inspecting a sanitary sewer connection, the Public Works Superintendent, or his/her designee, shall request permission to inspect from the owner and/or occupant of the property. If permission is granted, the owner/occupant shall complete and sign a Consent to Inspect form provided by the Public Works Superintendent, or his/her designee. (Ord. 197 §3, 2012).
- D. If permission is not granted, the Public Works Superintendent, or his/her designee, is authorized with the approval of the Mayor to apply to the Iowa District Court for Des Moines County, Iowa, for an administrative search warrant pursuant to Iowa Code Section 808.14 to conduct an administrative inspection of the property for compliance with Danville Municipal Code Chapter 13.04. No owner, operator or occupant having charge, care, or control of any dwelling, rooming unit, structure, building, or premises shall refuse, fail, or neglect, after presentation of an administrative search warrant issued under this Chapter and Iowa Code Section 808.14 to permit entry by the Public Works Superintendent, or his/her designee. Any such refusal shall be a separate municipal infraction punishable as provided in Iowa Code Section 364.22. (Ord. 197 §3, 2012).
- E. The Application to the District Court shall include the fact that voluntary inspection has been refused and that, based on area-wide probable cause, there is a need to inspect the premises as part of a regular and routine inspection program designed to verify compliance with Chapter 13.04 and to protect the overall public health, safety, and welfare of the Danville Community. (Ord. 197 §3, 2012).

13.04.170 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the City of Danville may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the persons to perform abatement or a mediation of the violation. (Ord. 197 §4, 2012).

13.04.180 Violators Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of the provisions of this Chapter is a threat to the public health, safety, and welfare, and is declared and deemed to a public nuisance, and may be summarily abated or restored in accordance with applicable law, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. (Ord. 197 §4, 2012).

13.04.190 Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the City of Danville, Iowa, to seek cumulative remedies. (Ord. 197 §4, 2012).

13.04.200 Environmental Violation. If a violation of Chapter 13.04 of the Danville Code is a violation of Chapter 455B or 459, Subchapters 2 and 3, or a violation of a standard established by the City in consultation with the Department of Natural Resources, or both, the municipal infraction is classified as an environmental violation within the meaning of Iowa Code Section 364.22(b)(1) and (2). (Ord. 197 §4, 2012).

Chapter 13.06

WATER RATES, CHARGES AND RULES

Sections:

- 13.06.010 Application.
- 13.06.020 Rates.
- 13.06.030 Deposits.
- 13.06.040 Interest on deposits.
- 13.06.050 Refund on deposits.
- 13.06.060 Supervision of connections.
- 13.06.070 Water for construction.
- 13.06.080 Permit required.

13.06.090	Private water systems.
13.06.100	Connection requirements.
13.06.105	Service line material.
13.06.110	Cost of extensions.
13.06.120	Meters.
13.06.130	Duty to read meter.
13.06.140	Annual meter reading.
13.06.150	Cancellation.
13.06.160	Reconnection charge.
13.06.170	Notice of Discontinuance.
13.06.180	Customer address.
13.06.190	Payment Due Date and Late Payment Penalty Amount.
13.06.195	Water Leak Protests.
13.06.200	Delinquent bills.
13.06.210	Water revenue fund.
13.06.220	Nonliability.
13.06.230	Special values required.
13.06.240	Availability for inspection.
13.06.250	Special conditions.
13.06.260	Customer liability.
13.06.270	Complaints.
13.06.280	Notice and hearing.
13.06.290	Penalties.
13.06.300	Violations.

13.06.010 Application. Property owner or his agent, hereinafter called “customer”, must make application for water service at the city clerk's office of the municipality. The application, including service received, is assignable by the customer. (Ord. 102 §1, 1985).

13.06.020 Rates. The following rates are established for the use of water, based upon the meter readings of the amount of water consumed as follows:

- A. For customers who are within the City Limits of Danville, the water rate will be \$9.58 per 1,000 gallons used. The minimum charge for customers who use under 1,000 gallons will be \$9.58. (Ord. 227 §2, 2019).
- B. For customers who are outside the City Limits of Danville, the water rate will be \$12.54 per 1,000 gallons used. The minimum charge for customers who use under 1,000 gallons will be \$12.54. (Ord. 227 §2, 2019).
- C. When the City of Danville receives a price increase in the water and/or services they purchase from Burlington Municipal Waterworks, that same percentage

of increase will automatically be passed on to the Danville water customers as soon as it is incurred. This increase will be approved by the Danville City Council in resolution form with a copy of that resolution placed at the beginning of this chapter. After the resolution is approved, notification to all Danville water customers will be handled by either a special mailing or with the information printed on the back of their monthly utility bill. (Ord. 179 §2, 2005; Ord. 227 §2, 2019).

- D. An additional rate will be charged to every water account and will be based upon the water consumed during the same billing cycle. This monthly fee will be placed into a separate Water account entitled "Water Rehabilitation funds".

Funds collected will be used for water department major expenditures such as water tower work, water plant infrastructure, and water main replacement projects. These funds can also be applied to any Debt Service expenditures caused by water major expenditures such as water tower work, water plant infrastructure, and water main replacement projects.

The following is the rate table that will be used. The amount charged each month will be on the monthly utility bill as a separate line item. This monthly amount will be subjected to state sales tax unless the customer is tax exempt. (Ord. 213 §1, 2017).

Gallons billed	Monthly charge
0 - 999	\$ 1.00
1,000 - 1,999	\$ 2.00
2,000 - 2,999	\$ 3.00
3,000 - 3,999	\$ 4.00
4,000 - 4,999	\$ 5.00
5,000 - 5,999	\$ 6.00
6,000 - 6,999	\$ 7.00
7,000 - 7,999	\$ 8.00
8,000 - 8,999	\$ 9.00
9,000 & higher	\$10.00

13.06.021 Water Meter for Livestock Use Only. For the purpose of this section, a water meter measures water disposed of through the public water and sanitary sewer systems. A water meter to be used for livestock use only may also be installed for residential or commercial use that is not disposed of through the public sanitary sewer system. All existing water and meter policies in Chapter

13.06 entitled Water Rates, Charges and Rules, will apply if not specifically covered by the water meter for livestock use only rules.

A. Obtaining the Water Meter for Livestock Use. The water meter for livestock use only shall be provided by the City. City Code 13.06.120 entitled Meters shall apply to any livestock use meter.

1. Any request for the installation of a water meter for livestock use only shall be submitted in writing to the Danville City Council. The Public Works Superintendent shall review the request and make a determination that the separate line will not discharge into the sanitary sewer system of the City. Once that determination has been made, then the Danville City Council must approve the request before the water meter for livestock use only can be installed.
2. The approval for installation of a water meter for livestock use only shall be enforced at any time there is a change in occupancy or property ownership.

B. Installation of the Meter for Livestock Use. The new water meter for livestock use only on residential properties shall be installed not more than four (4) feet from the original water meter and shall be installed parallel to the original meter. Location of the new water meter for livestock use only on commercial properties shall be pre-approved by the Public Works Superintendent.

1. The original water service and the new livestock use only water lines must be valved separately and run directly to point of distribution or consumption.
2. Shut-off valves are required immediately ahead for each meter installed and must be within one foot of the meter.
3. A backflow preventer (approved by the City) to protect against contamination of the water system must be installed on the outlet side of the new meter. The new meter must be installed horizontal to the floor with the arrow of the meter being in the direction of the flow of water.
4. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a check valve on the discharge side of the meter. Meter pits may be used only upon approval of the Public Works Superintendent and shall be of a design and construction approved by the Public Works Superintendent.

5. Before the livestock meter line is installed and activated, the installation must be inspected and approved by the Public Works Superintendent.
 6. If a customer, in writing, requests a dedicated service line for this livestock use meter only, this request must be approved by the Danville City Council upon the recommendation of the Public Works Supt. All standard water tap fees and policies shall apply.
 7. Upon written request to discontinue service of the water meter for livestock use only, the customer shall be responsible for the removal of all valves and fittings. The Public Works Superintendent shall inspect and approve the removal of the livestock use only water connection and remove the water meter. A service fee set by resolution of the Council will be charged for any future reconnections.
- C. Billing and Rate Structure for a Water Meter for Livestock Use Only. The rate structure of the livestock use only meter will be at the same rate as Chapter 13.06.020 entitled Water rates.
1. A water meter for the use of livestock only may be shut off at any time the meter cannot be read, or user fails to pay promptly any charges for water service with the City, after appropriate warnings.
 2. A water meter for the use of livestock only may be shut off at any time due to leakage in the livestock system or misuse/misrepresentation of water.

13.06.030 Deposits. A deposit is required equal to the amount of the highest water bill paid during the past twelve-month period at the location where service is to be received. If a history is not available at the service address, an estimate will be made by the municipality using a household of comparable size as a guide. (Ord. 102 §1, 1985).

13.06.040 Interest on deposits. Interest at the rate of 5% (five percent) will be paid on all customer's deposits from the date of deposit to the date of the first anniversary of the deposit, provided that the customer fulfills the requirement under 13.06.050 Refund of Deposits. If the water customer is not entitled to the utility deposit refund after the first year, as stated in 13.06.050 Refund of Deposits, then the customer forfeits any and all utility deposit interest. If the water customer discontinues their service before their first anniversary date, then the customer forfeits any and all utility deposit interest. (Ord. 102 §1, 1985; amended Ord. 175 §2, 2004).

13.06.050 Refund of deposits. A deposit shall be refunded after twelve consecutive months of prompt payment (which may be eleven timely payments and one automatic forgiveness of late payment). For refund purposes the account shall be reviewed for prompt payment after twelve months of service following the making of the deposit and for each twelve months terminating on the anniversary of the deposit. Any deposit shall be refunded during settlement of a final billing upon termination of service. (Ord. 102 §1, 1985).

13.06.060 Supervision of connections. All taps 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. (Ord. 102 §1, 1985).

13.06.070 Water for construction. Water for building or construction purposes will be furnished by meter measurement only after a \$30 deposit has been made, 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 the same meter. (Ord. 102 §1, 1985).

13.06.080 Permit required. A permit approved by the city council is required before any property owner may start any building or construction project. A charge shall be made payable to the City of Danville for \$120 for each 3/4-inch water connection and the actual cost for labor and materials for any water connection in excess of 3/4 inches. Such charges are due and payable at the time a building permit is applied for. (Ord. 102 §1, 1985).

13.06.090 Private water systems. It shall be the duty of any person, firm, or corporation constructing a water system in the city to provide for the backfill required by such construction, and to maintain any water system located upon private property and not dedicated to the city at his own expense. In the event of a failure of any person, firm, or corporation to provide for the backfill and maintenance of the water system, the city may remedy such condition and the costs thereof by resolution certified to the county auditor assessed against the property for collection in the same manner as other taxes. (Ord. 102 §1, 1985).

13.06.100 Connection requirements. The municipality shall install and maintain at its expense the distribution system mains and appurtenances. That portion of the service from the main to the curb cock, including the necessary tap, corporation, fittings, and curb cock will be installed by the municipality. That portion of the service from the curb cock to the customer's premises shall be at the customer's expense. The minimum earth cover of the customer's service shall be five feet. The municipality shall determine the size and kind of service to be installed. (Ord. 102 §1, 1985).

13.06.105 Service line material. Water service pipes from the main to the meter setting shall be standard weight type K copper or approved cast iron or PVC pipe of a type approved by the City. (Ord. 125 §1, 1994).

13.06.110 Cost of extensions. The municipality will construct extensions to its water lines to points within its service area, but the municipality shall not be required to make such installations unless the customer pays the municipality the entire cost of the installation. In the case of subdivision development, it shall be the responsibility of the subdivider and/or the developer to construct extensions to the water system at his own expense and in accordance with the requirements set forth in the subdivision ordinance of the City of Danville. No extension shall be commenced or made to the municipal water system until plans and specifications for such extension have been submitted to and approved by the municipality. Upon completion of construction of any extension to the municipal water system, said extension shall be dedicated to and become the property of the municipality. All decision 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. (Ord. 102 §1, 1985).

13.06.120 Meters. All meters shall be installed at the municipality's expense and shall be maintained and renewed by and at the expense of the municipality. The municipality reserves the right to determine the size and type of meter used. (Ord. 125 §1, 1994).

- A. Upon the written request of any customer, the meter serving the customer shall be tested by the municipality. The test will be made without charge to the customer if the meter has not been tested within twelve months preceding the requested test; otherwise, a charge of \$5.00 will be made if the test indicates meter accuracy within the limits of two percent, plus or minus.
- B. When a meter has ceased to register, the quantity of water consumed for billing purposes will be based upon the highest actual consumption in the past six months. (Ord. 102 §1, 1985).
- C. As of March 7, 1994, any water service installed outside of the Danville City Limits shall be metered at the point of connection to the main, in a meter pit provided by the customer, meeting city specification. (Ord. 125, §2, 1994).
- D. Metering Equipment in excess of one-inch diameter. The customer shall be responsible for the cost of purchase from the City/Utility and installation of

any meters and necessary appurtenances in excess of one inch diameter. The meter shall be installed at a location and in a manner approved by the City/Utility. Upon its satisfactory installation, the meter shall become the property of the City/Utility. The customer shall be responsible for the cost of any maintenance, repair, and/or replacement of said meter. The City/Utility will be notified of or perform any such maintenance, repair, and/or replacement before the work is done and will inspect the meter after the work is completed. (Ord. 227 §3, 2019).

13.06.130 Duty to read meter. The municipality will read all water meters once each month. If the meter reader cannot obtain access to read the meter, a tag will be placed on the customer's door requesting that the customer immediately read the meter and notify city hall of the current meter reading by telephone, mail or in person. (Ord. 113, §1, 1988).

13.06.140 Annual meter reading. The municipality or its authorized agents or employees shall read water meters at least once per year or more frequently as may be determined necessary by the municipality. Upon any municipality reading where it is determined that there is actual usage or consumption which is 4,000 gallons or more in excess of the average amount reported by the owner or occupant, since the last municipality reading, then the municipality meter reading shall be averaged over the preceding period and the same shall be charged to the owner or occupant of the premises as an average consumption rate using the monthly rates applicable thereto. In addition, there shall be charged an administrative fee of \$100 for the computation of the average consumption rates and the adjustments and new bills necessitated by the same. (Ord. 102 §1, 1985).

13.06.150 Cancellation. Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, including any of the following:

- A. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
- B. Failure to report to them municipality addition to the property or fixtures to the supplies or additional use to be made of water.
- C. 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.
- D. Tampering with meter, meter seal, service, valves or permitting such tampering by others.

E. Connection, cross connection, or permitting same, of any separate water supply to premises which receive water from the municipality.

F. Nonpayment of water bill. (Ord. 102 §1, 1985).

13.06.160 Reconnection charge. Where the water supply to a customer has been disconnected for nonpayment of a delinquent bill, a charge of \$10 will be made for reconnection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid. (Ord. 102§1, 1985).

13.06.170 Notice of discontinuance. Any customer desiring to discontinue water service of his premises for any reason must give notice of discontinuance at the office of the city clerk. Otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality. (Ord. 102 §1, 1985).

13.06.180 Customer address. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed with the office of the city clerk; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice. (Ord. 102 §1, 1985).

13.06.190 Payment Due Date and Late Payment Penalty Amount. The utility bills come out the first of each month, due by the 20th of each month. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address of the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 10% per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment. (Ord. 186 §2, 2007).

13.06.195 Water leak protests. When a customer protests payment of a water bill due to a water leak, the following procedure shall apply:

A. The customer shall file a written protest with the city clerk. The written protest shall specify the service period of the bill being protested and the grounds for the protest.

- B. If the reason for the protest is a leak, the municipality will determine whether a water leak existed during the service period of the bill being protested.
- C. If a leak is verified by the municipality, the customer will be charged as follows for the service period of the bill being protested.
 - 1. If the volume of water used during the protested service period does not exceed 2 times the customer's highest monthly usage in the past twelve months, no adjustment of the bill will be made
 - 2. If the volume of water used during the protested service period does exceed 2 times the customer's highest monthly usage in the past twelve months, the customer will be charged as follows:
 - a. The customer will be charged the current rate for the customer's highest monthly usage in the past twelve months, plus
 - b. 75% of the current rate times the amount by which the actual volume during the protested service period exceeds the customer's highest monthly usage in the past twelve months. (Ord. 113 §2, 1988).

13.06.200 Delinquent bills. All bills not paid on or before the past-due date shall be termed delinquent and the municipality shall mail the customer a written notice on the 21st day of said delinquency. If a delinquent bill is not paid within twelve days after date of such notice, the water supply to the customer may be discontinued. (Ord. 102 §1, 1985).

13.06.210 Water revenue fund. All revenue and monies derived from the operation of the water system shall be paid to and held by the municipality separate and apart from all other funds of the municipality and all of the sums and all other funds and monies incident to the operation of the system, as may be delivered to the municipality, shall be deposited in a separate fund designated the "Water Revenue Fund" account and the council shall administer the fund in every respect in the manner provided by the Code of Iowa and other laws pertaining thereto. (Ord. 102 §1, 1985).

13.06.220 Nonliability. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water 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 of service. (Ord. 102 §1, 1985).

13.06.230 Special valves required. Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice. (Ord. 102 §1, 1985).

13.06.240 Availability for inspection. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality. (Ord. 102 §1, 1985).

13.06.250 Special conditions. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc. (Ord. 102 §1, 1985).

13.06.260 Customer liability. If any loss or damage to the property of the municipality 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 his household, his agent or employee, the cost of the necessary repairs or replacement shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer. (Ord. 102 §1, 1985).

13.06.270 Complaints. Complaints may be made at the office of the city clerk and may be appealed to the council within ten days. (Ord. 102 §1, 1985).

13.06.280 Notice and hearing. Whenever the city intends to terminate water service to a customer, it shall give notice of the proposed termination to the customer. The notice shall be by certified mail addressed to the customer at the address shown on the customer's application for water service. The notice shall state the reason for the termination and shall inform the customer of the right to discuss the reasons for the proposed termination with the city clerk and to have a hearing before the city council on the proposed termination. The date for such hearing shall be at the next regularly scheduled city council meeting more than five days from the date of the notice. At such hearing, the city council shall determine whether the grounds for the proposed termination are satisfied, and shall approve or disapprove the proposed termination of water service. (Ord. 102 §1, 1985).

13.06.290 Penalties. It shall be unlawful and a violation of this ordinance for any person to willfully report incorrect meter readings, falsify meter readings, or to in any manner falsify water usage to the municipality. (Ord. 102 §1, 1985; amended 2000 codification).

13.06.300 Violations. Violation of any provision of this chapter shall be a municipal infraction. In addition, the city may seek damages and injunctive relief in the appropriate court. (Ord. 102 §1, 1985).

Chapter 13.08

SEWER RATES

(Ordinance 202, July 1, 2013)

Sections:

- 13.08.010 Definitions.
- 13.08.020 Sewer Rates.
- 13.08.030 Procedure for future rate increases.
- 13.08.040 Payment Due Date and Late Payment Penalty Amount.
- 13.08.050 Effective date of this chapter.

13.08.010 Definitions. For use in this chapter, the following terms are defined:

- A. "Business or Commercial User" means any user of water or sewer services which is not using such services for personal, family or household residential purposes."
- B. "Residential User" means any user who used water or sewer services for personal, family, household, or residential purposes." (Ord. 64 §1, 1977 codification: Ord. 101 §1, 1985).

13.08.020 Sewer Rates.

- A. Residential, business and/or commercial water users within the city limits will pay a monthly rate of:
 - 1. Starting with the July 1, 2019 billing, \$31.51 for the first 2,000 gallons or less of water consumed per month and \$3.50 per thousand gallons for any amount in excess of 2,000 gallons. Rates are billed per meter. (Resolution 2019-08, Apr. 1, 2019).
- B. In a mobile home court or an apartment complex where the landlord furnishes the water, each mobile homeowner/renter or apartment renter will be charged:

2. Starting with the July 1, 2019 billing, \$44.75 per month. This amount will be added to the tenant/occupants' utility bill. (Resolution 2019-08, Apr. 1, 2019).
- C. Rural residential, business and/or commercial water users shall pay a monthly rate of:
1. Starting with the July 1, 2019 billing, \$47.27 for the first 2,000 gallons or less of water consumed per month and \$3.50 per thousand gallons for any amount in excess of 2,000 gallons. Rates are billed per meter. (Resolution 2019-08, Apr. 1, 2019).
- D. Danville Venture Villa is a complex subsidized by the Department of Housing and Urban Development (HUD). The following fees will be billed to and paid by the housing financial management of the complex:
1. Starting with the July 1, 2019 billing the four apartments located at 202 & 206 North Birch Street, will be charged \$31.51 per apartment. Any water usage over 8,000 gallons per building will be charged \$3.50 per thousand gallons. (Resolution 2019-08, Apr. 1, 2019).
 2. Starting with the July 1, 2019 billing the eight apartments and laundry room located at 204 North Birch Street, will be charged \$31.51 per apartment. Any water usage over 16,000 gallons will be charged \$3.50 per thousand gallons. (Resolution 2019-08, Apr. 1, 2019).

13.08.030 Procedure for future rate increases. When the City of Danville receives a price increase in the water and/or services they purchase from Burlington Municipal Waterworks, the Danville City Council will have the option of passing that same percentage of increase on to the Danville sewer customers as soon as it is incurred. This increase will be approved by the Danville City Council in resolution form with a copy of that resolution placed at the beginning of this chapter. Council will also have the option at the time of the resolution to raise the rate an additional amount if needed. After the resolution is approved, notification to all Danville sewer customers will be handled by either a special mailing or with the information printed on the back of their monthly utility bill.

13.08.040 Payment Due Date and Late Payment Penalty Amount. The utility bills come out the first of each month, due the 20th of each month. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address or the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty

of 10% per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment.

13.08.050 Effective date of this Chapter. The effective date of this chapter will be August 1, 2013.

Chapter 13.10

ELECTRIC RATES (2009 Codification)

Sections:

- 13.10.010 Purpose.
- 13.10.020 Electric Terms and Definitions.
- 13.10.030 Service Rules of the Municipal Electric Utility.
- 13.10.040 Rates for Service.
- 13.10.050 Standby Electric Service.
- 13.10.060 Rates for Standby Electric Service.
- 13.10.120 Security Lighting Rate Structure.
- 13.10.130 Electric Utility Deposit.
- 13.10.140 Interest on Deposit
- 13.10.150 Refund of Deposits.
- 13.10.160 Temporary Disconnection and/or Reconnection.
- 13.10.190 Returned Check Charge.
- 13.10.200 Disconnection and Service Reconnection Fee.
- 13.10.210 Basis of Cost.
- 13.10.220 Violation of this Section.
- 13.10.230 Payment Due Date and Late Payment Penalty Amount.

13.10.010 Purpose. The purpose of this chapter is to provide for the operation of the municipal electric utility. The provisions of this chapter, including service rules and regulations adopted in accordance with these provisions, shall apply to customers both inside and outside the city, whether or not such customer has a contract for electric service with the city. (Ord. 168, § 2, 2003)

13.10.020 Electric Terms and Definitions. For purposes of this chapter:

- A. **"Consumer"** or **"Customer"** means, in addition to any person or legal entity receiving electric service from the municipal electric utility, the owner of the

- property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
- B. **Electric Utility:** All facilities of the municipal electric utility for producing, transmitting, and distributing electricity.
 - C. **Service Territory:** The service territory for the Danville Municipal Electrical Utilities is an area identified by the Iowa Utilities Board.
 - D. **Rates:** Every residence, firm, corporation, industry, or farm that is furnished electricity shall be charged prices or rates for each separate class of service as hereinafter set forth.
 - E. **Residential Service:** Residential rates apply to a single-family residence, or a multiple dwelling unit, for all domestic uses, including water heating and space heating.
 - F. **Commercial Service:** Applies to non-residential customers for all separately metered commercial service usage in one establishment through one meter at one point of delivery.
 - G. **Multiple Dwelling Units:** When two or more flats, apartments, or dwelling units are served by one meter in accordance with the service rules, the basic service charge shall be billed by the multiple of individual units served.
 - H. **Master Metering:** No master metering, sub-metering, joint use (for other than multiple dwelling units) or resale of electric service is permitted hereunder.
 - I. **Power Factor and Power Factor Penalty:** Power factor is the ratio of Kilowatts (KW) to the Kilovolt Amp Reactive (KVAR) as measured by appropriate meters. For purposes of billing, the monthly Billing Demand shall be increased by 1% for each 1% Customer's power factor is measured during any 15-minute interval to be less than 95%. Customer's payment of the power factor penalty shall not relieve Customer of the obligation to self-correct the power factor to 95% or greater. The municipal utility may install power factor correction capacitors on its primary distribution system to compensate for Customer's lagging power factor and Customer shall reimburse the municipal utility for the installed cost thereof, including all necessary labor, materials, mountings, controls, and appurtenances.
 - J. **Power Supply Adjustment:** Sales under all rate schedules are subject to the Power Supply Adjustment (PSA). Each month a PSAF surcharge or credit will be calculated. The PSA will be applied to all metered kWh sales and billed to

consumers for that month, plus kWh for security lights. The PSA equals the total purchase power, production, transmission, and other supplier costs for the month divided by the metered kWh sales for the month plus kWh for security lights, less the base power supply cost of \$.0550/kWh.

- K. **Excess Facilities and Excess Facilities Charge:** Excess facilities are those electrical facilities that the City installs for the benefit of the customer at the request of the customer, above and beyond the requirement of the city, and are not normally the responsibility of the City. An excess facilities charge of 1.5% per month shall be applicable to the installed cost of excess facilities that have a useful life of ten years or more. An excess facilities charge of 2.0% per month shall be applicable to the installed cost of special meters and excess facilities that have an expected useful life of five to ten years. Costs for temporary service lines, excess facilities that have less than five years useful life and all additional operating and third-party costs shall be paid in the month costs are incurred by the municipal utility. (Ord. 168 §2, 2003).

13.10.030 Service Rules of the Municipal Electric Utility. The council shall adopt, by resolution, appropriate operating rules governing the municipal electric utility, which shall be entitled "Service Rules of the Municipal Electric Utility". This will also be known as the "Service Rules". (Ord. 168 §2, 2003).

13.10.040 Rates for Service. Electric service shall be furnished in accordance with the following rate schedules.

- A. RESIDENTIAL SERVICE. Standard electric service for a permanent residence shall be available at the following rate schedule:

EL Residential Rate:	
Monthly Charge:	\$6.50
1 st 100 kWh/month:	\$0.1063/kWh
Next 300 kWh/month:	\$0.0963/kWh
Over 400 kWh/month:	\$0.0813/kWh

- B. RESIDENTIAL ALL ELECTRIC SERVICE. Standard electric service for a permanent all electric residence shall be available at the following rate schedule:

E3 Residential All Electric Rate (All Electric):	
Monthly Charge:	\$7.00
All kWh/month:	\$0.0748/kWh

- C. **COMMERCIAL SERVICE:** Standard electric service for light commercial usage of 200 and under amp service shall be available at the following rate schedule:

E1 Commercial Rate:
Monthly Charge: \$7.50
1st 1500 kWh/month: \$0.0908/kWh
Over 1500 kWh/month: \$0.0788k/kWh

- D. **COMMERCIAL ALL ELECTRIC SERVICE:** Standard electric service for light commercial all electric usage shall be available at the following rate schedule:

E2 Commercial All Electric Rate:
Monthly Charge: \$7.00
All kWh/month: \$0.0748/kWh

- E. **COMMERCIAL SERVICE - CHURCH RATE:** Standard electric service for the churches shall be available at the following rate schedule:

E5 Commercial Rate:
Monthly Charge: \$6.50
1st 100 kWh/month: \$0.1063/kWh
Next 300 kWh/month: \$0.0963/kWh
Over 400 kWh/month: \$0.0813/kWh

- F. **COMMERCIAL SERVICE - GENERAL:** Standard electric service for businesses with over 200-amp service shall be available at the following rate schedule:

EL Commercial Rate:
Monthly Charge: \$8.50
All kWh/month: \$0.0798/kWh (Ord. 168 §2, 2003)

13.10.050 Standby Electric Service. No one shall connect, or permit to be connected, generating equipment in parallel with the municipal electrical system, except as may be permitted by contract. Customer may contract with the City Council to provide standby electric service through a permanent connection in the event of failure of Customer's normal source of electric supply. The standby electric service contract term shall be for a minimum of 12 months and may be required to be longer if the City must install additional generating capacity. Customer shall reimburse the City for installation of a meter with capabilities of recording 15-minute integrated demands. If Customer's installed electric equipment is 250 kVA or greater, then Customer will reimburse the City for telemetry sending and receiving equipment and all communications costs. Prices for standby electric service are set forth below and are

subject to change in the event that the City must install additional generating capacity to provide standby service. (Ord. 168 §2, 2003).

13.10.060 Rates for Standby Electric Service.

- A. **One-time Contract Set-up Charge:** \$1,000.00
- B. **Special Billing and Administrative Charge:** \$200/month/meter
- C. **Demand charge:** \$7.50/KW/ month of contracted standby capacity
- D. **Energy Charge:** The municipal's incremental cost of energy per kilowatt-hour times the kilowatt-hours recorded on Customer's meter during the period of failure of Customer's normal supply, as adjusted for losses.
- E. **Excess Take Penalty:** In the event Customer takes standby service in excess of contracted capacity, Customer shall pay a one-time penalty charge that is the greater of either \$50.00 per kW of excess or the amount of the municipal's penalty from its supplier(s), plus ten percent (10%). Customer's contracted demand shall also increase for a minimum of 12 months by the amount of excess kW taken. Excess Take is equal to the maximum 15-minute integrated kilowatt demand taken during the month, plus losses, during periods when Customer's normal supply fails to be delivered to the municipal for redelivery, less the kW contract capacity for standby service.
- F. **Losses:** Between the hours ending at 07:00 and 23:00 during the months of July and August, losses are 15% and losses during other periods are 10%.
- G. **Metering:** Customer will reimburse the municipal for its installed cost of interval recording meters and its monthly communication costs.
- H. **Power Factor Penalty:** For purposes of billing, Billing Demand shall equal Contracted Demand, plus 1% for each 1% Customer's power factor is measured to be less than 95% during any 15-minute interval. (Ord. 168 §2, 2003).

13.10.120 Security Lighting Rate Structure. Security light charge will be billed to the customer on a monthly basis on the customer's monthly utility bill from the City. The following rates will apply:

- A. Light Wattage and Type:
 - 1. 175-Watt MV will be charged \$ 9.33 plus state sales tax per security light

2. 150-Watt HP Sodium will be charged \$ 9.76 plus state sales tax per security light
3. 250-Watt HP Sodium will be charged \$14.26 plus state sales tax per security light (Ord. 168 §2, 2003)

13.10.130 Electric Utility Deposit. Property owner or his agent, hereinafter called customer, must make application for electric service at the City Clerk's office of the municipality and said application, including service received thereunder is assignable by the customer. A deposit is required equal to the amount of the highest electric bill during the past twelve-month period, times two, at the location where service is to be received. If a history is not available at that service address, then a \$100.00 deposit will be required. (Ord. 168 §2, 2003).

13.10.140 Interest on Deposits. Interest at the rate of 5% (five percent) will be paid on all customer's deposits from the date of deposit to the date of the first anniversary of the deposit, provided that the customer fulfills the requirements under 13.10.150 Refund of Deposits. If the electric customer is not entitled to the utility deposit refund after the first year, as stated in 13.10.150 Refund of Deposits, then the customer forfeits any and all utility deposit interest. If the electric customer discontinues their service before their first anniversary date, then the customer forfeits any and all utility deposit interest. (Ord. 168 §2, 2003; amended Ord. 175 §3, 2004).

13.10.150 Refund of Deposits. A deposit shall be refunded after twelve consecutive months of prompt payment (which may be eleven timely payments and one automatic forgiveness of late payment). For refund purposes the account shall be reviewed for prompt payment after twelve months of service following the making of the deposit and for each twelve months terminating on the anniversary of the deposit. Any deposit shall be refunded during settlement of a final billing upon termination of service. (Ord. 168 §2, 2003).

13.10.160 Temporary Disconnection and/or Reconnection. Temporary disconnection and reconnection of service for the convenience of the customer shall be made during normal business hours of the utility without charge. A service charge equal to the direct cost of labor shall apply after normal business hours. (Ord. 168 §2, 2003).

13.10.190 Returned Check Charge. A service charge of \$ 8.00 shall apply to each check returned unpaid by the bank on which it was drawn. (Ord. 168 §2, 2003).

13.10.200 Disconnection and Service Reconnection Fee. Accounts remaining delinquent are subject to disconnection in accordance with the "Service Rules". When

service is disconnected because of an act or omission by the customer or because of nonpayment of a bill or deposit, the customer shall be required to pay a reconnection charge of \$ 10.00 per meter. (Ord. 168 §2, 2003).

13.10.210 Basis of Cost. Where the cost of labor is to be assessed to a customer, the cost for work performed will follow the procedure set out in the Charges for Rental of City Equipment resolution. Where the cost of materials is to be assessed to the customer, the cost shall be deemed to be the replacement cost at the time of installation. (Ord. 168 §2, 2003).

13.10.220 Violation of this Section. A violation of this section is a municipal infraction as stated in City Code Chapter 1.12. (Ord. 168 §2, 2003).

13.10.230 Payment Due Date and Late Payment Penalty Amount. The utility bills come out the first of each month, due by the 20th of each month. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address of the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 10% per month of the last due amount, except for electric bills which shall include a late payment penalty of 1.5%. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment. (Ord. 186 §4, 2007)

TITLE 14

(RESERVED)

TITLE 15

BUILDINGS AND CONSTRUCTION

Chapters:

<u>15.04</u>	<u>Building Code</u>
<u>15.06</u>	<u>Standards for Construction of Decks</u>
<u>15.08</u>	<u>Electrical Code</u>
<u>15.12</u>	<u>Unsafe Buildings</u>
<u>15.14</u>	<u>Plumbing Code</u>
<u>15.15</u>	<u>Display of Address Numbers</u>

Chapter 15.04

BUILDING CODE

Sections:

15.04.010	Consolidation of districts for chapter application.
15.04.020	Building inspector appointed.
15.04.030	Building permit -- Required.
15.04.040	Building permit -- Application.
15.04.050	Building permit -- Fee.
15.04.060	Building permit -- Expiration and suspension.
15.04.070	Construction requirements -- Uniform Building Code adopted.
15.04.085	Fire Warning System.
15.04.090	Building or structural design.
15.04.100	Foundation and foundation wall standards.
15.04.110	Foundation standards for pole-type buildings.

15.04.010 Consolidation of districts for chapter applications. For the purpose of this chapter, the entire municipality is districted into one district. (Ord. 23 §1, 1967).

15.04.020 Building Inspector Appointed by City Council. The City Council shall appoint a Building Inspector to implement and enforce the provisions of this building code.

15.04.030 Building permit -- Required. It is unlawful to construct, build, enlarge, alter or improve, or to move from outside to within the corporate limits of the municipality, any structure, building, dwelling, wall, foundation or parts thereof or any other

construction without first obtaining a building permit as required by this chapter. (Ord. 23 §4, 1967).

15.04.040 Building permit -- Application. Applications for building permits shall be made upon application blanks obtained from the city clerk. The application shall be completed in writing, and there shall be filed on the application or attached thereto a detailed plan of the proposed work or construction and the location of the work or construction on the lot or tract of land which is the proposed site for the work or construction, together with a statement of the material to be used. The application shall be filed with the building inspector. If the inspector finds that the application is in proper form and that the plans, location and materials comply with the provisions of this chapter, the inspector shall endorse approval on the application. Thereafter the mayor, or such person or persons as the mayor shall designate in accordance with the terms of Section 15.04.130 of this chapter, shall issue a building permit to the applicant. (Ord. 23 §5, 1967; amended 2009 codification).

15.04.050 Building permit -- Fee. There shall accompany each application for building permit a building permit fee in the amount of \$100 (one hundred) dollars for a new business or new residential dwelling; and \$50 (fifty) dollars for a garage, an addition to a home or business building, deck, or for a small storage shed valued under five hundred dollars. No building permit shall be issued until the building permit board has received the required building permit fee. (Ord. 223 §2, 2018).

15.04.060 Building permit -- Expiration and suspension. Every permit issued under the provisions of this chapter shall expire by limitation if the building, construction, or improvement authorized by such permit is not commenced within six months. The building permit board may, by giving notice in writing to the person receiving a building permit, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or when the construction and work performed does not conform to that originally outlined in the application for a building permit. The building permit board may also revoke or suspend any building permit when the same is found to be in violation of any other ordinance of the city or in violation of the State Code of Iowa as the same may be in existence at the time of such suspension or revocation. (Ord. 23 §11, 1967).

15.04.070 Construction requirements -- Uniform Building Code adopted. No building permit shall issue and no dwelling, structure, building, wall or foundation shall be constructed, erected, altered, or improved until the building permit board is fully satisfied that the proposed construction, alteration, or improvement shall satisfy such requirements as are necessary to insure public health, safety and welfare in the city. As an ascertainable standard for public health, safety and welfare within the meaning

of this section, the International Building Code (IBC) 2018 edition, and the International Residential Code (IRC) 2018 Edition, is adopted for the city and made applicable to all construction, building, enlarging, altering, or improving of any structure, building, dwelling, wall or foundation, and a copy of these two codes are available for review upon request. (Ord. 23, §8 [part], 1967, amended in 1977, 2000, 2009 and 2014 codification; amended by Ord. 225 §2, 2019).

15.04.085 Fire Warning System/Sprinkler. Current standards adopted by the Iowa State Fire Marshall's office. (Ord. 68 §1, 78; Ord. 225 §3, 2019).

15.04.090 Building or structural design. All parts of every building or structure shall be designed to safely carry the load to be imposed thereon and shall in all other respects conform to good engineering practice. (Ord. 23 §9, 1967).

15.04.100 Foundation and foundation wall standards.

- A. Foundation walls shall be constructed of either concrete or of wood and all foundations shall be of such thickness and constructed in such manner as to safely carry the load imposed thereon. It is unlawful to build, enlarge, alter, improve or move from the outside to within the municipality or from one part of the municipality to another part of the municipality any building, structure or part thereof unless the same shall have been or is placed upon a foundation of the type required by this chapter.
- B. Foundations shall be on footings a minimum of 42 inches below final grade on all buildings with human occupancy, which would include attached garages. (Ord. 38 [part] 1972; Ord. 23 §10, 1967; amended Ordinance 174 §2, 2004; Ord. 202, 2013).
- C. Freestanding buildings with an area less than 400 sq. feet and an eave height of 10 feet or less will be required to be on a slab or treated lumber. The structure is to be anchored to concrete or by anchors screwed into the earth. If a concrete foundation is chosen to be used, the exterior sides must be a minimum of six inches below grade level. (Ord. 38 [part] 1972; Ord. 23 §10, 1967; amended Ordinance 174 §2, 2004; Ord. 202, 2013).
- D. Residential buildings over 400 sq. feet shall have a footing depth of 12 inches. Commercial buildings shall have engineered details submitted for approval. (Ord. 38 [part] 1972; Ord. 23 §10, 1967; amended Ordinance 174 §2, 2004; Ord. 202, 2013)

- E. All wooden foundations must follow the current Uniform Building Code (also known as UBC Standards) standards for wooden foundations. All footings must be in concrete flooring. (Ord. 124, 1993).

15.04.110 Foundation standards for pole-type buildings. On pole-type buildings, the foundation shall be as follows:

- A. Holes bored for poles shall be a minimum of fifty-four inches below final grade level;
- B. Poles shall be resting on six-inch concrete pads;
- C. Pads shall be a minimum of eight inches larger in diameter than the poles;
- D. Poles shall be encased in concrete a minimum of four inches in thickness around the pole;
- E. Concrete walls and concrete encasement of poles shall be a minimum of six inches above the final grade level. (Ord. 38 [part] 1972; Ord. 23 §8 [part], 1967).

Chapter 15.06

STANDARDS FOR THE CONSTRUCTION OF DECKS

(Ord. 224, Aug. 6, 2018)

Sections:

- 15.06.010 Building Permit – Required.
- 15.06.020 Information Required.
- 15.06.030 Standards.
- 15.06.040 Foundations.
- 15.06.050 Framing Requirements.

15.06.010 Building Permit--Required. The construction of a deck requires a building permit.

15.06.020 Information Required. The following information must be submitted with prior to the approval of any building permit for a deck construction:

- A. Plot Plan;

- B. Foundations (depth below grade – forty-two (42) inch minimum required);
- C. Joist size and spacing;
- D. Clear span of joists (distance between supports);
- E. Column size and spacing;
- F. Beam size and clear span;
- G. Deck height above grade (approximate height at highest point);
- H. Guardrail height, baluster spacing;
- I. Stair information, rise, run and handrail/guardrail.

15.06.030 Standards.

- A. Lumber. All lumber must be pressure treated or naturally durable, such as redwood or cedar. All material in contact with the ground must be .40 pressure treated.
- B. Fasteners. All fasteners shall be approved corrosion-resistive materials. If acq preservative-treated lumber is being used all fasteners and anchors must be either hot dipped galvanized or stainless steel to prevent corrosion.
- C. All posts or cement piers shall be forty-two (42) inches below the surface.
- D. Joist size shall be determined by the span, spacing & grade.
- E. Girders shall be two or more depending on the span.
- F. Guardrail is required after thirty (30) inches from ground.
- G. Guardrail height of thirty-six (36) inches is required when thirty (30) inches from ground on residential first floor.
- H. Handrail not less than thirty-four (34) nor more than thirty-eight (38) inches from the tread nosing.
- I. Spaces between balusters must be small enough so that a four (4) inch sphere cannot pass through.

- J. Stairs with three (3) or more risers require a handrail. Maximum riser of eight and a quarter (8 ¼) inches. Minimum tread of nine (9) inches.

15.06.040 Foundations.

- A. If the deck is to be unattached from the building or home, the deck may be built on a floating foundation.
- B. If the deck is to be attached to the building or home, the foundation posts must be at least a minimum of 42" below the surface of the ground, setting on a concrete pad with cement poured around the posts.

15.06.050: Framing Requirements.

- A. Posts shall be minimum size of 4"x4". If deck is more than four (4) feet about grade, 4"x6" posts should be used.

B. Beams: Size	Post Spacing
(2) 2"x6"	6 feet
(2) 2"x8"	8 feet
(3) 2"x6"	8 feet
(2) 2"x10"	10 feet
(3) 2"x8"	10 feet
(2)2"x12"	11 feet

- C. Floor joist maximum clear span:

Size	12" o.c.	16" o.c.	24" o.c.
2"x6"	10 feet	9 feet	8 feet
2"x8"	13 feet	12 feet	11 feet
2"x10"	17 feet	15 feet	13 feet
2"x12"	20 feet	18 feet	16 feet

Chapter 15.08

ELECTRICAL CODE

Sections:

- 15.08.010 Consolidation of districts for chapter application.
- 15.08.020 Definitions.
- 15.08.030 2008 National Electrical Code adopted.
- 15.08.040 Electrical Inspector.
- 15.08.050 Permit-Required.
- 15.08.060 Permit-Application.
- 15.08.061 Electrical Permit Fees.
- 15.08.070 Inspection procedure.
- 15.08.080 Application of rules for new service.

15.08.010 Consolidation of districts for chapter application. For the purpose of this chapter the entire municipality is districted into one district. (Ord. 36 §2, 1972).

15.08.020 Definitions. The following words and terms as used in this chapter shall have the meanings and definitions as follows, unless the context clearly indicates otherwise:

A. "Inspector" means the electrical inspector of the city.

B. "Owner" means the owner, lessee, or person in charge of premises wherein or whereon electrical wires, appliances, machinery, generators, motors, or fixtures are installed or are to be installed. (Ord. 36 §1, 1972).

15.08.030 2008 National Electrical Code adopted. The 2008 National Electrical Code is adopted by this reference as the standard for the installation, maintenance, and repair of electrical services in the City of Danville. (Ord. 36 §20, 1972, amended in 1977 codification, 2000 codification).

15.08.035. The Service Rules of the Danville Municipal Electric Utility are adopted by this reference and incorporated as an appendix to Chapter 15.08. The City Council may amend these Service Rules by resolution. A copy of the Service Rules is available at City Hall.

15.08.040 Electrical Inspector. The City council shall appoint an Electrical Inspector to administer and enforce this Chapter and the Service Rules of the Municipal Electric Utility. (Chapter 13.20) (Ord. 36 §3, 1972, revised in 1977 codification).

15.08.050 Permit--Required. All persons desiring to install electrical signs, apparatus, or wires for the use of electrical current in, over, or about any building or structure of any kind within the corporate limits of the city, or to alter or add to any installation now made must obtain a permit therefor from the electrical inspector before commencing work. Any person making an installation, extension, or alteration for the transmission or use of electrical energy where a permit is required without first securing a permit shall be deemed to be in violation of this chapter. (Ord. 36 §4, 1972).

15.08.060 Permit--Application. Application for a permit as required by this chapter shall be made in writing on an application form as provided by the City and shall be submitted to the electrical inspector and shall set forth the location of the building or structure, the name of the applicant, the name of the owner and a general description of the nature and extent of the work involved. Upon compliance with the provisions of this section, a permit shall be issued by the City, unless it appears that the contemplated work will be in conflict with the provisions of this chapter or other ordinances of the city. An application for an electrical permit may be filed as a part of or attached to an application for a building permit. (Ord. 36 §5, 1972).

15.08.061 Electrical Permit Fees. Each application for an electrical permit shall be accompanied by a permit fee according to the following fee schedule: \$120 (one hundred twenty dollars) for an electrical permit and one electrical visit and then \$120 (one hundred twenty dollars) for each additional visit made by the electrical inspector. (Ord. 223 §3, 2018).

15.08.070 Inspection procedure. The electrical inspector may inspect all factories, stores, buildings, schools, churches, dwellings, garages and other similar buildings where electric wiring is now or hereafter may be installed. The electrical inspector is authorized and directed to require the owners of such premises to remedy and put in a proper and safe condition within a reasonable time all electric wires, conductors, insulators, support, fastenings, appliances, fixtures, generators, motors, machinery and connections not installed or maintained in conformance with the provisions of this chapter or other ordinances of the city. Upon a refusal by the owner to comply with the direction and order of the electrical inspector, the electrical inspector shall report that fact to the city council, and the council is empowered to give ten days' written notice to the owner to remedy such unsafe conditions. In the event of a failure of the owner to comply with such notice, the city council is empowered to condemn such unsafe condition and to cause the same to be remedied and to have the cost thereof by resolution certified to the county auditor to be assessed with the real estate taxes against the property involved. (Ord. 36 §6, 1972).

15.08.080 Application of rules for new service. Where the service or service box is moved to a new location, or upgraded, the same rules shall apply as for a new service. (Ord. 36 §17, 1972).

Chapter 15.12¹⁵

UNSAFE BUILDINGS

Sections:

- 15.12.010 Definition generally.
- 15.12.020 Determining criteria.
- 15.12.030 Examination by building administration--Notice to owner.
- 15.12.040 Notice--Hearing and abatement of nuisance.
- 15.12.050 Notice--Noncompliance.
- 15.12.060 Costs.
- 15.12.070 Enforcement.

15.12.010 Definition generally. All buildings or structures which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter the city code, or any other ordinance, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter. (Ord. 44 §2(part), 1974).

15.12.020 Determining criteria. "Unsafe building" means any structure or mobile home meeting any one or all of the following criteria:

- A. Whenever any portion, member, or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- B. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is

¹⁵ For statutory authority for cities to require the removal, repair, or dismantling of dangerous buildings or structures, see Iowa Code §364.12(3).

- not so anchored, attached, or fasten in place so as to be capable of resisting a wind pressure of twenty pounds per square foot;
- C. Whenever any portion thereof has cracked, warped, buckled, or settled to such extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- D. Whenever the building or structure, or any portion thereof, because of
1. dilapidation, deterioration, or decay;
 2. faulty construction;
 3. the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
 4. the deterioration, decay, or inadequacy of its foundation; or
 5. any other cause is likely to partially or completely collapse.
- E. Whenever, for any reasons, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- F. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base;
- G. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing, or outside walls or coverings;
- H. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has been so dilapidated or deteriorated as to become
1. an attractive nuisance to children;
 2. a harbor for vagrants, criminals, or immoral persons; or as to
 3. enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

- I. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease;
- J. Whenever such building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal or fire chief to be a fire hazard;
- K. Whenever any building or structure is in such a condition as to construe or constitute a public nuisance known to the common law, or in equity jurisprudence;
- L. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 44 §2(part), 1974).

15.12.030 Examination by building administrator--Notice to owner.

- A. The building administrator shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged, and, if such is found to be an unsafe building as defined in this chapter, the building administrator shall give the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight hours or such reasonable time as the circumstances require, to commence either the required repairs, or improvements, or commence either the required repairs, or improvements, or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety days from the date of notice, unless otherwise stipulated by the building administrator. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith, and not reoccupied until the required repairs and improvements are completed, inspected, and improved by the building administrator.
- B. The notice shall be served in the manner provided for service of original notice under the Iowa Rules of Civil Procedure upon the owner of record, if he

shall be found within the city limits. If he is not found within the city limits, such service may be made upon the owner by registered mail or certified mail, and the designated period within which the owner or person in charge is required to comply with the order of the building administrator shall begin as of the date he receives such notice. (Ord. 44 §3, 1974)

15.12.040 Notice--Hearing and abatement of nuisance. In the event that the owner fails to take any action to correct the defects in the structure as specified in the notice given under Section 15.12.030, within the time therein specified, or refuses to take such action, the building administrator shall report these matters promptly to the city council, including a report, if any, made by the city health officer. The council shall then consider and adopt an appropriate resolution fixing a time of hearing upon such matters before the city council, and giving the owner not less than five days' notice thereof, and further directing and ordering the owner to show cause why he should not be required to abate the nuisance existing on his property or premises forthwith, and to take action for either the repairs and necessary improvements on the structure, or else the demolition and removal of the structure from the premises in conformity with the building ordinances of this city. The resolution shall further direct and order that in the event the owner fails to abate the nuisance within the time as prescribed at the hearing, then and in that event, the city will take appropriate action to abate the nuisance, and to cause the demolition and removal of the structure from the premises, and to have all of the costs of the action assessed against the property and/or owner and entered upon the tax records as the law shall provide. (Ord. 44 §5, 1974).

15.12.050 Notice--Noncompliance. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the building administrator to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the city council. (Ord. 44 §6, 1974).

15.12.060 Costs. Costs incurred under Section 15.12.040 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved, and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the manner provided for by Section 364.12(3) of the Code of Iowa 1975. (Ord. 44 §7, 1974). Additionally, the city may seek reimbursement by a civil action for damages pursuant to Iowa Code Section 364.12(4). (Added during 2000 codification).

15.12.070 Enforcement. The building official shall be responsible for the enforcement of this chapter. The council may designate some other officer to assist in carrying out the duties of the building official. (Ord. 44 §1, 1974)

Chapter 15.14

PLUMBING CODE

Sections:

- 15.14.010 Uniform plumbing code adopted.
- 15.14.020 Availability of copies.
- 15.14.030 Definitions.
- 15.14.040 Plumbing Inspector.
- 15.14.050 Plumbing permit required.
- 15.14.060 Permit application.
- 15.14.070 Inspection procedure.

15.14.010 Uniform plumbing code adopted. The rules and regulations set out in the Uniform Plumbing Code, 1991 Edition, as amended, as published by the International Association of Plumbing and Mechanical Officials, are hereby adopted by this reference except for such portions as are hereinafter amended by this ordinance. The code shall apply to plumbing and drainage systems in all new construction, relocated buildings, and to any alterations, repairs, or reconstruction of existing systems (1977 codification, amended 2000 codification).

15.14.020 Availability of copies. The city clerk shall secure an adequate number of copies of the Uniform Plumbing Code, 1991 Edition, as amended, and keep them on hand at city hall for public distribution (1977 codification).

15.14.030 Definitions. The following words or terms as used in this chapter shall have the meanings and definitions as follows, unless the context clearly indicates otherwise:

- A. "Inspector" means the plumbing inspector of the city.
- B. "Owner" means the owner, lessee, or person in charge of the land or premises where plumbing materials, plumbing fixtures, or plumbing systems are to be used or installed (added during 1977 codification).

15.14.040 Plumbing Inspector. The City Council shall appoint a plumbing Inspector who shall perform the duties prescribed by this chapter..

15.14.050 Plumbing permit and Fee Required. Any person desiring to install plumbing materials, plumbing fixtures or plumbing systems of any kind within the corporate limits of the city, or to alter or add to any installation now made must obtain

a permit from the plumbing inspector before commencing any work. The cost of the permit will be \$50 (fifty dollars). Any person making such installation without a plumbing permit shall be deemed to be in violation of this chapter and is guilty of a simple misdemeanor and punished as provided in 1.12.010 (1977 codification). (Amended by Ord. 223 §4, 2018).

15.14.060 Permit application. Application for a plumbing permit as required by this chapter shall be made in writing and may be submitted to plumbing inspector or the city clerk, The permit shall set forth the location of the land, building, or structure, the name of the owner and a general description of the nature and extent of the work involved. Upon compliance with the provisions of this section a permit shall be issued by the plumbing inspector, unless it appears that the contemplated work will be in conflict with the provisions of this chapter or other ordinances of the city. An application for an plumbing permit may be filed as part or attached to an application for a building permit. (1977 codification).

15.14.070 Inspection procedure. The plumbing inspector may inspect all factories, stores, buildings, schools, churches, dwellings, garages, or other property where plumbing materials, plumbing fixtures, or plumbing systems are now or hereafter may be installed. The plumbing inspector is authorized and directed to require the owners of such premises to remedy and put in a proper and safe condition within a reasonable time all plumbing materials, fixtures, or systems not installed or maintained in conformance with the provisions of this chapter or other ordinances of the city. Upon refusal by the owner to comply with the direction and order of the plumbing inspector, the plumbing inspector shall report that fact to the city council, and the city council shall give ten days written notice to the owner to remedy such unsafe or improper conditions. In the event the owner fails to comply with such notice and remedy such conditions, the city council is empowered to condemn such unsafe condition and to cause the same to be remedied and to have the cost thereof by resolution certified to the county auditor to be assessed with the real estate taxes against the property involved. (1977 codification).

Chapter 15.15

DISPLAY OF ADDRESS NUMBERS FOR BUILDINGS AND RESIDENCES

(Ord. 220, Feb. 19, 2018, 2020 Codification)

Sections:

15.15.010	Responsibility for Display of Numbers
15.15.020	Size and Location
15.15.030	Appearance
15.15.040	Time to Comply
15.15.050	Notice to Comply
15.15.060	Penalty

20.01.010 Responsibility for Display of Number. It shall be the responsibility of each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business, or industry to purchase, post and maintain address numbers as required under this ordinance at all times. It shall be the duty of the above mentioned, upon affixing a new address number, to remove any conflicting number and to keep address numbers clear from any obstructions.

20.01.020 Size and Location. Address numbers shall be a minimum of four (4) inches in height and shall be located either near a building's main entrance, or on a surface that is plainly visible from the street of address. Additional displays of assigned numbers may be displayed at the property owner's discretion.

20.01.030 Appearance. Assigned numbers shall be displayed with Arabic numerals in a color that contrasts with the color of the subject house or building. Address displays in script are prohibited.

20.01.040 Time to Comply. Property owners, trustees, lessees, agents and occupants shall have sixty (60) days from the effective date of this ordinance to comply with the provisions contained herein.

20.01.050 Notice to Comply. The city council shall give notice by personal service or certified mail to persons in violation of this ordinance. Said notice shall direct those in violation to abate the violation within thirty (30) days after issuance of such notice.

20.01.060 Penalty. Refusal to comply with the any of the provisions of this ordinance, or failure to abate after notice and a period of thirty (30) days constitutes a municipal infraction punishable as provided in Iowa Code Section 364.22.

TITLE 16

SUBDIVISIONS¹⁶

Chapters:

<u>16.04</u>	<u>Purpose</u>
<u>16.08</u>	<u>Definitions</u>
<u>16.12</u>	<u>Plat Required</u>
<u>16.16</u>	<u>Final Approval Procedure</u>
<u>16.20</u>	<u>Design Standards</u>
<u>16.24</u>	<u>Improvements</u>
<u>16.28</u>	<u>Preliminary Plan</u>
<u>16.32</u>	<u>Final Plat</u>
<u>16.36</u>	<u>Plans and Specifications</u>
<u>16.40</u>	<u>Exception to Requirements</u>

Chapter 16.04

PURPOSE

16.04.010 Purpose. The purpose of this title is to provide for the harmonious development of the city and general vicinity by the coordination of proposed subdivisions with the existing and future development plans in the city and to promote the health, safety, and general welfare of the Danville, Iowa, community. (Ord. 25 §1, 1967).

Chapter 16.08

DEFINITIONS

Sections:

<u>16.08.010</u>	<u>Definitions generally.</u>
<u>16.08.020</u>	<u>Building line.</u>
<u>16.08.030</u>	<u>Easement.</u>
<u>16.08.050</u>	<u>Performance bond.</u>
<u>16.08.060</u>	<u>Roadway.</u>

¹⁶For statutory provisions on plats, see Iowa Code Ch. 354.

- 16.08.070 Street.
- 16.08.080 Subdivider.
- 16.08.090 Subdivision.

16.08.010 Definitions generally. For the purpose of this title certain words and terms are defined as set out in this chapter. (Ord. 25 §2(part), 1967).

16.08.020 Building line. "Building line" means a line on a plat between which line and a street no building or structure may be erected. (Ord. 25 §2(1), 1967).

16.08.030 Easement. "Easement" means a conveyance or grant by the property owner of a strip of land to the general public, a corporation, or a certain person or persons, for use for a specific purpose. (Ord. 25 §2(2), 1967).

16.08.040 Lot. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or of building development. (Ord. 25 §2(3), 1967).

16.08.050 Performance bond. "Performance bond" means a surety bond or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by this title, the cost being estimated by the city council, and the surety bond or cash deposit being legally sufficient to secure to the city that the improvements will be constructed in accordance with this title. (Ord. 25 §2(4), 1967).

16.08.060 Roadway. "Roadway" means that portion of the street available for vehicular traffic and, where curbs are laid, the portion from back to back of curbs. (Ord. 25 §2(5), 1967).

16.08.070 Street. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated. (Ord. 25 §2(6), 1967).

16.08.080 Subdivider. "Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust or any other group, including any agent thereof, or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in Section 16.08.090. (Ord. 25 §2(8), 1967).

16.08.090 Subdivision. "Subdivision" means the division of land into two or more lots, or other division of land into parcels of one acre or less in area for the purpose, whether immediate or future, of transfer of ownership or building development, or,

any change in existing street lines or public easements. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land. (Ord. 25 §2(7), 1967).

Chapter 16.12

PLAT REQUIRED

16.12.010 Purpose. It is unlawful for the owner, agent, or person in control of any land within the corporate limits of the city, or within two miles of its corporate limits, to subdivide, plat, or lay out the land into lots, blocks, streets, avenues, alleys, public ways or grounds, unless by plat in accordance with the provisions of this title, and the laws of the state of Iowa. (Ord. 25 §3, 1967).

Chapter 16.16

FINAL APPROVAL PROCEDURE

Sections:

- 16.16.010 Designated.
- 16.16.020 Filing fee.
- 16.16.030 Examination by city council.
- 16.16.040 Hearing before commission--Notice.
- 16.16.050 Recommendations by commission--Scope.
- 16.16.060 Preparation of final plat.
- 16.16.070 Items necessary for council.
- 16.16.080 Approval or disapproval by council.
- 16.16.090 Council resolution as final approval--Filing.
- 16.16.100 Release of performance bond.
- 16.16.110 Maintenance bond.

16.16.010 Designated. All proposed subdivisions and the platting thereof shall be approved by the city council and such approval shall be obtained as set out in this chapter. (Ord. 25 §4(part), 1967).

16.16.020 Filing fee. The subdivider shall first prepare and file with the city council four copies of a preliminary plan conforming to the requirements set forth in this title. Plans filed shall be accompanied by a fee of four dollars for each lot in the subdivision.

A minimum filing fee of thirty-six dollars shall be required if the subdivision consists of less than ten lots. (Ord. 25 §4(1), 1967).

16.16.030 Examination by city council.

- A. The city council shall refer the copies of the plan filed to the planning and zoning commission. The city council shall examine the plan to determine whether it complies with the ordinances and regulations of the city, the existing street system, and good engineering practices. The council shall submit its findings to the commission on the day after the first regular meeting of the council following the filing of the plan.
- B. The council may require additional copies of plans to be filed for subdivisions outside the corporate limits of the city for referral to the county board of supervisors. (Ord. 25 §4(2), 1967).

16.16.040 Hearing before commission--Notice. A hearing on the plan filed will be held before the commission at its first regular meeting following the receipt of the plan from the council. Notice of the hearing, which shall include the time and place, shall be given by the commission not less than five days prior to the date of the hearing by mailing a notice to the person or persons who filed the preliminary plan at the address set forth in the filing papers and to all interested persons by posting notice in three public places in the city. (Ord. 25 §4(3), 1967).

16.16.050 Recommendations by commission--Scope. The commission shall as soon as possible following the hearing on the plan, but not more than thirty days thereafter, consider and pass upon the plan. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval. Approval of the preliminary plan by the plan commission is revocable and does not constitute final approval or acceptance of the subdivision by the council or authorization to proceed on construction of improvements within the subdivision, but shall constitute approval of layout and general engineering proposals and plans. (Ord. 25 §4(4), 1967).

16.16.060 Preparation of final plat. Upon approval of the preliminary plan by the commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required by this chapter. (Ord. 25 §4(5), 1967).

16.16.070 Items necessary for council. In order to obtain final approval of the plat of a proposed subdivision, the subdivider shall submit to the city council the following:

- A. Six copies of the final plat;

- B. A performance bond in the amount approved by the city councils;
- C. One copy of the certified approved plans, profiles, cross sections and specifications. (Ord. 25 §4(6), 1967).

16.16.080 Approval or disapproval by council. When the final plat has been approved by the council, and the performance bond accepted, three retained by the city, and three copies shall be delivered to the subdivider for filing with the county recorder and county auditor. If the plat is disapproved by the council, such disapproval shall point out in writing wherein the proposed plat is objectionable. (Ord. 25 §4(7), 1967).

16.16.090 Council resolution as final approval--Filing. The passage of a city council resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be filed in the offices of the county recorder and county auditor, and shall file satisfactory evidence of such filing with the clerk before the city recognizes the plat as being in full force and effect. Passage of a resolution accepting the plat shall be authorization for the subdivider to proceed with the installation and construction of the required improvements. (Ord. 25 §4(8), 1967).

16.16.100 Release of performance bond. The council shall release the performance bond upon certification by the city council of satisfactory completion of the installation and construction of the required improvements, and acceptance of the required improvements by the council. Prior to certification of the city council plans, profiles, and cross sections of the required improvements as they have been built. (Ord. 25 §4(9), 1967).

16.16.110 Maintenance bond. Prior to the release of the Performance Bond, the subdivider shall file with the city a Maintenance Bond to be approved by the Council. The Maintenance Bond shall be for the period fixed by the Council, which shall be in no event less than two years for all sewer installations and four years for all paving installations; and on the condition that the subdivider shall maintain such improvements in good repair for the periods established by the Council. (Ord. 25 §4(10), 1967).

Chapter 16.20

DESIGN STANDARDS

Sections:

16.20.010	Blocks.
16.20.020	Building lines.
16.20.030	Easements.
16.20.040	Extension of existing streets.
16.20.050	Intersections.
16.20.060	Lots.
16.20.070	Roadway widths and dead-end streets.
16.20.080	Street names.
16.20.090	Street widths.

16.20.010 Blocks. No residential block shall be shorter than five hundred feet or longer than one thousand feet between street lines. The depth of residential blocks shall not be less than two hundred feet and not more than three hundred and fifty feet. (Ord. 25 §10, 1967).

16.20.020 Building lines. Building lines conforming with zoning requirements shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the plan commission or city council may require building lines in accordance with the needs of each subdivision. (Ord. 25 §12, 1967).

16.20.030 Easements. Where alleys are not provided in the plat, easements of not less than five feet in width shall be granted by the owner on each side of all rear, and where necessary, side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extension of main sewers or other utilities. No buildings or structures shall be permitted on such easements. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the city an easement along the streams and watercourses. (Ord. 25 §13, 1967).

16.20.040 Extension of existing streets. New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas or the proper projection of streets where adjoining property is not subdivided. Easements providing for the future opening and extension of such streets shall, at the discretion of the council, be made a requirement for approval of the plat. (Ord. 25 §5, 1967)

16.20.050 Intersections.

- A. Street intersections shall be rounded by radii of at least twenty feet.
- B. Street shall be laid out so far as practical to intersect at right angles and may be curved approaching the intersection in order to bring this about. No street shall in any event intersect any other street at an angle of less than sixty degrees.
- C. The design of the intersection shall be such that a clear sight distance will be maintained for seventy-five feet at the roadway centerline, with no obstruction to sight within the triangle formed by these points. (Ord. 25 §8, 1967).

16.20.060 Lots.

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- B. The width and area of all lots shall comply to the requirements of the zoning district in which they are located. However, no residential lot shall be less than sixty feet in width at the building line, or less than one hundred feet in depth, or less than six thousand square feet in area. Corner lots shall have additional width sufficient to permit the establishment of front building lines on both adjoining streets. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines. (Ord. 25 §11, 1967).

16.20.070 Roadway widths and dead-end streets. The minimum roadway widths for streets shall be thirty-one feet, and the minimum roadway widths for alleys shall be twenty feet. The maximum length of a dead-end street shall be five-hundred feet. In the case of a dead-end street, the planning and zoning commission or the city council may require a turnaround of an approved size, or may require a temporary easement for the turnaround where temporary dead-end streets are designed to provide future connection with unsubdivided adjoining areas. (Ord. 25 §7, 1967).

16.20.080 Street names. Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The city council shall determine house numbers. (Ord. 25 §9, 1967).

16.20.090 Street width. The widths and locations of major streets shall conform to the widths and locations designated on the existing major street plan of the city. The minimum width of a minor street or existing new street shall be sixty feet. Where streets adjoin unsubdivided property a half street at least thirty feet in width shall be dedicated, and whenever subdivided property adjoins a half street the remainder of the street shall be dedicated. (Ord. 25 §6, 1967).

Chapter 16.24

IMPROVEMENTS

Sections:

- 16.24.010 Designated.
- 16.24.020 Roadway surfacing.
- 16.24.030 Sidewalks--Exception.
- 16.24.040 Sewers.
- 16.24.050 Street and alley grades.
- 16.24.060 Water lines.

16.24.010 Designated. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the city council and to its satisfaction. (Ord. 25 §14(part), 1967).

16.24.020 Roadway surfacing. All roadways shall be surfaced in accordance with applicable standard specifications as approved by the city council. (Ord. 25 §14(2), 1967).

16.24.030 Sidewalks--Exception. Sidewalks with a minimum width of four feet of portland concrete cement shall be installed. Sidewalks shall be constructed to the grade approved by the city council. The council may waive this requirement where, in its sole discretion, the size of the lots platted does not justify the installation of sidewalks. (Ord. 25 §14(3), 1967).

16.24.040 Sewers. Where a sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer, and shall provide within the subdivision a system to make sanitary sewer accessible to each lot in the subdivision. The construction of a sewer system shall be subject to the supervision and approval of the city council. Adequate provisions shall be made for

the disposal of stormwater subject to the approval and supervision of the city council. (Ord. 25 §14(5), 1967).

16.24.050 Street and alley grades. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the city council. (Ord. 25 §14(1), 1967).

16.24.060 Water lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with standards setting forth the procedure and under the supervision of the city council. (Ord. 25 §14(4), 1967).

Chapter 16.28

PRELIMINARY PLAN

Sections:

16.28.010 Contents.

16.28.010 Contents. The preliminary plan shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less, shall be plainly marked "Preliminary plan," and shall show the following:

- A. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded;
- B. The name and address of the owner and name, address and profession of the person preparing the plan;
- C. The date, scale and north point and a key map showing the general location of the proposed subdivision in relation to surrounding development;
- D. The legal description of the area being platted;
- E. The boundary line (accurate in scale), the dimensions of the property to be platted and the location of section lines. Contours with intervals of not less than two feet shall be required;
- F. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;

- G. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plan;
- H. The zoning classification and proposed use for the area being platted;
- I. The layout, numbers and approximate dimensions of proposed lots;
- J. The layout of all existing and proposed building lines and easements;
- K. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use;
- L. Proposed names for all streets in the area being platted;
- M. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks, and drainage structures;
- N. Written and signed statements of the appropriate officials of the availability of gas, electricity, and water to the proposed subdivision;
- O. Any restrictions proposed to be included in the owner's declaration of plat. (Ord. 25 §15, 1967).

Chapter 16.32

FINAL PLAT

Sections:

16.32.010 Contents.

16.32.010 Contents. The final plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less, and shall show the following:

- A. The title under which the subdivision is to be recorded;
- B. The name or names of the owners and subdividers;

- C. The date, scale and north point, and a key map showing the general location of the proposed subdivision;
- D. The legal description of the area being platted;
- E. Accurate distances and bearings referred to true north of all boundary lines of the subdivision including all sections, U.S. Survey, and Congressional township lines;
- F. Centerlines of all proposed and adjoining streets with their right-of-way width and names;
- G. Line of all lots with a simple method of numbering to identify all lots and blocks;
- H. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements;
- I. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of feet;
- J. All radii, arcs, points of tangency, central angles, and lengths of curves;
- K. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
- L. All survey monuments and benchmarks, together with their description;
- M. Private restrictive covenants, if any, and their period of existence;
- N. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use or is to be reserved by deed covenant for the common use of the property owners in the subdivision. (Ord. 25 §16, 1967).

Chapter 16.36

PLANS AND SPECIFICATIONS

Sections:

16.36.010 Designated.

16.36.010 Designated. The subdivider shall submit to the city council the plans, profiles and cross sections, drawn to a horizontal scale of one inch to one hundred feet or less and a vertical scale of one inch to twenty feet or less, and specifications for the construction of the improvements for the subdivision as required by this title. All elevations shall be referred to mean sea level. The plans and specifications shall include the following:

- A. Profiles of each street with tentative grades and street intersection elevations.
- B. The cross sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than fifty feet along the centerline and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way;
- C. The plan and profile of proposed sanitary sewers and stormwater sewer with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants. (Ord. 25 §17, 1967).

Chapter 16.40

EXCEPTION TO REQUIREMENTS

Sections:

16.40.010 Variance, modification, or waiver.

16.40.010 Variance, modification, or waiver. Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this title would result in unusual hardship to the subdivider, the city council may

vary, modify, or waive the requirements so that substantial justice may be done and the public interest furthered, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this title. In granting variances and modifications, the city council may require such conditions as will in its discretion substantially secure the objectives of this title. (Ord. 25 §18, 1967).

TITLE 17

ZONING

Chapters:

<u>17.03</u>	<u>Danville Zoning Code</u>
<u>17.04</u>	<u>Title, Interpretation and Purpose</u>
<u>17.08</u>	<u>Definitions</u>
<u>17.12</u>	<u>General Regulations</u>
<u>17.16</u>	<u>Zoning Districts and Zoning District Map</u>
<u>17.20</u>	<u>R-1a One-Family Residential District</u>
<u>17.28</u>	<u>R-2 Two-Family Residential District</u>
<u>17.32</u>	<u>R-3 Apartment Residential District</u>
<u>17.40</u>	<u>C-1 Commercial District</u>
<u>17.44</u>	<u>C-2 General Commercial District</u>
<u>17.48</u>	<u>C-3 Business District</u>
<u>17.56</u>	<u>M-1 Light Industrial District</u>
<u>17.60</u>	<u>M-2 Heavy Industrial District</u>
<u>17.63</u>	<u>HP-1 Historic Preservation District</u>
<u>17.64</u>	<u>Height and Area Regulations</u>
<u>17.66</u>	<u>Signs</u>
<u>17.68</u>	<u>Off-Street Parking and Loading Requirements</u>
<u>17.72</u>	<u>Special Use Regulations</u>
<u>17.76</u>	<u>Nonconforming Uses</u>
<u>17.80</u>	<u>Certificates of Occupancy</u>
<u>17.88</u>	<u>Planned Unit Developments</u>
<u>17.92</u>	<u>Flood Management</u>
<u>17.96</u>	<u>Amendments to Zoning Provisions</u>
<u>17.100</u>	<u>Zoning Enforcement</u>

Chapter 17.04

TITLE, INTERPRETATION AND PURPOSE

Sections:

- 17.04.010 Short title.
- 17.04.020 Interpretation Purpose.
- 17.04.030 Introductory Language for Danville Zoning Ordinance.

17.04.010 Short title. This title shall be known as the Zoning Code of the City of Danville, Iowa.

17.04.020 Interpretation -- Purpose. In their interpretation and application, the provisions of this title shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. It is not intended to interfere with or abrogate or annul any other resolution or rules, regulations or permits, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions of this title; nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this zoning title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires a larger open space or larger lot area than that imposed or required by such other resolutions, easements, covenants, or agreements, the provisions of this title shall control.

17.04.030 Introductory Language for Danville Zoning Ordinance. The purpose of this chapter is to promote public health and safety, comfort, order and general welfare, to conserve and protect natural and man-made environments, to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources, and to facilitate adequate but economical provisions for public improvements, all in accordance with Chapter 414 of the Code of Iowa.

Chapter 17.08

DEFINITIONS

Sections:

17.08.010	Generally.
17.08.020	Accessory building or use.
17.08.030	Adults-only business.
17.08.040	Alley.
17.08.050	Apartment house.
17.08.060	Basement.
17.08.080	Boardinghouse or guest inn.
17.08.090	Building.
17.08.100	Building height.
17.08.110	Cellar.
17.08.120	Clinic, medical.
17.08.130	Club.
17.08.140	District.
17.08.150	Dwelling.
17.08.160	Dwelling, multiple.
17.08.170	Dwelling, one-family.
17.08.180	Dwelling, row.
17.08.190	Dwelling, two-family.
17.08.200	Dwelling unit.
17.08.210	Family.
17.08.220	Filling station.
17.08.230	Frontage.
17.08.240	Garage, private.
17.08.250	Garage, public.
17.08.260	Garage, storage or parking.
17.08.270	Grade.
17.08.280	Home occupation.
17.08.290	Hotel.
17.08.300	Institution.
17.08.310	Laundry, self-service.
17.08.320	Loading space.

17.08.330	Lodging house.
17.08.340	Lot.
17.08.350	Lot, corner.
17.08.360	Lot, double front.
17.08.370	Lot of record.
17.08.380	Lot width.
17.08.390	Major thoroughfare.
17.08.400	Mobile home.
17.08.410	Mobile home park.
17.08.420	Motor court or motel.
17.08.425	Nightclub.
17.08.430	Nonconforming use.
17.08.440	Nursing, rest or convalescent home.
17.08.450	Parking area.
17.08.460	Parking lot.
17.08.470	Parking space.
17.08.480	Place.
17.08.490	Porch, unenclosed.
17.08.495	Restaurant.
17.08.500	Rooming house.
17.08.530	Story.
17.08.540	Story, half.
17.08.550	Street.
17.08.560	Street line.
17.08.570	Structural alterations.
17.08.580	Structure.
17.08.585	Tavern.
17.08.600	Trailer or tourist camp.
17.08.610	Yard.
17.08.620	Yard, front.
17.08.630	Yard, rear.
17.08.640	Yard, side.

17.08.010 Generally. For the purpose of this title, certain terms and words are defined as set out in this chapter.

A. Words used in the present tense include the future;

- B. Words in the singular number include the plural, and words in the plural number include the singular and the use of any gender shall be applicable to all genders;
- C. The word “shall” is mandatory and not directory;
- D. The word building includes the word structure;
- E. The word lot includes the word plot.

17.08.020 Accessory building or use. Accessory building or use means subordinate building, or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.

17.08.030 Adults-only business. Adults-only business means any retail store, theater, personal service establishment, massage parlor, physical therapy center or other place of business which regularly excludes minors by virtue of age, not including, however, establishments holding liquor control permits or beer permits.

17.08.040 Alley. “Alley” means a way which affords only a secondary means of access to property abutting thereon.

17.08.050 Apartment house. “Apartment house” See dwelling, multiple.

17.08.060 Basement. “Basement” means a story having a part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

17.08.080 Boardinghouse or guest inn. “Boardinghouse” or Aguest inn@ means a building other than a hotel where, for compensation and by prearrangement for definite periods, meals or both lodging and meals are provided for five or more persons, but not exceeding twelve persons. Such an establishment may provide receptions, brunches, luncheons and similar meals to more than twelve person when a special use permit allowing such use has been granted by the Variance Board.

17.08.090 Building. “Building” means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

17.08.100 Building height. “Building height” means the vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or of a mean height level between eaves and ridge of a gable, hip or gambrel roof.

17.08.110 Cellar. A “Cellar” means a story having more than one-half of its height below grade.

17.08.120 Clinic, medical. A “Medical clinic” means an institution or station for the examination and treatment of ill and afflicted outpatients.

17.08.130 Club. “Club” means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

17.08.140 District. “District” means any section of the City within which the zoning regulations are uniform.

17.08.150 Dwelling. “Dwelling” means any building or portion thereof which is designed for or used for residential purposes.

17.08.160 Dwelling, multiple. “Multiple dwelling” means a building designed for or occupied exclusively by three or more families.

17.08.170 Dwelling, one-family. “One-family dwelling” means a building designed for exclusive occupancy by one family and occupied exclusively by one family.

17.08.180 Dwelling, row. “Row dwelling” means a row of three or more, but not exceeding ten attached dwellings located on a single lot or on a common frontage of a number of adjoining lots or portions of lots, which comprise a continuous structure divided into separate dwellings by one or more continuous party or lot line walls extending from the ground upward to, or through the roof deck. The

entire structure shall be considered as a single building with respect to side yard requirements. If a parcel of land containing, or proposed to contain, row dwellings is divided into lots in such a manner to provide separate lots for separate row dwellings, the party walls shall be centered on the appropriate lot lines.

17.08.190 Dwelling, two-family. “Two-family dwelling” means a building designed for exclusive occupancy by two families and occupied exclusively by two families.

17.08.200 Dwelling unit. “Dwelling unit” means any portion of a building having one room or a suite of two or more rooms designed for or used by one family for independent living and sleeping quarters including cooking and bathing facilities.

17.08.210 Family. “Family” means one or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, lodging house, motel or hotel as defined in this chapter.

17.08.220 Filling station. “Filling station” means any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

17.08.230 Frontage. “Frontage” means all the property on one side of a street between two streets which intersect such street (crossing or terminating) measured along the line of the street, or if the street is dead-end, then all of the property abutting on one side between a street which intersects such street and the dead-end street.

17.08.240 Garage, private. “Private garage” means the storage space in a residential building or an accessory building designed or used for the parking only of not more than three motor-driven vehicles owned and used by the occupants of the residence to which it is accessory. A residence located on a lot greater than three-fourths of an acre in area may have garage space for more than three vehicles if all yard setbacks are maintained and the gross floor area of the garage does not exceed seventy-five percent of the above-ground gross floor area of the residence.

17.08.250 Garage, public. “Public garage” means a building or portion thereof, other than a private storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles.

17.08.260 Garage, storage or parking. “Storage garage” or “parking garage” means a building or portion thereof designed or used exclusively for storage of motor-driven vehicles and within which motor fuels and oils may be sold but no vehicles are equipped, repaired, hired or sold.

17.08.270 Grade. “Grade” means:

- A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- B. For buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;
- C. For buildings having no wall adjoining a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building;
- D. Any wall approximately parallel to and not more than fifteen feet from a street line is to be considered as adjoining the street. Where sidewalks do not exist, the grade shall be established by the office of the Engineer.

17.08.280 Home occupation. “Home occupation” means any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling purposes, and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises in connection with which there is no display or storage of materials or variation from the residential character of the main building or accessory building; and in connection with which no person outside the family is employed and not equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include beauty culture schools, beauty parlors, barbershops or doctors’ offices for the treatment of patients.

17.08.290 Hotel. “Hotel” means a building in which lodging, or boarding and lodging, are provided for more than twelve persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A

hotel is open to the transient public in contradistinction to a boardinghouse, a rooming house, or an apartment which are separately defined in this chapter.

17.08.300 Institution. "Institution" means a building occupied by a nonprofit corporation or nonprofit establishment for public use.

17.08.310 Laundry, self-service. "Self-service laundry" means an establishment providing home-type washing, drying or ironing machines for use on the premises.

17.08.320 Loading space. "Loading space" means a space not less than ten feet wide, twenty feet long, and fourteen feet in height within the main building or on the same lot therewith, providing for the off-street standing, loading or unloading of trucks and trailers.

17.08.330 Lodging house. "Lodging house" See "rooming house."

17.08.340 Lot. "Lot" means land occupied or intended for occupancy by a use permitted in this title, including one main building together with its accessory buildings, and the yards, loading and parking spaces required in this title, and having its principal frontage upon a street or upon an officially approved place.

17.08.350 Lot, corner. "Corner lot" means a lot abutting upon two or more streets at their intersection.

17.08.360 Lot, double front. "Double front lot" means a lot having a front on two streets as distinguished from a corner lot.

17.08.370 Lot of record. "Lot of record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Deeds of Des Moines County or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Deeds of Des Moines County.

17.08.380 Lot width. "Lot width" means the distance between the side lot lines, measured along the building setback line when one is required in these regulations and otherwise along the street lines, except, however, in the case of an irregularly shaped lot the width of lot shall be the average of the greatest and least distance between the side lot lines.

17.08.390 Major thoroughfare. “Major thoroughfare” means and is described as follows: primary road extension of U.S. Highway 61.

17.08.400 Mobile home. “Mobile home” means single-family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other foundations, connection to utilities, and the like.

17.08.410 Mobile home park. “Mobile home park” means an area providing spaces where two or more mobile homes or may be parked.

17.08.420 Motor court or motel. “Motor court” or “motel” means a building or group of buildings used primarily for the temporary residence of motorists or travelers.

17.08.425 Nightclub. “Nightclub” means any building or part thereof, where food and/or alcoholic beverages are sold for on-site consumption, and where live entertainment or music, floor shows, or space for dancing is provided.

17.08.430 Nonconforming use. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of this title or amendment thereto which does not conform after the passage of this title or amendment thereto with the use regulations of the district in which it is situated.

17.08.440 Nursing, rest or convalescent home. “Nursing,” “rest” or “convalescent home” means a home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

17.08.450 Parking area. “Parking area” means an open, unoccupied space used or required for the use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

17.08.460 Parking lot. "Parking lot" means an open surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented or sold.

17.08.470 Parking space. "Parking space" means a surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty square feet exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for vehicles.

17.08.480 Place. "Place" means an open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.

17.08.490 Porch, unenclosed. "Unenclosed porch" means a porch consisting only of a roof and floor and supporting members together with, if desired, a solid or open balustrade not more than three feet in height.

17.08.495 Restaurant. "Restaurant" means a building or part thereof, other than a boarding house, where meals are provided for compensation, including a café, cafeteria, coffee shop, and lunchroom, and including the serving of alcoholic beverages when served with meals and when clearly incidental to the serving of meals.

17.08.500 Rooming house. "Rooming house" means a building other than a hotel where lodging for three but not more than twelve persons is provided for definite periods for compensation pursuant to previous arrangement.

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

17.08.540 Story, half. "Half-story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

17.08.550 Street. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property.

17.08.560 Street line. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.

17.08.570 Structural alterations. "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by existing ordinances.

17.08.580 Structure. "Structure" means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences or pergolas.

17.08.585 Tavern. "Tavern" means any building or part thereof where alcoholic beverages are sold primarily for on-site consumption, but not including restaurants or similar establishments where the primary business activity is the serving of food.

17.08.600 Trailer or tourist camp. "Trailer" or "tourist camp" means an area containing one or more camping trailers or motor homes designed or intended to be used as temporary living facilities of one or more families and intended primarily for automobile transients, or providing spaces where two or more can be parked. Temporary living facilities are used for a 30 day period or special permission by City Council.

17.08.610 Yard. "Yard" means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

17.08.620 Yard, front. "Front yard" means a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than projections permitted in Sections 17.64.030 and 17.08.040 of this title. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

17.08.630 Yard, rear. "Rear yard" means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches and the rear lot line. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

17.08.640 Yard, side. "Side yard" means a yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Chapter 17.12

GENERAL REGULATIONS

Sections:

- 17.12.010 Annexed territory.
- 17.12.020 Compliance.
- 17.12.030 Vehicular access.
- 17.12.040 Building permits.
- 17.12.050 Survey.

17.12.010 Annexed territory. All territory which may hereafter be annexed to the City as per use at time and rezoned as needed.

17.12.020 Compliance. Except as permitted elsewhere in this code:

- A. Land may be used only for a purpose permitted in the district in which it is located;

- B. No building may be used, erected, converted, enlarged, reconstructed, moved, or structurally altered for any use not permitted in the district in which such building is located.
- C. No building may be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established in this title for the district in which such building is located.
- D. No building may be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- E. No building may be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this code.
- F. The minimum yards, parking spaces, and open spaces, including lot area per family required by this title for each and every building existing on date of expiration, or for any building thereafter erected or structurally altered, may not be encroached upon, or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this title for the district in which such lot is located.
- G. Every building erected or structurally altered after date of expiration, must be located on a lot, as defined in this title, and in no case may there be more than one main building on one lot unless otherwise permitted under this title.

17.12.030 Vehicular access.

- A. Every building used or intended to be used for residential purposes which is erected or moved after date of expiration, must be on a lot or parcel which affords direct access to an approved public street or alley. The access which is erected or moved after date of expiration, must be on a lot or parcel which affords direct access to an approved public street or alley. No more than two residential buildings may share the same private drive. When a shared private drive is constructed, the original lot owner shall be responsible for its construction, and the construction must be complete prior to occupancy

of the residential building on the adjoining lot to be serviced by the commonly shared drive. The shared private drive must be no less than sixteen feet in width for roadway purposes and shall be of a dust-free surface material and adequately drained. All residential buildings must be so located on the lots sharing the common private drive so as to provide safe and convenient access for servicing and fire protection.

- B. For the purpose of this section, an “approved public street” is defined as having a dedicated public right-of-way and a hard-surfaced roadway. An “approved public alley” is defined as having a minimum right-of-way width of sixteen feet and a minimum roadway width of sixteen feet. Roadway surfaces must meet the minimum standard specifications of the City in order to be classified as an approved street or alley.

17.12.040 Building permits. All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this section and Section 17.12.050. One copy of such plat plan shall be returned to the owner when such plans have been approved. An inspection period of two weeks shall be allowed for inspection of plans before a permit shall be issued.

17.12.041 - Refer to Chapter 15 Building Code (15.04.030, 15.04.040, 15.04.050, 15.04.060).

17.12.050 Survey. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

Chapter 17.16

ZONING DISTRICTS AND ZONING DISTRICT MAP

Sections:

- 17.16.010 Districts designated.
- 17.16.020 Zoning district map.
- 17.16.030 Boundaries.

17.16.010 Districts designated. In order to classify and regulate the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces surrounding such buildings, the City is divided into nine classes of districts. The use and area regulations are uniform in each district, and the districts shall be known as:

- R-1a One-family Residential District
- R-2 Two-family Residential District
- R-3 Apartment Residential District
- C-1 Commercial District
- C-2 General Commercial District
- C-3 Central Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

17.16.020 Zoning district map. The boundaries of these districts are established as shown on the map made a part of this title by reference, which map is designated as the Zoning District Map of the City. The zoning district map and all the notations, references and other information shown thereon are a part of this code and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were all fully set forth or described in this section; which zoning district map is properly attested and on file with the Clerk.

17.16.030 Boundaries. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map, and made a part of this title, the following rules apply:

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this tile are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this title shall be determined by use of the scale appearing in the map.

Chapter 17.20

R-1A ONE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.20.010 General regulations.
- 17.20.020 Use regulations.
- 17.20.030 Height and area regulations.
- 17.20.040 Parking regulations.

17.20.010 General regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter, are the regulations in the R-1a one-family residential district.

17.20.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. One-family dwelling;

- B. Agricultural uses whose products are primarily for home consumption, such as domestic gardening, berry, or bush crops; tree crops; flowering gardening, orchards and aviaries. On-site sale of such crops is disallowed;
- C. Publicly owned or operated park, playground or community building, museum, library, or art gallery;
- D. Church or other places of worship, or Sunday school;
- E. Public schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools;
- F. Golf club or grounds. A miniature course or practice driving tee operated for commercial purposes is not permitted;
- G. Home occupation;
- H. Subject to the provisions of Section 17.64.080 of this title, accessory building or use customarily incident to the above uses but not involving the conduct of a business, including but not limited to a private garage and a greenhouse or conservatory.

17.20.030 Height and area regulations. The height and area regulations as set forth in Chapter 17.64 of this title shall be observed.

17.20.040 Parking regulations. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.28

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.28.010 General regulations.
- 17.28.020 Use regulations.
- 17.28.030 Height and area regulations.
- 17.28.040 Parking regulations.

17.28.010 General regulations. The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-2 two-family residential district.

17.28.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1a one-family residential district;
- B. Two-family dwellings.

17.28.030 Height and area regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.28.040 Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.32

R-3 APARTMENT RESIDENTIAL DISTRICT

Sections:

- 17.32.010 General regulations.
- 17.32.020 Use regulations.
- 17.32.030 Height and area regulations.
- 17.32.040 Parking regulations.

17.32.010 General regulations. The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-3 apartment residential district.

17.32.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-2 two-family residential district;

- B. Multiple dwelling;
- C. Medical clinic;
- D. Tourist home when located on an officially designated state highway;
- E. Rooming house and boardinghouse;
- F. Religious, educational, eleemosynary institution of a philanthropic nature, but not a penal or mental institution;
- G. Hospital or sanitarium, except a criminal, mental or animal institution;
- H. Nursing, rest, or convalescent home;
- I. Private club, fraternity, sorority, or lodge, excepting one in which the chief activity is a service customarily carried on as a business;
- J. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, rooming or boarding house, hospital, or institution;
- K. Private or publicly operated and/or supported congregate housing for physically or mentally handicapped persons.

17.32.030 Height and area regulations. The height and area requirements set forth in Chapter 17.64 of this title shall be observed.

17.32.040 Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.40

C-1 COMMERCIAL DISTRICT

Sections:

- 17.40.010 General regulations.
- 17.40.020 Use regulations
- 17.40.030 Height and area regulations.
- 17.40.040 Parking and loading regulations.

17.40.010 General regulations. The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the C-1 commercial district.

17.40.020 Use regulations. A building or premises shall be used only for the following purposes, provided that adults-only businesses shall not be permitted:

- A. Any use permitted in the R-3 apartment residential district;
- B. Automobile parking lot or storage or parking garage;
- C. Bank or financial institution;
- D. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, catering and bakery with sale of bakery products on the premises and other uses of a similar character, provided that no use permitted in this subsection shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees;
- E. Filling stations;
- F. Offices and office buildings;
- G. Personal service uses including barbershops, beauty parlors, photographic or art studios, messenger, taxi-cab, newspaper or telegraphic branch service stations; dry cleaning receiving stations; restaurants, and other uses of a similar character;

- H. Private school;
- I. Retail store, in connection with which there shall be no slaughtering of animals or poultry nor commercial fish cleaning and processing on the premises;
- J. Theater, not including drive-in theaters;
- K. Laundry, self-service;
- L. Florist shop or greenhouse;
- M. Undertaking business;
- N. Nurseries;
- O. Taverns, but not within one hundred fifty feet of property containing a hospital, church, school, park or other public use, and excluding facilities which provide live entertainment, music or space for dancing;
- P. Accessory buildings or uses customarily incidental to any of the above uses.

17.40.030 Height and area regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.40.040 Parking and loading regulations. Off-street parking and loading spaces shall be provided for in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.44

C-2 GENERAL COMMERCIAL DISTRICT

Sections:

- 17.44.010 General regulations
- 17.44.020 Use regulations.

- 17.44.030 Height and area regulations.
- 17.44.040 Parking and loading regulations.

17.44.010 General regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter, are the regulations in the C-2 general commercial district.

17.44.020 Use regulations. A building or premises shall be used only for the following purposes, provided that adults-only business shall not be permitted:

- A. Any use permitted in the C-1 commercial district;
- B. Automobile or trailer display and sales room;
- C. Bowling alley;
- D. Business or commercial school;
- E. Dancing or music academy;
- F. Display and sales room;
- G. Drive-in restaurant or theater;
- H. Frozen food locker;
- I. Hotel;
- J. Motel;
- K. Milk distributing station;
- L. Public garage;
- M. Radio or television broadcasting station or studio;
- N. Veterinarian or animal hospital;
- O. Used car sales or storage lot;

- P. Dyeing, cleaning, and laundry;
- Q. Painting;
- R. Plumbing;
- S. Tinsmithing;
- T. Tire sales and service;
- U. Upholstering and other general service or repair establishment of similar character which do not employ more than ten persons on the premises in a single shift, not including persons on the premises in a single shift, not including persons whose principal duties are off the premises;
- V. Potato chip processing;
- W. Bus or truck terminal;
- X. Truck or bus garage and repair shop;
- Y. Warehousing and wholesale establishments;
- Z. Nightclubs, provided off-street parking requirements are not waived or reduced, and not within one hundred fifty feet of property containing a hospital, church, school, park or other public use, or within one hundred feet or residentially zoned property, and provided sufficient sound insulation is installed so as to avoid violations of the code concerning noise disturbances;
- AA. Tavern, but not within one hundred fifty feet of property containing a hospital, church, school, park or other public use. Off-street parking requirements may not be waived or reduced more than twenty-five percent for taverns located adjacent to residential zones;
- BB. Accessory building or use customarily incidental to any of the above.

17.44.030 Height and area regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.44.040 Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.48

C-3 BUSINESS DISTRICT

Sections:

- 17.48.010 General regulations.
- 17.48.020 Use regulations.
- 17.48.030 Height and area regulations.
- 17.48.040 Loading regulations.

17.48.010 General regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter, are the regulations in the C-3 central business district.

17.48.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-2 general commercial district without restrictions imposed in the C-2 district;
- B. Adults-only businesses not located closer than two hundred feet;
- C. Bakery;
- D. Bottling works;
- E. Building material sales and storage;
- F. Candy manufacture;

- G. Cleaning and dyeing plants;
- H. Creamery and dairy operation;
- I. Freight terminal and grain elevator;
- J. Ice plant;
- K. Ice cream manufacture;
- L. Jewelry manufacture;
- M. Laboratory;
- N. Laundry;
- O. Printing;
- P. Publishing and engraving;
- Q. Other uses similar to the above when approved by the Board of Adjustment.

17.48.030 Height and area regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.48.040 Loading regulations. Off-street loading spaces shall be provided in accordance with the requirements of Chapter 17.68 of this title. Provision for off-street parking is not required in the C-3 central business district.

Chapter 17.56

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.56.010 General regulations.
- 17.56.020 Use regulations.

- 17.56.030 Height, area and bulk regulations.
- 17.56.040 Parking and loading regulations.

17.56.010 General regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the M-1 light industrial district.

17.56.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-3 business district;
- B. The following uses are permitted, such permitted uses being generally wholesale and retail trade, service industries and light industries that manufacture, process, store and distribute goods and materials and are in general dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging or treatment as specified of the following products or similar products:
 - 1. Chemical and Allied Products
 - a. Cosmetics and toiletries (compounding only);
 - b. Ice manufacture, including dry ice;
 - c. Ink manufacture (mixing only);
 - d. Insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only);
 - e. Perfumes and perfumed soap (compounding only);
 - f. Pharmaceutical products;
 - g. Soap, washing or cleaning, powder, or soda (compounding only).
 - 2. Food and Beverage Products
 - a. Chewing gum manufacture;

- b. Chocolate, cocoa, and cocoa products, processing and packaging only;
- c. Coffee, tea and spices, processing and packaging only;
- d. Condensed and evaporate milk, processing and canning only;
- e. Fruit and vegetable processing (including canning, preserving, drying, and freezing);
- f. Gelatin products;
- g. Glucose and dextrin products;
- h. Macaroni and noodle manufacture;
- i. Meat products, packaging and processing (no slaughtering);
- j. Oleomargarine (compounding and packaging only);
- k. Poultry packing.

3. Metals and Metal Products

- a. Automobile, truck, trailer, motorcycle, and bicycle assembly;
- b. Boat manufacture (vessels less than 5 tons);
- c. Container (metal);
- d. Fastener manufacture (metal);
- e. Foundry products manufacture (electrical only);
- f. Iron fabrication (ornamental);
- g. Plating, electrolytic process;

- h. Sheet metal products manufacture;
- i. Silverware and plated ware;
- j. Tool, die, gauge and machine shops;
- k. Vitreous enameled products;
- l. Aluminum rolling, fabrication and forming.

4. Textiles, Bedding and Fibers

- a. Hat bodies of fur and wool felt (including men's hats) manufacture;
- b. Knitting, weaving, printing, finishing of textiles and fibers into fabric goods;
- c. Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing);
- d. Yard, threads, and cordage;
- e. Cloth manufacture.

5. Wood and Paper Products

- a. Basket and hamper (wood, reed, rattan);
- b. Pencil manufacture;
- c. Shipping container (corrugated board, fiber or wire bound);
- d. Veneer manufacture.

6. Unclassified Uses

- a. Animal pound;

- b. Animal, poultry, and bird raising, commercial;
- c. Bulk storage of petroleum products for a local distribution as distinguished from a petroleum products terminal for extensive storage and regional distributing purposes;
- d. Button manufacture;
- e. Carbon paper and inked ribbons manufacture;
- f. Cigar and cigarette manufacture;
- g. Coal and coke storage and sales;
- h. Contractor's shop and storage yard;
- i. Exposition building;
- j. Fairgrounds;
- k. Fur finishing (not including a tanning operation);
- l. Industrial vocational training school, including internal combustion engines;
- m. Leather goods manufacture, but not including tanning operations;
- n. Motion picture production;
- o. Tire retreading and vulcanizing.

C. Other uses similar to the above when approved by the Board of Adjustment as provided in Chapter 3.20 of this code.

17.56.030 Height, area and bulk regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.56.040 Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.60

M-2 HEAVY INDUSTRIAL DISTRICT

Sections:

- 17.60.010 General regulations.
- 17.60.020 Use regulations.
- 17.60.030 Height and area regulations.
- 17.60.040 Parking and loading regulations.

17.60.010 General regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the M-2 heavy industrial district.

17.60.020 Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the M-1 light industrial district except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.
- B. The following uses are permitted when not in conflict with any state statute or provision of this code regulating nuisances, including the manufacture, compounding, processing, packaging, or treatment of the following products:
 - 1. Chemical, Petroleum, Coal and Allied Products
 - a. Adhesives;
 - b. Alcohol, industrial;
 - c. Bleaching;

- d. Bluing;
- e. Calcimine;
- f. Candles;
- g. Cleaning and polishing preparation (nonsoap) dressing and blacking;
- h. Dyestuff;
- i. Essential oils;
- j. Exterminating agents and poisons;
- k. Fertilizer (nonorganic);
- l. Fuel briquettes;
- m. Glue and size (vegetable);
- n. Ink manufacture from primary raw materials (including colors and pigments);
- o. Soap and soap products.

2. Clay, Stone and Glass Products

- a. Abrasive wheels, stones, paper, cloth, and related products;
- b. Asbestos products;
- c. Brick, fire brick, and clay products;
- d. Concrete products or central mixing and proportioning plant;
- e. Glass and glass products;

- f. Graphic and graphic products;
- g. Monument and architectural stone;
- h. Pottery and porcelain products (coal fired);
- i. Refractories (other than coal fired);
- j. Sand-lime products;
- k. Stone products;
- l. Wallboard and plaster, building, insulation and composition flooring.

3. Food and Beverage

- a. Casein;
- b. Chocolate and cocoa;
- c. Cider and vinegar;
- d. Distilleries (alcoholic), breweries and alcoholic spirits;
- e. Flour, feed, and grain milling or storage;
- f. Gelatin;
- g. Glucose or dextrin;
- h. Malt extracts;
- i. Meat packing;
- j. Molasses;
- k. Oil, shortenings, and fats (including oleomargarine);

- l. Pickles, vegetable relish and sauces;
- m. Poultry (including slaughter);
- n. Sauerkraut;
- o. Sugar refining;
- p. Yeast manufacture.

4. Metal and Metal Products

- a. Agricultural or farm implement manufacture;
- b. Aircraft and aircraft parts manufacture;
- c. Aluminum extrusion, rolling, fabrication and forming;
- d. Boiler manufacture (other than welded);
- e. Culvert manufacture;
- f. Firearms manufacture;
- g. Forge plant, pneumatic, drop and forging hammering;
- h. Foundries;
- i. Galvanizing or plating (hot dip);
- j. Heating, ventilating, cooking and refrigeration supplies and appliances;
- k. Lead oxide;
- l. Locomotive and railroad car building and repair;
- m. Machinery manufacture;

- n. Motor testing (internal combustion motors);
- o. Nails, brads, tacks, spikes, and staples manufacture;
- p. Needles and pins manufacture;
- q. Ore dumps and elevators;
- r. Plumbing supplies;
- s. Safe and vault manufacture;
- t. Shipyard;
- u. Stove and range manufacture;
- v. Structural iron and steel fabrication and manufacture;
- w. Tool, die, gauge and machine shops;
- x. Tools and hardware products;
- y. Trailers;
- z. Wire rope and cable.

5. Textiles, Fibers and Bedding

- a. Bedding (mattress, pillow, and quilt) manufacture;
- b. Bleachery;
- c. Carpet, rug, and mat manufacture;
- d. Cordage and rope;
- e. Hair and felt products washing, curing, and dyeing;
- f. Hosiery mill;

- g. Jute, hemp, and sisal products;
- h. Linoleum and other hard-surface floor covering;
- i. Nylon;
- j. Oilcloth, oil-treated products, and artificial leather;
- k. Rayon;
- l. Shoddy;
- m. Wool pulling or scouring.

6. Wood and Paper Products

- a. Barrels;
- b. Box and crate manufacture;
- c. Carriages and wagons;
- d. Charcoal and pulverizing;
- e. Cooperage works;
- f. Excelsior;
- g. Furniture;
- h. Paper and paperboard products;
- i. Planing and millwork;
- j. Pulp goods, pressed or molded (including paper mache products);
- k. Sawmill (including cooperage stock mill);

- l. Wallboard;
- m. Wood preserving treatment.

7. Miscellaneous Industries

- a. Carbon papers and ribbons;
- b. Chewing tobacco;
- c. Leather tanning and curing;
- d. Rubber (natural and synthetic), gutta-percha, chicle and balata processing;
- e. Rubber tire and tube;
- f. Shell grinding;
- g. Storage battery (wet cell).

8. Other Uses

- a. Bag cleaning;
- b. Coal pocket;
- c. Railroad yard, roundhouse, repair and overhaul shops;
- d. Oils, vegetable and animal (nonedible) and storage;
- e. Paint, lacquer, shellac, and varnish (including colors and pigments, thinners and removers);
- f. Roofing materials, building paper, and felt (including asphalt and composition);
- g. Salt tanning materials and allied products;

- h. Tar products (except distillation).
- C. Any of the following uses when the location of such use has been approved by the Council after public hearing and investigation and report by the City Plan Commission:
 - 1. Acid manufacture;
 - 2. Automobile wrecking, cars and parts, storage and sale;
 - 3. Cement, lime, gypsum or plaster of paris manufacture;
 - 4. Distillation, manufacture or refining of bones, coal or tar asphalt;
 - 5. Explosives, manufacture, or storage;
 - 6. Fat, grease, lard, or tallow rendering or refining;
 - 7. Fertilizer manufacture (from organic matter);
 - 8. Glue or size manufacture;
 - 9. Garbage, offal, or dead animal reduction or dumping;
 - 10. Junk and salvage (metal, paper, rags, waste, or glass) storage, treatment, baling;
 - 11. Paper manufacture;
 - 12. Petroleum or asphalt refining;
 - 13. Petroleum products terminal;
 - 14. Smelting of tin, copper, zinc or iron ores;
 - 15. Storage or processing raw hides or fur;
 - 16. Stockyards of slaughter or animals (except poultry).

D. Other uses similar to the above when approved by the Board of Adjustment as provided in Chapter 3.20 of this code.

17.60.030 Height and area regulations. The height and area regulations set forth in Chapter 17.64 of this title shall be observed.

17.60.040 Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.62

SP-1 SPECIAL AIRPORT DISTRICT

Sections:

- 17.62.010 General regulations.
- 17.62.020 Use regulations.
- 17.62.030 Height and area regulations.
- 17.62.040 Parking and loading regulations.

17.62.010 General regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the SP-1 special airport district.

17.62.020 Use regulations. The following uses are permitted when not in conflict with any state statutes or provision of this code regulating Airport Approach Plan, Chapter, 17.84, Federal Aviation Administration regulations, or any nuisances.

- A. Landing strips;
- B. Landing fields;
- C. Heliports and landing pads;
- D. Balloon ascension areas;

- E. Hangars;
- F. Accessory facilities related to the maintenance of aircraft;
- G. Facilities for aerial training or sale and maintenance of aircraft;
- H. Petroleum products terminal or storage depot;
- I. Fire station and training facilities;
- J. Commercial or research establishments;
- K. Manufacturing establishments that have a production profile that requires proximity to the air transportation centers;
- L. Agricultural land.

17.62.030 Height and area regulations. The height and area regulations set forth in Chapters 17.64 and 17.84 of this title shall be observed.

17.62.040 Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.68 of this title.

Chapter 17.63

HP-1 HISTORIC PRESERVATION DISTRICT

Sections:

- 17.63.010 General regulations.
- 17.63.020 Use regulations.

17.63.010 General regulations. The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the HP-1 historic preservation district.

17.63.020 Use regulations. All historic preservation districts officially designated and adopted by the City Council are subject to all uses and regulations set out in Chapter 3.56 of this code.

Chapter 17.64

HEIGHT AND AREA REGULATIONS

Sections:

- 17.64.010 General regulations.
- 17.64.020 Height regulations.
- 17.64.030 Area exceptions and modifications.
- 17.64.040 Front yards.
- 17.64.050 Side yards.
- 17.64.060 Rear yards.
- 17.64.070 Lot area per family.
- 17.64.080 Accessory buildings.
- 17.64.090 Table of height and area requirements.
- 17.64.100 Temporary buildings.

17.64.010 General regulations. The regulations set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.

17.64.020 Height regulations.

- A. In reference to 17.28.030, Schools, public buildings and institutions may be erected to a height not exceeding eighty-five feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards are increased in width one foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
- B. The height regulations prescribed in this section shall not apply to grain elevators, television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers,

ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles.

- C. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

17.64.030 Area exceptions and modifications.

- A. In reference to 17.32.030, every part of a required yard shall be open to the sky, unobstructed by building, except for accessory buildings in a rear yard, and except for the ordinary projection of sills, belt courses, cornices, and ornamental features not to exceed twelve inches.
- B. Open or lattice enclosed fire escapes, required by law, projecting into a yard not to exceed five feet and the ordinary projection of chimneys and pilasters shall be permitted by the Building Inspector when placed so as not to obstruct light and ventilation.
- C. Terraces, uncovered porches, and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections are distant at least five feet from the adjacent side lot line.
- D. Where a lot or tract is used for educational, institutional, motel, hotel, commercial, industrial or airport purposes, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- E. Where an open space is more than fifty percent surrounded by a building the minimum width of the open space shall be at least twenty feet for one-story buildings, thirty feet for two-story buildings and forty feet for three-story buildings.

17.64.040 Front yards. The front yards heretofore established shall be adjusted in the following cases:

- A. Where forty percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- B. Where forty percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described in subsection A, then:
 - 1. Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side; or
 - 2. Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.
- C. Interior lots abutting on two streets shall provide the required front yard on both streets.
- D. On corner lots a front yard shall be provided on each street except on lots of record.
- E. An unenclosed balcony or unenclosed porch may project into a front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than forty square feet may project into a front yard for a distance not to exceed four feet or should be brought before the Variance Board.
- F. Filling station pumps and pump islands may be located within a required yard provided they are not less than fifteen feet distant from any street line and not less than fifty feet distant from any R district.
- G. In any R district, no fence, structure, or planting shall be maintained within twenty feet of any street intersection.

H. Fences of all types shall be prohibited in the front yards of row dwellings.

17.64.050 Side yards. The side yards heretofore established shall be adjusted in the following cases:

- A. Commercial or industrial buildings used in part for dwelling purposes shall provide yards not less than five feet in width unless every dwelling room opens directly upon a front yard, rear yard or court.
- B. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
- C. Whenever a lot of record at the time of the passage of this title has a width of less than fifty feet, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than four feet.
- D. On corner lots of record, if required, there shall be a side yard adjacent to the side street of not less than ten feet.
- E. A porte-cochere, carport or canopy may project into a required side yard, provided every part of such porte-cochere, carport or canopy is unenclosed except for necessary structural supports and not less than five feet from any side lot line.

17.64.060 Rear yards. The rear yards heretofore established shall be adjusted in the following cases: Where a lot abuts upon an alley, one-half the alley width may be considered as part of the required rear yard.

17.64.070 Lot area per family. Where a lot of record at the time of the effective date of this title or a lot in a subdivision which the Council has officially approved and agreed to accept at the time of the effective date of this title has less area or width than herein required in the district in which it is located, the lot may nonetheless be used for a one-family dwelling or for any other non-dwelling use permitted in the district in which it is located.

17.64.080 Accessory buildings.

- A. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent of the required rear

yard and shall not be nearer than thirty inches from any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line.

- B. If a garage is located closer than ten feet to the main building the garage shall be regarded as part of the main building for the purpose of determining the side and rear yards.
- C. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on a lot is completed and used.
- D. No accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

17.64.090 Table of Height and Area Requirements.

<u>District</u>	<u>Stories</u>	<u>Maximum Height of Building Feet</u>	<u>Minimum Depth of Front Yard Feet</u>	<u>Minimum Width of Side Yard Feet</u>	<u>Minimum Depth of Rear Yard Feet</u>	<u>Minimum Lot Width in Feet</u>	<u>Minimum Lot Depth in Feet</u>
R-1 a One-Family Residential	2	35	30	7	25	90	100
R-1b One-Family Residential	2	35	25	5	25	90	100
R-2 Two-Family Residential	2	35	25	5	25	90	100
R-3 Apartment Residential	3	45	25	5(a)	25(b)	90	100
C-1 Commercial	2	35	25	(c)	25		
C-2 General Commercial	3	45	25	(c)	25		
C-3 Central Business	8	100	None	(c)	(f)		
M-1 Light Industrial	3	45	25	(d)	25		
M-2 Heavy Industrial	8	100	25	(e)	25		
SP-1 Special Airport District	1	25	25	(e)	25		

FOOTNOTES:

(Other additions and modifications of the height and area requirements are set forth in this and other chapters of this Code.)

- (a) For buildings less than three stories in height: For three-story buildings each side yard shall be not less than ten feet. For buildings more than three stories in height the side yards shall be increased one foot for each story above the third story.
- (b) For interior lots: The rear yard for corner lots need not exceed fifteen feet.
- (c) No side yard is required for nonresidential buildings, except that on a lot abutting a residential district there shall be a side yard of not less than five feet. Side yards for dwellings shall not be less than five feet.
- (d) No side yards are required for nonresidential buildings, except that on a lot abutting a residential district there shall be a side yard of not less than ten feet. Side yards for dwellings shall be not less than five feet.
- (e) No side yards are required, except that on a lot abutting a residential district there shall be a side yard of not less than twenty feet.
- (f) No rear yard is required except that on a lot abutting a residential district there shall be a rear yard of not less than twenty feet. Rear yards for residential buildings shall be not less than twenty feet.
- (g) Plus minimum lot area of two thousand five hundred square feet.
- (h) When fronting on the right-of-way of a major thoroughfare, as described in Chapter 17.08, the minimum front yard depth in any residential, commercial or industrial district for any building shall be one hundred twenty-five feet, measured from the centerline of the major thoroughfare.
- (i) The sum total width of both side yards shall, however, be not less than fifteen feet for a two-family dwelling, nor less than twenty-five feet for a multiple dwelling.

- (j) Where the proposed multiple dwelling contains dwelling units with less than two bedrooms per dwelling unit, the required minimum lot area per family may be reduced to the following:
1. One-bedroom dwelling unit: 1,750 square feet per family;
 2. Dwelling units without a separate bedroom; efficiency apartments: 1,500 square feet per family.
- (k) No side yards required for the interior units.

17.64.100 Temporary buildings. Temporary buildings with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed within thirty days after completion of the construction work.

Chapter 17.66

SIGNS

Sections:

17.66.010	Purpose.
17.66.020	Definitions.
17.66.030	Permit--Required.
17.66.040	Permit--Application.
17.66.050	Permit--Issuance.
17.66.060	Permit--Fees.
17.66.070	Exemptions.
17.66.080	District signage regulations.
17.66.090	Business center signs.
17.66.100	Ground signs--Freestanding.
17.66.110	Wall signs.
17.66.120	Projecting signs.
17.66.130	Mansard roof signs.
17.66.140	Roof signs.
17.66.150	Canopy, marquee and nonretractable awnings.

17.66.160	Awning signs.
17.66.170	Promotional signs.
17.66.180	Billboards.
17.66.190	Unsafe and unlawful signs.
17.66.200	Obsolete signs.
17.66.210	Nonconforming signs.
17.66.220	Traffic hazard obstructions--Illumination.
17.66.230	Computation of sign area.
17.66.240	Design requirements.
17.66.250	Variance.
17.66.260	Violation--Penalty.

17.66.010 Purpose. The purpose of this chapter is to provide for the safety, health and welfare of the citizens of the community by reducing traffic distractions and obstructions and other hazards that may be caused by the display of signs, and to preserve the natural, historic, and scenic beauty of the community. It is also the purpose of this chapter to provide for a reasonable display of signs, without interference from other signage, in a fair and equitable manner.

17.66.020 Definitions. For use in this chapter, the following terms are defined:

- A. "Advertising sign" means any sign describing products, services or events being offered to or displayed for the benefit of the public.
- B. "Banner" means any sign comprised of flexible plastic, fabric or other similar material, temporarily displayed to advertise a specific event or activity.
- C. "Billboard" means any sign that advertises or displays goods, products, services, or facilities which are located elsewhere than on the premises upon which such sign is displayed.
- D. "Business center sign" means a portable, double-faced sign, including but not limited to banjo and A-frame signs, that is developed by a business center management or community organization solely for information and promotion of the total business center complex rather than individual businesses.
- E. "Double-faced sign" means a sign structure with two parallel and directly opposite sign faces located not more than two feet apart.

- F. "Erect" means to build, construct, attach, hang, suspend, or affix, and includes the painting of wall signs.
- G. "Facing" or "Surface" means the surface of the sign upon, against, or through which the sign's message is displayed or illustrated.
- H. Frontage, Building. "Building frontage" means those portions of the building(s) which are parallel and adjacent to the lot frontage.
- I. Frontage, Lot. "Lot frontage" means those portions of a lot or building site which are adjacent to and abut a public street. For the purpose of determining maximum sign area public alleys, easements, pedestrian walkways, etc. shall not be considered lot frontage.
- J. "Ground sign" or "Freestanding sign" means any sign supported by uprights or braces placed upon the ground and not attached to any building.
- K. "Identification sign" means any sign which is limited to the name, address, and number of a building, premises, institution, or person, to the activity carried on within the building or institution, or to the occupancy of the person.
- L. "Illuminated sign" means any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- M. "Incidental sign" means a sign, generally informational, that has a purpose secondary to use of the lot on which it is located and contains no commercial message, but only such directives as no parking, entrance, loading only and telephone.
- N. "Multi-occupant building complex" means a nonresidential building or group of buildings on one or more contiguous lots or building sites under single ownership and management, containing two or more occupants sharing a common parking lot.
- O. "Nonconforming sign" means any sign that does not conform to the requirements of this chapter.

- P. "Projecting sign" means any sign which is attached to and extends more than twelve inches from a building wall or other structure.
- Q. "Promotional sign" means any sign, informational display, or other advertising device, with or without a structural form, which is placed and maintained for a limited period of time, including but not limited to banners, flags, pennants, A-frame signs, sandwich boards, umbrellas, searchlights, balloons, tents, and gas-filled figures, and signs on trailers or chassis designed to be transported, unless specifically permitted elsewhere in this chapter.
- R. "Sign" means any structure or medium primarily intended to be used to direct attention to a business, product, service, subject, idea, premises or thing when placed outside a building. The term sign includes, but is not limited to, all reading matter, letters, pictorial representations, emblems, trademarks, inscriptions, and patterns, whether affixed to a building or separate from a building.
- S. "Structure trim" means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.
- T. "Wall sign" means a sign painted on any exterior wall of any building or other structure, or attached to and erected parallel to the wall, and supported throughout its entire length by the building or structure.

17.66.030 Permit--Required. It is unlawful for any person to erect, alter, or relocate or cause same to be done within the City any sign or other advertising structure as defined in this chapter, without first obtaining a sign permit, making payment of the fee required by §17.66.060, and holding the City harmless from any liability incurred as a result of the installation of the sign or advertising structure. Illuminated signs shall be subject to the provisions of the Electrical Code and the permit fees required thereunder. In addition to remedies as provided by §17.66.260 a double permit fee may be assessed for noncompliance with this section.

17.66.040 Permit--Application. Application for erection permits shall be obtained from the City. Information required to show compliance with this chapter and all other ordinances of the City shall be provided on the application.

17.66.050 Permit--Issuance. It shall be the duty of the City, upon the filing of an application for an erection permit, to examine such plans and specifications and to issue a permit if they are in compliance with the provisions of this chapter.

17.66.060 Permit--Fees. Every applicant, before being granted an erection permit, shall pay to the City the fee(s) as established by resolution by the City Council.

17.66.070 Exemptions. The provisions and regulations of this chapter shall not apply to the following signs provided; however, the signs shall be subject to the provisions of §17.66.190, §17.66.200, §17.66.220 and §17.66.240 unless otherwise noted:

A. Permit Exempt.

1. Real estate signs which advertise the sale, rental or lease of the premises upon which they are located, provided that such signs do not exceed eight square feet in area in residential zoning districts or thirty-two square feet in area in other districts and are set back at least ten feet from all property lines. In C-3 district, no setback shall be required;
2. Signs denoting the architect, engineer, contractor, lending institution, or future occupant, or any one or more of them, placed upon work under construction, and not exceeding eight square feet in area in residential zoning districts and thirty-two square feet in other zoning districts, provided that such sign is erected not more than five days prior to the beginning of construction and removed prior to occupancy of the structure or structures;
3. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, and not exceeding two square feet in area per occupant, not to exceed a total of sixteen square feet.
4. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze materials;
5. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and temporary, emergency or nonadvertising signs as may be

approved by the City Council. Such signs may be displayed on public right-of-way;

6. Signs or notices required to be displayed, maintained, or posted, by law, or by any court or government order, rule of regulations. Such signs may be displayed on public right-of-way;
7. Official flags or emblems, limited to one each, of a nation, state or city are not to be considered as signs. On a lot on which one or more official flags are displayed, one private flag displaying the name and/or logo of the business or organization located on that lot may also be displayed provided that its height, location, and area do not exceed those of any official flag, or fifteen square feet, whichever is smaller;
8. Signs located within a building, excluding residential zones;
9. Signs applied directly onto the body of a car, bus, truck, trailer or other vehicle, if such vehicle is operated in the normal course of a business and not used primarily to display such sign;
10. Signs on the business premises indicating the desired vehicular traffic flow such as Enter, Exit, Park, etc. providing such signs shall not exceed four square feet in area each and may identify the business by name or recognized emblem or insignia provided the name, emblem or insignia does not exceed twenty percent of the total sign area. These signs may not include advertising copy. The maximum number of such signs is limited to one per driveway leading to the property from public right-of-way. The signage square footage shall not be included in the total allowable sign area as permitted for the zone within which it is located.
11. Signs announcing or supporting political candidates or issues placed on a ballot in connection with any national, state, or local election, provided such signs are erected not sooner than forty-five days prior to and are removed no later than seven days after such election;
12. Holiday lights and decorations, not to include promotional signs, provided that commercial messages do not occupy more than twenty percent of the

total sign area. Such decorations may be placed on or over public right-of-way only when City Council approval is given;

13. Yard sale signs not exceeding a gross aggregate total of four-square feet in area and auction sale signs not exceeding a total of four signs with a maximum of four-square feet each. Such signs shall be displayed for a maximum period of seventy-two hours. No person shall display such sign on the property of another person without having first obtained the consent of the owner of such property;
 14. Home occupation signs which are not illuminated and measure not more than two square feet in area. Only one such sign shall be permitted per property and ground signs shall not exceed four feet in height;
 15. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that such signs are displayed only during the event and not more than thirty days before the event and are removed not more than three days after the event. A maximum of two signs per property;
 16. Incidental signs, except in R-1a and R-2 zoning districts;
 17. Works of art that do not include any commercial messages;
 18. Congratulatory signs or announcements limited to one sign per property, maximum size of thirty-two square feet, and a maximum seventy-two-hour display period.
- B. Permit Required.
1. On-premises signs offering Adrive-up@ service and/or items available, may be excluded from the total allowable sign area permitted for the zone within which it is located, if they do not exceed thirty square feet;
 2. Signs in multi-occupant building complexes which are not visible from any public right-of-way and do not extend above the building roof lines.

17.66.080 District signage regulations.

A. R-1a and R-2 (Residential).

1. Permitted and conditional uses, other than family residential uses, and home occupations, shall be permitted one non-illuminated identification sign per establishment with a surface area not exceeding ten square feet, denoting only the name and address of the premises, and the name of the management.
2. Church, school, other institution, and public buildings shall be permitted one bulletin board displaying its name, activities, and services. Such bulletin boards shall not exceed twenty-four square feet in area, shall be located on the same lot as the building, and may be illuminated.
3. Subdivisions shall be permitted one identification sign, with a surface area not exceeding ten square feet, displaying only the name of the subdivision, and may be illuminated. Area of structural supports, decorative uprights, etc., shall not exceed fourteen square feet per surface with a maximum of two such supports and/or decorative uprights.
4. Mobile home parks shall be permitted one identification sign not exceeding ten square feet for the entire development, displaying only the name and address, and may be illuminated.
5. Nonconforming uses, other than residential, shall be permitted a maximum of forty square feet of signage. A maximum twenty square feet of such signage may be illuminated.

B. R-3 (Apartment Residential). Signs as permitted and regulated in the single-family districts subject to the following modification:

1. For multiple-family dwelling buildings: One or two signs with a total surface area not exceeding two square feet for each dwelling unit contained in the building or complex, not to exceed a total maximum of thirty-two square feet in surface area. Such signs shall indicate only the name and/or

address(es) of the building(s) or complex and the name and location of the management thereof. Signs may be illuminated.

C. C-3 (Business District).

1. The surface area of all permitted signs on a lot shall not exceed two square feet for each lineal foot of building frontage or one foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for any establishment shall not exceed two hundred square feet for each lot frontage. When establishments border more than one frontage, the sign area, for each frontage, shall not exceed in square footage the amount as computed for the frontage on which the sign is located.
2. No more than one projecting sign for each establishment street frontage shall be permitted and shall project no more than eight feet from the building to which it is attached. Such sign shall not project into public right-of-way and shall have a minimum height of eight feet above grade. However, time-and-temperature only signs which do not exceed fifty square feet in area shall be permitted to project not more than six feet into public right-of-way and an encroachment agreement is required.
3. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed a height of forty feet.
4. Signs may be illuminated.

D. C-1 and C-2 (Commercial).

1. The total surface area of all signs on a lot shall not exceed two square feet for each lineal foot of building frontage, or one square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each establishment shall not exceed one hundred square feet in C-1 areas and two hundred fifty square feet in C-2 areas. When establishments border more than one frontage, the sign area, for each frontage, shall not exceed in square footage the amount as computed for the frontage on which the sign is located.

2. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty feet in height, except no sign shall exceed twenty-five feet in height if located within forty feet of a residential zoning district boundary.
3. Where a lot's frontage exceeds three hundred feet, one additional ground sign shall be permitted for each additional three hundred feet of frontage.
4. Signs may be illuminated.

E. M-1 and M-2 (Industrial).

1. The total surface area of all signs on a lot shall not exceed two square feet for each lineal foot of building frontage, or one square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each establishment shall not exceed two hundred fifty square feet.
2. For large lot/large manufacturing complexes with lots larger than five acres in area and buildings with more than three acres of gross floor area, one square foot for each one thousand square feet of building area, whichever results in the larger sign surface area. However, the maximum total surface area of all permitted signs for each establishment shall not exceed seven hundred fifty square feet.
3. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed sixty feet in height, except no sign shall exceed twenty-five feet in height if located within forty feet of a residential zoning district boundary. A freestanding sign shall be set apart from any other such sign a minimum distance equal to four times the height of the taller sign.
4. Where a lot's frontage exceeds three hundred feet, one additional ground sign shall be permitted for each additional three hundred feet of frontage.
5. Signs may be illuminated.

6. The total surface area of all signs on a lot shall not exceed three square feet for each lineal foot of building frontage or two square feet for each lineal foot of lot frontage, whichever results in the larger sign surface area. When establishments border more than one frontage, the sign area, for each frontage, shall not exceed in square footage the amount as computed for the frontage on which the sign is located.
7. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed sixty feet in height, except no sign shall exceed twenty-five feet in height if located within forty feet of a residential zoning district boundary. A freestanding sign shall be set apart from any other such minimum distance equal to four times the height of the taller sign.
8. Where a lot's frontage exceeds three hundred feet, one additional ground sign shall be permitted for each additional three hundred feet of frontage.
9. Signs may be illuminated.

17.66.090 Business center signs.

- A. Portable signs developed by a management or quasi-public organization for promotion of a business center complex, rather than individual businesses, shall comply with the following non-waivable conditions:
 1. Special use permit approval shall be required from the Variance Board for the design and placement of such signs.
 - a. Annual permit for the design placement of such signs. An annual permit renewal may be required if written complaint petitions are filed with the City;
 2. Annual sign permits must be obtained by the management or community organization responsible for maintenance and placement of signs;
 3. Individual signs shall be portable and measure not more than two feet wide and not more than forty-two inches tall;

4. Signs may only be located on malls, courts, plazas, squares, sidewalks, and pedestrian ways that are over ten feet wide;
5. Signs on public area and rights-of-way shall have an encroachment agreement from the City Council.

The square footage of all business center signs shall not be included as part of a lot or establishment's total allowable sign area.

17.66.100 Ground signs--Freestanding. Limited to one sign for each lot frontage abutting the property, except as elsewhere permitted.

17.66.110 Wall signs.

- A. Limitation on Placement and Area. Wall signs shall not project beyond the ends or top of the wall to which it is attached.
- B. Projection from Wall. A wall sign shall not project more than twelve inches beyond the face of the building and shall be a minimum of eight feet above the sidewalk or ground when projection is in excess of four inches. However, a wall sign may project over public right-of-way provided that it meets these projection limits.

17.66.120 Projecting signs.

- A. Approval Required. Projecting signs, including the frames, braces and supports thereof, shall be in compliance with the Building Code and Electrical Code of the City, and may be double-faced.
- B. Limitation of Glass. The lettering or advertising designs to be illuminated shall not be composed of glass but may be of other transparent or semitransparent material.
- C. Removable Parts to be Secured. Any removable part shall be securely fastened.
- D. V-shaped signs must be constructed with a roof and ceiling.
- E. Signs shall not project into public right-of-way.

17.66.130 Mansard roof signs.

- A. The surface area in square feet of signage on a mansard roof cannot exceed three square feet for each lineal foot of mansard roof.
- B. Signage shall not extend above the top of the mansard roof or protrude below the bottom of the mansard roof. The bottom of any sign placed on a mansard roof shall be at least ten feet above grade.

17.66.140 Roof signs. Roof signs, when designed by a licensed engineer based on sign size and building/roof construction and in compliance with the City's building codes, are permitted.

17.66.150 Canopy, marquee and nonretractable awnings.

- A. Where limitations are imposed by this chapter on the projection of a sign from the face of any building or structure, such limitations shall not apply to an identification sign affixed to a canopy, marquee or non-retractable awning, including a translucent canopy that contains letters or logos on a lighted background, provided that any identification sign located on a canopy, marquee or non-retractable awning shall be affixed flat to the face thereof.
- B. All the signs shall maintain a vertical clearance of not less than ten feet above ground surface grade. No such sign shall project closer to a curb line than two feet. To erect a canopy, marquee or non-retractable awning which projects over public right-of-way, the owner of the property on which such sign is to be located shall negotiate an encroachment agreement with the City Council, such agreement indemnifying the City from liability caused by the canopy, marquee or non-retractable awning.

17.66.160 Awning signs.

- A. Signs painted or sewn on retractable awnings shall be exempt from the limitations imposed by the chapter on the projection of signs from the face of the wall of any building or structure; provided, that any sign located on the awning shall be affixed flat to the surface thereof, and provided that no such sign shall extend vertically or horizontally beyond the limits of the awnings.

- B. All awning signs shall maintain a vertical clearance of not less than eight feet above grade. Awning signs are permitted to project over the public right-of-way. No awning sign shall project closer to a curb line than two feet.
- C. The signage square footage shall not be included in the total allowable sign area permitted.

17.66.170 Promotional signs.

- A. Promotional signs shall be permitted for all grand openings and nonresidential land uses subject to the following conditions:
 - 1. Permits are required for promotional signs prior to their installation;
 - 2. No more than two permits shall be issued for promotional signs at the same premises within one calendar year;
 - 3. Promotional signs shall be erected and maintained in a safe manner for a predetermined period of time not to exceed thirty days and shall be removed within three days of termination of the advertised activity, event, service, or sale as stated on the permit;
 - 4. Promotional signs may be permitted in addition to allowed existing signage and shall not be restricted to a maximum number, area, size, or height if located on or over the premises in a safe manner;
 - 5. Promotional signs may be located over public right-of-way if placed at least ten feet above sidewalks and fourteen feet above vehicle travel ways and if City Council approval has been granted. Such signs shall not be attached to City fixtures, light poles, or utility poles without written permission;
 - 6. Promotional signs shall not flash but may be illuminated if not directed at or disruptive of surrounding property.

17.66.180 Billboards. Billboards shall not be erected within fifty feet of any residential zone, shall be set back at least twenty-five feet from all right-of-way lines and shall not exceed twenty feet in height above grade.

17.66.190 Unsafe and unlawful signs.

- A. All signs regulated under this chapter which shall be determined to be (1) unsafe, (2) insecure, (3) nuisance or (4) constructed, erected or maintained, including appearance and legibility, in violation of this chapter or any City ordinance, shall cause written notice thereof to be given to the property owner and/or sign installer.
- B. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove the sign, an explanation of the consequences of failure to comply with the order, and a time period for compliance. Failure to comply with the order may cause removal of the sign at the expense of the property owner, in addition to other remedial actions prescribed herein.
- C. The owner may appeal, within five days of receipt thereof, the order to the Variance Board, if the order concerns the safety, security, or physical construction of the sign. Requests for variances and appeals for specific orders regarding size, location, or area computation, etc., shall be made to the Variance Board. The appeal effectively extends the order pending the Board's decision.

17.66.200 Obsolete signs. Any sign which advertises a business, event or activity no longer being conducted, or a product or service no longer offered on the premises shall be considered an obsolete sign. However, permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed obsolete unless the premises remain vacant for a period of six months or more. Any sign which becomes obsolete or is obsolete at the time of adoption of these regulations shall be removed by the owner or agent of the property upon which such sign may be found within thirty days after written notification. Failure to comply with the order within the time specified, shall be considered a violation of this chapter and in addition, may result in removal of the sign at the expense of the property owner.

17.66.210 Nonconforming signs.

- A. Nonconforming signs, other than billboards, otherwise lawful on the effective date of the ordinance codified in this chapter may be continued until they are required to be removed as provided in this section.
- B. No person may engage in activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- D. If the size or configuration of a lot or building is changed, signs on the resulting property or properties shall be required to comply with the sign regulations applicable to the modified or newly created property or properties.
- E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- F. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty percent of the replacement value of such sign.
- G. Alternations or additions, other than permitted above, to any signage on property containing nonconforming sign(s) shall be prohibited until complete compliance with all the provisions of this chapter is obtained.
- H. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered obsolete and shall be removed by the property owner within thirty days of receipt of written notice ordering such removal.
- I. If a billboard remains blank for a continuous period of one hundred eighty days, that billboard shall be deemed obsolete and shall, within thirty days after

such obsolescence, be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is “blank” if:

1. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising message it displays becomes illegible in whole or substantial part; or
3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

17.66.220 Traffic hazard obstructions - - Illumination.

- A. No sign shall be erected in a manner that obstructs the free and clear vision; or at any location where, by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words “STOP” “LOOK”, “DRIVE-IN” or any other word, phrases, symbols or characters as to interfere with, mislead or confuse traffic. No sign shall be located or have posts, guides, or supports within public right-of-way unless expressly permitted elsewhere in this chapter.
- B. Whenever any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on adjoining property. Illuminated signs shall not flash intermittently. The mechanical components of a sign may not move, nor may the electrical components of a sign operate so as to simulate movement, except textual messages may change instantaneously or sequentially. For the purpose of this subsection, signs include those devices and displays located within a building which are intended to be viewed from the outdoors.

17.66.230 Computation of sign area. The area of sign shall be computed as follows:

- A. The area of a sign is that area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed.
- B. The area of a sign composed of words or characters applied directly to a building or wall shall be computed as the area within a regular geometric shape which encloses the words or characters.
- C. The area of double-faced signs shall be the area of one sign face if the two faces are of equal area, or as the area of the larger face if the two are of unequal area.
- D. The area of neon striping shall be calculated as one-twelfth of a square foot per running foot per each tube.
- E. The area of a back-lit translucent canopy or other lighted translucent figure shall be computed at the maximum visible total surface area.

17.66.240 Design requirements. All signs shall be designed and constructed to withstand wind pressure and dead loads per State Code.

17.66.250 Variance. Requests for variances from the requirements of this chapter are to be filed with the Zoning Board of Variance.

17.66.260 Violation--Penalty. Any violation of the provisions set forth in this chapter or any part thereof shall be considered a municipal infraction and may be prosecuted through use of the municipal infraction citation process.

Chapter 17.68

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 17.68.010 Off-street parking requirements.
- 17.68.020 Computing number of required parking spaces.
- 17.68.030 Location of parking spaces.
- 17.68.040 Off-street loading requirements.
- 17.68.050 Parking lot and service drive requirements.

17.68.010 Off-street parking requirements. In all districts except the C-3 central business district, there shall be provided at the time any building or structure is erected or structurally altered (except as otherwise provided in this chapter) minimum off-street parking spaces in accordance with the following:

Apartment hotel	Each apartment hotel must have two parking spaces for each three dwelling units or suites
Bowling alley	Six parking spaces must be provided for each bowling lane at the bowling alley
Business buildings	Each business, professional or public office building, studio, bank, medical or dental clinic must have three parking spaces, plus one additional parking space for each four hundred square feet of floor area over one thousand square feet
Churches	Each church or temple must have one parking space for each four seats in the main auditorium
Colleges, high schools	Each college or high school must have one parking space for each eight seats in the main auditorium or three spaces for each classroom whichever is greater

Community center	Each community center, library, museum or art gallery must have ten parking spaces, plus one additional space for each three hundred square feet of floor area in excess of two thousand square feet
<u>Dwellings</u>	
Single-family	Single-Family dwellings must have two parking spaces
Two-family dwellings	Two-family dwellings must have four parking spaces
<u>Multiple dwellings</u>	
Efficiency apartments;	One space for each apartment dwelling units (dwelling unit) plus one additional space for each four efficiency apartments (dwelling units)
One-bedroom apartments; dwelling unit	One and one-quarter spaces for each apartment (dwelling units)
Two-bedroom apartments; dwelling unit	One and one-half spaces for each apartment (dwelling unit)
Three or more-bedroom apartment; dwelling unit	One and three-quarter spaces for each apartment (dwelling unit)
Row dwelling	Row dwellings must have two off-street parking spaces for each dwelling unit
Fraternity houses	Each fraternity or sorority house must have one parking space for every six beds
Golf Clubs	Each golfing club must have one parking space for each five members
Hall	Each dance hall, assembly hall or exhibition hall without fixed seats must have one parking space

	for each fifty square feet of floor area used therefor
Hospitals	Each hospital must have one parking space for each four beds (not including baby bassinets)
Hotels	Each hotel must have one parking space for each three sleeping rooms or suites, plus one space for each two hundred square feet of commercial floor area
Industries	Each manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant or warehouse must have one parking space for every two employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
Mortuaries	Each mortuary or funeral home must have one parking space for each fifty square feet of floor space in slumber rooms, parlors and individual funeral service rooms
Motels	Each tourist home, cabin or motel must have one parking space for each sleeping room or suite
Printing, Plumbing	Each printing or plumbing shop or similar service establishment must have one parking space for each three persons employed therein
Private Clubs	Each private club or lodge must have one parking space for every ten members
Restaurants	Each restaurant, nightclub, café or similar recreation or amusement establishment must have one parking space for each one hundred square feet of floor area

Retail stores	Each retail store or personal service establishment, except as otherwise specified in this chapter, must have one parking space for each two hundred square feet of floor area
Rooming houses	Each rooming or boarding house must have one parking space for each two sleeping rooms
Sanatoriums	Each sanatorium, convalescent home, home for the aged or similar institution must have one parking space for each six beds
Seasonal camps	Each seasonal camp or cabin must have one parking space for each two beds or for each cabin or sleeping unit, whichever is greater
Schools	Each school (except high schools or colleges) must have one parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater
Sports arenas	Each sports arena, stadium or gymnasium (except school) must have one parking space for each four seats or seating spaces
Stores	Each furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop must have two parking spaces, plus one additional parking space for each three hundred square feet of floor area in excess of one thousand square feet of floor area
Theaters, auditoriums	Each theater or auditorium (except school) must have one parking space for each four seats or bench seating spaces

17.68.020 Computing number of required parking spaces. In computing the number of such parking spaces required, the following rules shall govern:

- A. "Floor area" means the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned in this chapter shall be the same as required for a use of similar nature as determined by the Plan Commission.
 - 1. The City Plan commission determined that the off-street parking requirements for automobile sales lots be the same as those for industries which they felt was a use of a similar nature.
- D. Whenever a building or use constructed or established after the effective date of this title is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this title is enlarged to the extent of fifty percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements set forth in this chapter.
- E. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

17.68.030 Location of parking spaces. All parking spaces required in this chapter shall be located on the same lot with the building or use served except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred feet from an institutional or other nonresidential building served.

- A. Up to fifty percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, nightclubs, or cafes, and up to one hundred percent of the parking spaces required for a church or banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and filed as specified below.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Attorney and shall be filed with the application for a building permit.
- C. Off-street parking space may be located within the required front yard of any C of M district, but no off-street parking shall be permitted in the required front yard of any R district except upon a driveway providing access to a garage, carport, or parking area for a dwelling.

17.68.040 Off-street loading requirements. There shall be provided at the time any building is erected or structurally altered, except as otherwise provided in this code, off-street loading space in accordance with the following requirements:

	<u>Square Feet of Gross Floor Area</u>	<u>Number of Spaces</u>
A. Office Buildings and Hotels		
C-1 or C-2 Districts	5,000 to 50,000	1
	50,000 to 200,000	2
	Each 75,000 in excess of 200,000	1 additional
C-3, M-1 or M-2 Districts	20,000 to 50,000	1
	50,000 to 200,000	2
	Each 75,000 in excess of 200,000	1 additional

	<u>Square Feet of Gross Floor Area</u>	<u>Number of Spaces</u>
B. Retail or Service Establishment or Wholesale and Commercial Use		
C-1 or C-2 Districts	2,000 to 20,000	1
	20,000 to 100,000	2
	Each 75,000 in excess of 100,000	1 additional
C-3, M-1 or M-2 Districts	4,000 to 20,000	1
	20,000 to 100,000	2
	Each 75,000 in excess of 100,000	1 additional
C. Manufacturing or Industrial Use		
C-3, M-1 or M-2 Districts	5,000 to 25,000	1
	Each 75,000 in excess of 25,000	1 additional
D. No building or part thereof in the C-1 and C-2 districts heretofore erected, which is used for any of the purposes specified above shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this chapter.		
E. No building or part thereof in the C-3, M-1 and M-2 districts heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended to provide a gross floor area of twenty-five thousand square feet or more, unless off-street loading space is provided in accordance with the provisions of this chapter.		

17.68.050 Parking lot and service drive requirements. Parking lots and service drives shall meet the following minimum requirements at the time any use permitted in this code is constructed, expanded, or altered, except as otherwise provided in this code.

- A. Service Drives and Parking Lot Travelways. Service drives and parking lot travelways shall be paved with a dust-free, all-weather driving surface material that is hard and reasonably smooth, such as concrete, asphalt, bricks or bituminous sealcoat.
- B. Parking Areas. Parking areas shall be sound and stable during periods of use, covered with a dust-free surface and clearly designated for parking use.
- C. Parking Lots. Parking lots shall meet surface requirements for their travelways and parking areas and the following minimum size requirements:

PARKING AREA		TRAVELWAY WIDTH (feet)	
<u>Angle</u>	<u>Depth (feet)</u>	<u>One-way</u>	<u>Two-way</u>
Parallel	8	10	20
30 E	16	10	20
45 E	19	11	22
60 E	20	17	22
90 E	18	25	25

- 1. For angles other than those listed, travelway width and parking area depth requirements are calculated by interpolating between requirements for nearest given angles.
- 2. Parking depth is measured perpendicular from the travelway to parking bay edge and may be reduced by the amount of parking bay overlap resulting from a herringbone pattern.

D. Parking Space.

1. Parking space minimum size requirements shall be as follows:

Private parking and garage parking: 8' by 18'

Public parallel parking: 8' by 22'

Public angle parking (unenclosed, customer and employees): 8 2' by 18'

2. Parking space size requirements may be adjusted by Planner for special parking needs such as buses, trucks, boat trailers, RVs, bicycles, motorcycles, etc.
3. Parking space size requirements may be reduced for unique parking needs by the Variance Board granting a special use permit.

- E. Service Drives. Service drives shall be a minimum of ten feet wide per travel lane with additional width required if the drive functions as a travelway for adjacent parking.

Chapter 17.72

SPECIAL USE REGULATIONS

Sections:

- | | |
|-----------|---|
| 17.72.010 | Special use permit. |
| 17.72.020 | Appeal procedures. |
| 17.72.030 | Board determination and findings. |
| 17.72.040 | Building permits--Certificates of occupancy. |
| 17.72.050 | Special use compliance. |
| 17.72.060 | Special uses enumerated. |
| 17.72.070 | Limits of preexisting conditions for parking. |

17.72.010 Special use permit. Subject to the provisions of Sections 17.72.020 through 17.72.060, the Variance Board, by an affirmative majority vote of the Board, may grant

a special use permit for special uses enumerated in this chapter, as herein qualified, from which such uses are otherwise prohibited in certain districts by this title, and shall impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and protect property values in the neighborhood.

17.72.020 Appeal procedures. Appeal forms for special use permits for new construction, extensions, or alteration of existing uses and uses authorized by this chapter, shall be obtained from the Building Inspector and accompanied with site plan and necessary descriptive material relating to the intensity and extent of use. The appeal form when completed, shall be filed with the Board in the office of the Building Inspector. The Building Inspector shall place same on the docket agenda for public hearing to be held before the Variance Board. At least fifteen days' notice of the time and place of such hearing shall be published by the Board in a publication having a general circulation in the City.

17.72.030 Board determination and findings.

- A. The Variance Board shall determine whether such special use will:
 - 1. Substantially increase traffic hazards or congestion;
 - 2. Substantially increase fire hazards;
 - 3. Adversely affect the character and property values of the neighborhood;
 - 4. Adversely affect the general welfare of the community;
 - 5. Overtax public utilities; or
 - 6. Be in major conflict with the comprehensive City plan.
- B. If the Board's finding is negative as to all the subjects referred to in subsection A of this section, then the permit may be granted; if affirmative as to any subject, then such permit shall be denied.
- C. In the event the Board anticipates that air, water, noise or other environmental pollution might result from a requested special use, it shall, before issuing

the special use permit, obtain a written opinion from the local Board of Health regarding the nature and extent of possible resulting pollution. If the written opinion indicates the probability of such pollution, which would exceed reasonable limits of accepted standards, the Board shall deny the issuance of such permit.

17.72.040 Building permits--Certificates of occupancy. If the Board approves the special use permit, building permits and certificates of occupancy may be issued, even though the use of the land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is to be located.

17.72.050 Special use compliance. Any proposed special use shall otherwise comply with all the regulations set forth in this title for the district in which such use is located, except that the Board may permit hospitals and institutions to exceed the height limitations of such district providing such uses are not in a designated airport approach zone, and, except as elsewhere provided in this chapter.

17.72.060 Special uses enumerated. The following are the special uses for which the Board may grant a special use permit and shall include accessory and supporting uses and facilities normally conducted as a part and support of the primary uses designated herein:

- A. Landing field or landing strip for all forms of aircraft; heliports or landing pads; and balloon ascension areas.
- B. Racetracks; drag strip; racecourse of varying design; and other similar facilities for the conducting of events of sport, skill or exhibition involving self, wind, power or mechanically propelled vehicles, apparatus or devices including, but not limited to race cars or other similar vehicles, motorcycles, motorbikes, bicycles, go-karts, boats, snowmobiles or other similar snow or ice vehicles, apparatus or devices, but not within five hundred feet of any residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
- C. Boat marina including related commercial sales and service and amphibious events of sport, skill, or exhibition, but not within three hundred feet of any

- residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
- D. Amusement park or facility, but not within three hundred feet of any residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
 - E. Commercial, recreational or amusement development for temporary or seasonal periods, but not within three hundred feet of any residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
 - F. Circus, carnival, or fairgrounds, but not within five hundred feet of any residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
 - G. Hospital or institution, provided that any hospital or institution permitted in any R district shall be located on a site of not less than five acres, shall not occupy more than ten percent of the total area and shall be set back from all yard lines at least two feet for each foot of building height. (Measured from the ground line to the top of the parapet wall or roof line, whichever is greater. Roof top enclosed mechanical equipment shall not be counted as a part of the building height.)
 - H. Cemetery, crematorium, or mausoleum.
 - I. Riding stable, horse racetrack or course, but not within five hundred feet of any residential unit within an R district so occupied for the thirty days immediately prior to the date of filing an appeal before the Board, except that which is occupied by the applicant or caretaker residing on the premises.
 - J. The extraction of sand, gravel and other raw materials requiring the removal of an overburden above the deposit; provided, however, any bulk storage or extracted material or overburden and any processing or extraction machinery

or the open face of any cut shall be at least five hundred feet from any residential unit, street, or place.

- K. Radio or television broadcasting or transmitting tower, or telephone relay tower.
- L. Office building of a civic, religious, or charitable organization, conducting activities primarily by mail and not handling merchandise or rendering services on the premises, but only within an R-3 district.
- M. Any public or government building not permitted in a particular district.
- N. Privately operated community building or recreation field.
- O. Privately operated nursery, or day care school or facility for children, provided it is not located adjacent to a primary arterial street as designated on the major street plan, and further provided that an exterior open play space is provided in an amount equivalent to at least ten square feet for each child accommodated at the facility during peak enrollment, and that the perimeter of the required open space is suitably fenced. Such use shall be permitted only within an R district or C-1 district.
- P. Nursing, rest, or convalescent home, but only within an R district or C-1 district.
- Q. Privately or publicly operated or supported school for physically or mentally handicapped persons, but only within an R district or C-1 district.
- R. Mobile Units. A mobile home or similar mobile unit, on which the wheels and related undercarriage remain affixed, in any C-2, C-3, M-1 or M-2 district on a lot which is occupied by a principal permitted use. Such unit may be used for the following purposes only:
 - 1. As living quarters for a resident watchman or caretaker who is employed on the premises; or

2. For a period not to exceed three years maximum, office quarters for an existing building, structure or permitted use situated on the same lot as the permitted building, structure or use.
3. The special use permit, if granted, is subject to the following conditions:
 - a. If the unit is to be used by a watchman or caretaker for living quarters, the minimum lot area assigned to such unit or home, exclusive of any other lot area required for other permitted uses on the same lot, may not be less than three thousand five hundred square feet. If no resident watchman or caretaker is to occupy any part of the unit, no additional lot area is required.
 - b. No unit may be placed closer than twenty-five feet to a public street or highway right-of-way line, nor closer than ten feet from any side or rear lot line within permitted districts, nor closer than twenty feet from any side or rear lot line abutting an R district.
 - c. No unit may be placed closer than ten feet to any other building or structure, unless otherwise permitted by the Variance Board.
 - d. Before occupancy or use, the unit must be connected to the City's public water and sanitary sewer systems, where such utilities are available and within reasonable access to the site. Where such utilities are not available, the unit must meet the requirements of the State codes for connection to a private water supply and/or sanitary waste disposal system. The Variance Board of Appeals shall determine and approve (based upon the findings of the City Engineer and the State codes) the proper method of water and sewer connections prior to issuance of a special use permit.
- S. Mobile home park in any R district, C-1 or C-2 district only, provided that:
 1. No mobile home shall be located nearer the street or highway than required front yard setback within the district in which it is proposed to be located, or nearer than twenty feet to any property line.

2. Such mobile home park shall comply with applicable ordinances and codes of the City and the laws of the state.
 3. Such mobile home park shall contain all-weather hard-surface interior roadways free from dust and mud. This requirement shall be applicable no later than one year following the initial construction of the interior private roadways. Where streets are dedicated to the City they shall be constructed in accordance with applicable City standards.
 4. Interior roads shall be not less than twenty feet in width for two-lane roads where no parking is desired. Eight feet of additional width shall be required per each side where roadside parking is desired.
 5. Off-street (or road) parking for the mobile home park shall be provided in the ratio of one and one-half spaces per mobile home unit.
 6. Additional requirements as to screening, landscaping and space reserved for recreation and playground may be required by the Board for proper development and protection of the mobile home park's occupants and that of the surrounding area.
 7. No mobile home park shall exceed a gross density of eight units per acre. In computing the gross density, one-half of an adjoining public street, highway or alley may be included.
- T. Tourist or trailer camp, provided such tourist or trailer camp shall comply with the provisions of this code and the laws of the state.
- U. Parking area on land within three hundred feet from any commercial or industrially zoned district boundary, provided the following standards are met:
1. Ingress and egress to such parking area shall be from a major street or from a street directly serving the commercial or industrial district;
 2. No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking area;

3. No structures shall be erected or allowed to remain on any portion or the parking area except as provided for under subsection 21 (g) of this section;
 4. The parking area shall be used for parking patron's private passenger vehicles only and no charge shall be made for parking within such premises;
 5. The parking area shall be set back in conformity with the established or required yards for residential uses, and where a parking area adjoins a dwelling use it shall have a minimum side yard of ten feet; and
 6. The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.
- V. Permit land within two hundred feet of a residential-multiple family dwelling in an R district to be improved for the parking spaces required in connection with a residential-multiple dwelling, but only when there is positive assurance that the land will be used for such purposes during the existence of the residential dwelling. The parking area shall be suitably screened or fenced, paved and drained, and maintained free of debris.
- W. Temporary use of an existing building in an R district for a beauty parlor, providing the following standards are met:
1. Such permit shall be for a period of one year, and may be renewed;
 2. No alternations are made to the exterior of the building which would detract from its residential character;
 3. No person is employed other than the proprietor; and
 4. Off-street parking for not less than three automobiles is provided on a dust and mud free all-weather surface. Such off-street parking shall be upon a surfaced driveway leading from a public street or alley.
- X. The erection and use of a building or premises in any district for a public service corporation for public utility purposes which the Board deems

reasonably necessary for the public convenience or welfare. This subsection shall not be construed to include telephone answering services.

1. Any of the following uses in an M-2 district only:
 - a. Acid manufacture
 - b. Automobile wrecking, cars, and parts, storage and sale
 - c. Cement, lime, gypsum or plaster of paris manufacture
 - d. Distillation, manufacture or refining of bones, coal or tar asphalt
 - e. Explosives, manufacture or storage
 - f. Fat, grease, lard or tallow rendering or refining
 - g. Fertilizer manufacture (from organic matter)
 - h. Glue or size manufacture
 - i. Garbage; offal or dead animal reduction or dumping
 - j. Junk and salvage (metal, paper, rags, waste or glass) storage,
 - k. treatment, baling
 - l. Paper manufacture
 - m. Petroleum or asphalt refining
 - n. Petroleum products terminal or storage depot
 - o. Smelting of tin, copper, zinc, or iron ores
 - p. Storage or processing raw hides or fur
 - q. Stockyards or slaughter of animals (except poultry)

2. Any of the above uses which require exterior storage or placement of materials shall be enclosed from public view by a dense screen or fence.
- Y. Used car sales lots in the C-1 district, provided that the following conditions are met:
1. No more than twenty vehicles may be displayed on the lot.
 2. Only automobiles, lightweight vans, and pickup trucks with beds less than eight feet in length may be displayed and sold. Large trucks, buses, boats and other large vehicles, including large recreational vehicles, shall not be permitted to be displayed and sold on the premises.
 3. Automobile service which is not customarily provided at an automobile service station shall not be permitted on the premises. Permitted activities include engine tune-up, brake repair, electrical repair, tire repair, and similar work. Prohibited activities include engine rebuilding, body repair, painting and similar heavy-duty work.
 4. The display lot shall be paved with asphaltic concrete or portland cement concrete of sufficient strength to provide a durable surface.
 5. The exterior display of automotive parts and automobiles not in running condition shall be provided.
 6. Where the used car lot abuts residential property in the C-1 district, or abuts land in any R district, or if less than fifty feet of land devoid of buildings separates the used car lot from the above-described residential property, a visual buffer shall be installed between the used car lot and the residential property. The buffer may consist of landscaping such as an earthen berm, hedge or other plantings, or a decorative opaque fence constructed of wood.
 7. All signs must comply with the general sign regulations applying to the C-1 district. No banners, streamers or strings of decorative lights may be suspended across the lot.

Z. Business center signs may be approved for a manager or quasi-public director to provide information or promote the interests of a commercial complex such as downtown or a shopping center provided:

AA. Boardinghouse or guest inn which provides receptions, brunches, luncheons and similar meals to more than twelve persons, provided the following standards are met:

1. The number of guests served shall not exceed one for each fifteen square feet of floor area in dining room, living room, parlor, reception hall and similar rooms used to provide receptions or serve meals;
2. One parking space shall be provided for every three guests served. Required parking spaces may include permitted on-street parking within two hundred feet of the main entrance of the guest inn. Off-street parking may include private property within two hundred feet if spaces are designated and a written agreement is properly executed and filed with the special use application. When parking requirements cannot be met, guest capacity shall be reduced to a three guests to one space ratio;
3. If the food served is prepared on the premises, rather than catered, the kitchen in which food preparation occurs must meet all health and safety standards applicable to a commercial kitchen, including Des Moines County Health Department licensing requirements;
4. Permit for such use shall be for a period of one year and may be renewed.

17.72.070 Limits of preexisting conditions for parking. All preexisting parking restrictions in chapter 17.72 must come into compliance within six months of adoption of zoning codes.

Chapter 17.76

NONCONFORMING USES

Sections:

- 17.76.010 Use of land.
- 17.76.020 Use of building.
- 17.76.030 Conformance required.
- 17.76.040 Reconstruction or alteration.
- 17.76.050 Damaged building.
- 17.76.060 Signs.
- 17.76.070 Floodplain uses.

17.76.010 Use of land. The use of land which does not conform to the provisions of this title at the time of its effective date may be continued until such time as a structure is erected thereon, and thereafter the use of the land and the building must conform with the provisions of this code.

17.76.020 Use of building. The lawful use of a building existing at the time of the effective date of this title may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same classification, to a more restricted classification or to a conforming use but such use shall not thereafter be changed to a less restricted use.

17.76.030 Conformance required. In the event that a nonconforming use of any building or premises is discontinued for a period of six months, the use of the same shall thereafter conform to the use regulations of the district.

17.76.040 Reconstruction or alteration. No nonconforming use, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use permitted in the district.

17.76.050 Damaged building. When a building, the use of which does not conform to the provisions of this title, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than seventy percent of its market value, it shall not be restored except in conformity with the regulations of the district in which it is located.

When damaged by less than seventy percent of its market value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within one year of the date of such damage.

17.76.060 Signs. Directional or name signs pertaining to or advertising products sold on the premises of a nonconforming building or use may be continued only when the nonconforming use is permitted to continue, and any such signs shall not be expanded in area, height, number or illumination. New signs, not to exceed thirty-five square feet in aggregate area may be erected only after all other signs existing at the time of the adoption of this title are removed. New signs in conformity with the above may have illumination not to exceed sixty watts on one face of the sign, but flashing, intermittent, or moving illumination is not permitted.

17.76.070 Floodplain uses. The use of land or building in the City's floodplain regulated by Chapter 17.92 of this title which does not conform to the regulations contained therein, shall not be altered, added to, repaired or reconstructed over the life of the structure if such alteration, addition, repair or reconstruction would exceed fifty percent of its value at the time immediately before its first alteration, addition, repair or reconstruction unless the structure is permanently changed to a conforming use. However, existing mobile homes shall comply with the tie-down requirements specified in Section 17.92.210 within one year of the adoption of this section.

Chapter 17.80

CERTIFICATES OF OCCUPANCY

Sections:

- 17.80.010 Certificates required.
- 17.80.020 Application for certificate.
- 17.80.030 Contents--Record of certificates.
- 17.80.040 Nonconforming uses.

17.80.010 Certificates required. Certificates of occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered;
- B. Change in use of an existing building to a use of a different classification;
- C. Occupancy and use of vacant land;
- D. Change in the use of land to a use of a different classification;
- E. Any change in the use of a nonconforming use. No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Building Inspector.

17.80.020 Application for certificate.

- A. New Buildings. Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. The certificate shall be issued within three days after a written request for the same has been made to the Building Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this code.
- B. Vacant Land. Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as provided in this chapter, shall be made to the Building Inspector. If the proposed use is in conformity with the provisions of this code, the certificate of occupancy therefore shall be issued within three days after the application for same has been made.

17.80.030 Contents--Record of certificates. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of this code. A record of all certificates of occupancy shall be kept on file in the office of the City Clerk or the agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

17.80.040 Nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings. Application for a such certificate of occupancy for a nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use, within one year of the effective date of this title. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful nonconforming use. Failure to apply for such certificate of occupancy for a nonconforming use, or refusal of the Building Inspector to issue a certificate of occupancy for such nonconforming use shall be prima facie evidence that the nonconforming use was either illegal or did not lawfully exist at the effective date of this title.

Chapter 17.88

PLANNED UNIT DEVELOPMENTS

Sections:

- 17.88.010 Intent.
- 17.88.020 Application.
- 17.88.030 Design standards.
- 17.88.040 Administration.
- 17.88.050 Filing.

17.88.010 Intent. The planned unit development (PUD) is designed to allow comprehensively planned projects which would provide for innovative and imaginative approaches to urban design and land development. The PUD is a negotiated private/public contract for land development rather than development following a set of minimum requirements. It permits a flexibility of established land regulations as contained in the zoning districts and plat and subdivision regulations. When an area is developed under this article (PUD), parts of the plat and subdivision requirements may be waived; zoning district requirements pertaining to area, height, and spacing may be modified; and various land use mixtures may be permitted with appropriate screening, landscape buffers, and setback restrictions. In essence, the developer, with staff guidance, Commission review, and Council approval may write their own rules for land development. However, in no case shall the purpose or intent of zoning and platting ordinances be violated.

17.88.020 Application. A PUD is an overlay zone working on conjunction with the established zoning district and platting regulations.

- A. PUD approval shall be received for all large-scale projects generating traffic over two thousand vehicles per day.
- B. PUD approval may be given for small scale projects over two acres in size.
- C. PUD approval may be given for redevelopment projects of historically significant sites or buildings.

17.88.030 Design standards. Planned unit developments (PUDs) shall be planned as integral units and may be residential, commercial, industrial, or a combination of land uses. When land uses are mixed, the PUD shall be designed to be compatible with adjacent areas. PUDs shall meet all zoning district requirements unless specifically amended and addressed in the approving ordinance. In no case shall a PUD violate density of the zoning district in which it located. Maximum density requirements shall be: twenty persons/acre in R-1; eighty persons/acre in R-2; two hundred persons/acre in R-3; and four hundred persons/acre in C and M districts.

- A. Environmental Design. Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees must be considered when designing open spaces and planning the locations of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finish grade levels. Excessive site clearing of topsoil, trees and natural features will be discouraged. A general landscaping plan shall be required for all PUDs.
- B. Open Space.
 - 1. Common open space shall comprise at least twenty-five percent of the gross area of the PUD to be used for recreational, park, or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, driveways, buildings, parking lots, or loading areas, provided, however, that one-half of the required open space may be composed of open space on privately owned properties dedicated by easements to assure that the open space will be permanent. Accessory buildings, structures, and improvements which are permitted in the

common open space must be appropriate to the uses which are approved for common open space and must conserve and enhance the amenities of the common space having regard to its topography and natural condition.

2. Open space requirements may be reduced to fifteen percent of the gross area of the PUD when open spaces are fully developed. Developed pedestrian malls, landscape buffer screens, and preserved historic sites and buildings may be included as open space.
- C. Building Space. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

D. Traffic Circulation.

1. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to local streets to encourage their use by through traffic.
2. The pedestrian circulation system and its related walkways shall be separated from the vehicular street system when possible. This may require pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.
3. All nonresidential land uses within a PUD should have direct access to a major street or frontage road, especially where large parking areas are included.
4. Standards of design and construction for road-way, within residential PUDs, may be modified as is deemed appropriate especially where the

PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

- E. Community Services. PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD without overloading or creating traffic along local streets in residential neighborhoods, or unless the developer is willing to install them at his own expense.
- F. Market Analysis. A market analysis shall be prepared for commercial use and may be required in other PUD projects. The market analysis shall contain the following determinations:
 - 1. Determination of the trade area of the proposed commercial facilities;
 - 2. Determination of the trade area population, present and prospective;
 - 3. Determination of the effective buying power in such trade area;
 - 4. Determination of net potential customer power for stores in the proposed commercial facilities and, on such basis, the recommended store types and store floor areas;
 - 5. Determination of the residual amount of buying power in the trade area and how it may be expected to be expended in other business areas serving the trade area.

17.88.040 Administration. A PUD involves the negotiating of a development contract representing private and public interests. PUDs should satisfy platting and zoning requirements of the City or address those conditions that are to modify adopted requirements.

- A. Private Developer. The landowner or representative that is authorized to negotiate the terms of development on a specific parcel of land. It is intended that the negotiation, review, and approval process for a PUD avoids confusion and undue hardship for either the developer or public entities. Negotiating meetings are recommended between private developer and public staff to

reach an understanding and mutual consensus on the proposed PUD before filing.

- B. Public Staff. A professional committee will be appointed by City Council. Staff's function is to review proposed PUDs, analyze their impact, and negotiate standards needed to maintain quality development in an urban environment.
- C. After a developer has properly filed a proposed PUD with the City Council, the staff has ninety days to review the PUD in detail, convey their findings and recommendations in writing to the City Council, and start the public hearing process.
- D. City Council. The elected Danville City Council is the final authority for waiving Code requirements and adopting land development conditions to facilitate desirable PUDs. Approval of a PUD shall be by ordinance and shall include the plans, maps, reports, and conditions that comprise the PUD.

The City Council shall take the following action:

- 1. Determine if proposed PUD is in conformance with adopted City plans and the intent of platting and zoning regulations;
 - 2. Conduct a public hearing to receive citizen input and concerns;
 - 3. Review staff recommendations and consider any differing viewpoints between developer, staff or citizens on the proposed PUD.
 - 4. If a developer fails to begin construction within two years of approval, the PUD approval shall be considered null and void.
- E. Phase Development. PUDs may be designed to be developed as a single project or in phases. If the PUD is proposed in a residential zoning district, fifty percent of the dwelling units must be completed before construction may begin on commercial uses. If a developer does not complete the PUD within its scheduled time period, City Council shall review progress and may extend time schedules, amend the PUD, or revoke elements of the PUD that are not completed.

- F. Construction. Project construction plans shall be reviewed by Public Staff to determine they meet Code requirements and do not vary significantly from the approved PUD. Minor detail changes in site engineering, building design and location arrangements may be authorized by the City Council. Significant changes must be approved as amendments to the PUD by City Council. Building permits may be issued and construction begin following Council acceptance of streets, easements, and public areas by resolution. A performance bond may be required by the Council for construction of all public improvements including streets, utilities, sidewalks, and public areas.

17.88.050 Filing. The developer shall initiate formal action on a PUD by filing with the City Council the following:

- A. Site Plan and Supporting Drawings. A site plan and any drawings necessary to show the major details of the proposed PUD shall contain the following information.
1. The existing site conditions including contours at two to five foot intervals, water course, flood plains (one-hundred-year flood elevation), unique natural features, and forest cover;
 2. Proposed lot lines and plot designs;
 3. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures (including commercial, industrial, and public facilities);
 4. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
 5. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development);

6. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatments of points of conflict;
7. The existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
8. A general landscaping plan indicating the treatment of materials used for private and common open spaces;
9. Enough information on land areas adjacent to the proposed PUD to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;
10. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, fences, and walls;
11. Any additional information as required by the Public Staff necessary to evaluate the character and impact of the proposed PUD;

B. Written Documents.

1. A legal description of the development site, including a statement of ownership and proposed zoning;
2. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
3. When commercial uses are proposed, a market analysis shall be submitted justifying the type and size of the project which can be realistically supported in the community;
4. A copy of the proposed covenants and other provisions or restrictions proposed in the PUD.

C. Filing fee of five hundred dollars.

Chapter 17.92

FLOODPLAIN MANAGEMENT

(Ord. 226, Mar. 18, 2019; 2020 Codification)

Sections:

17.92.010	Definitions.
17.92.020	Statutory Authority, Finds of Fact and Purpose.
17.92.030	General Provisions.
17.92.040	Administration.
17.92.050	Floodplain Management Standards.
17.92.060	Variance Procedures.
17.92.070	Non-Conforming Uses.
17.92.080	Penalties for Violations.
17.92.090	Amendments.

17.92.010 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.

- A. APPURTENANT STRUCTURE - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the "100-year flood").
- C. BASE FLOOD ELEVATION (BFE) - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. 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."
- E. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of

equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

F. ENCLOSED AREA BELOW LOWEST FLOOR - The floor of the lowest enclosed area in a building when all the following criteria are met:

1. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of §17.92.050 of this Ordinance, and
2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
4. The enclosed area is not a "basement" as defined in this section.

G. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

H. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

I. 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).

- J. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include & “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. FIVE HUNDRED (500) YEAR FLOOD - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. 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.
- N. 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.
- O. FLOOD INSURANCE STUDY (FIS) - A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.
- Q. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use

of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

- R. 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.
- S. FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.
- U. HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- V. HISTORIC STRUCTURE - Any structure that is:
 - 1. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either 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.

W. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. MAXIMUM DAMAGE POTENTIAL USES - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. MINOR PROJECTS - Small development activities (except for filling, grading, and excavating) valued at less than \$500.

Z. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

BB. RECREATIONAL VEHICLE - A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

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

CC. 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:

1. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
2. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
3. Basement sealing;
4. Repairing or replacing damaged or broken windowpanes;
5. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. SPECIAL FLOOD HAZARD AREA (SFHA)- The land within a community subject to the “base flood.” This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

EE. 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.

FF. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

GG. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty(50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

HH. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a "historic structure" provided the alteration will not preclude the structure's designation as a "historic structure."

2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be

added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

II. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

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

17.92.020 Statutory Authority, Findings of Fact and Purpose.

A. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of the City of Danville are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Danville 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 §17.92.020(B) of this Ordinance with provisions designed to:

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

21.01.030: General Provisions.

A. Lands to Which Ordinance Apply

1. The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the City of Danville. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Des Moines County and Incorporated Areas, City of Danville, Panels 19057C0227E and 19057C0231E, dated August 2, 2011, which is hereby adopted and made a part of this Ordinance.

B. Rules for Interpretation of Flood Hazard Boundaries

1. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Public Works Director shall make the necessary interpretation. The Danville City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Danville in the enforcement or administration of this Ordinance.

C. Compliance

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

D. Abrogation and Greater Restrictions

1. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

E. Interpretation

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

F. Warning and Disclaimer of Liability

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

G. Severability

1. 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.

17.92.040: Administration.

A. Appointment, Duties and Responsibilities of Local Official

1. The Public Works Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - c. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - d. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - e. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

- g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- h. Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - 1. Development placed within the Floodway results in any of the following:
 - a) An increase in the Base Flood Elevations, or
 - b) Alteration to the floodway boundary
 - 2. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - 3. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- i. Perform site inspections to ensure compliance with the standards of this Ordinance.

B. Floodplain Development Permit

- 1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- 2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

- a. Description of the work to be covered by the permit for which application is to be made.
 - b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - c. Location and dimensions of all buildings and building additions
 - d. Indication of the use or occupancy for which the proposed work is intended.
 - e. Elevation of the base flood.
 - f. 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.
 - g. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - h. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or

construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

17.92.050: Floodplain Management Standards.

A. General Floodplain Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

1. All development within the areas of significant flood hazard shall:

- a. Be consistent with the need to minimize flood damage.
- b. Use construction methods and practices that will minimize flood damage.
- c. Use construction materials and utility equipment that are resistant to flood damage.
- d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed by the Building Inspector for the City of Danville where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

- a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 1. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one-foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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

- b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built homes:

- a. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
- b. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems:

- a. On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
- d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the area of significant flood hazard.
11. Accessory Structures to Residential Uses
 - a. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
 2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 6. The structure's walls shall include openings that satisfy the provisions of Section V(A)4a of this Ordinance.
- b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

- a. Recreational vehicles are exempt from the requirements of §17.92.050 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 2. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if

it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of §17.92.050 of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.
14. Maximum Damage Potential Uses – All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.
15. Until a floodway has been designated, no development or substantial improvement shall be permitted within the special flood hazard area unless the applicant has demonstrated that the cumulative effects of the proposed development, when combined with all other existing and anticipated development, will not increase the 100-year flood elevation more than one (1) foot at any location.

B. Special Floodway Provisions

In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

1. No use shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the floodway shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
4. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
8. 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.

(Amended Ord. 229, 2019).

17.92.060 Variance Procedures.

- A. The Danville 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. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 2. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result.

Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

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: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 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 floodplain 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 floodplain management program for the area.
 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets, and bridges.
 13. Such other factors which are relevant to the purpose of this 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 shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

17.92.070 Nonconforming Uses.

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

17.92.080 Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the City of Danville from taking such other lawful action as is necessary to prevent or remedy violation.

17.92.090 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.

Chapter 17.96

AMENDMENTS TO ZONING PROVISIONS

Sections:

- 17.96.010 Passage of amendments.
- 17.96.020 Deposit, zoning amendment restriction.
- 17.96.030 Amendment of floodplain management chapter.

17.96.010 Passage of amendments.

- A. The regulations, restrictions and district boundaries may, from time to time, be amended or repealed by the City Council. However, before the Council holds its required public hearing or takes final action on any such amendment or repeal, the Zoning Commission shall, with due diligence, hold a public hearing thereon and prepare a report for the Council. The report shall be submitted to the Council within ninety days after a petition is filed with, or instigated by, the Commission. Upon failure of the Commission to act thereon, or to submit its report within the allotted ninety days, the Council may then take action without further awaiting such report. At least fifteen days' notice of the time and place of public hearing shall be published in a publication having general circulation in the City, by both The Zoning Commission and City Council for their respective public hearings. The Commission and Council may recess their required public hearings in order to obtain additional information or testimony, or to serve further notice upon other property owners or persons they decide may be interested in the proposed amendment or repeal.
- B. In case the Zoning Commission disapproves the amendment or repeal, or in the case of a protest against a district boundary change signed by the owners of twenty percent or more either of the area of the lots included in such

proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred feet from the street frontage of such opposite lots, such amendment or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the City Council. Such protest must be filed with the City Clerk before the commencement of the Council's initial public hearing.

17.96.020 Deposit, zoning amendment restriction. A property owner, lessee, developer or option holder may petition the Council for an amendment to the text or district map of this title, provided that before any action shall be taken, the party or parties petitioning for amendment shall deposit with the Clerk the sum of one hundred fifty dollars to cover the approximate cost of this procedure, and under no condition shall the sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. A party shall not initiate action for a zoning amendment affecting the same land more often than once every twelve months.

17.96.030 Amendment of floodplain management chapter. No amendment, supplement, change or modification of Chapter 17.92 shall be undertaken without prior approval from the Iowa Natural Resources Council.

Chapter 17.100

ZONING ENFORCEMENT

Sections:

- 17.100.010 Violations.
- 17.100.020 Inspections.
- 17.100.030 Authority.

17.100.010 Violations. Any person or corporation who shall violate any of the provisions of this title or fail to comply therewith or with any of the requirements thereof, or who shall build, or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be deemed guilty of a municipal infraction. The owner or owners of any building or premises or part thereof where anything in violation of this title shall be placed or shall exist, any architect, builder,

contractor, individual, or corporation employed in connection therewith who assisted in the commission of any such violation shall be deemed guilty of a separate offense.

17.100.020 Inspections. It shall be the duty of the City Code Inspector, or his designated representative, to make inspections to determine the existence of violations of this title. A complete report of any violation discovered shall be made to the City Planning Director for further action.

17.100.030 Authority. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this title, the City Council may direct any proper action or proceedings in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violations to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about the premises.

TITLE 18

URBAN RENEWAL AREAS
(Repealed by Ord. 218, Oct. 2, 2017)

TITLE 19
(Ord. 169, 2003)

**LIMITED INFRASTRUCTURE REIMBURSEMENT GRANTS TO
DEVELOPERS OF RESIDENTIAL REAL ESTATE**

Preamble. The City Council of Danville, Iowa finds that there is a shortage of residential real estate building sites within the City. Additional new home construction will contribute to available housing, expand the municipal real tax base for the future, and contribute to future tax receipts without reducing tax revenue for the school district and other taxing agencies which provide essential services to the community. The Council believes the public interest is served by establishing a program of limited infrastructure reimbursements to developers of new residential building lots within the City to be financed with local option sales tax receipts which were targeted for infrastructure improvements. (Ord. 169, 2003)

19.01.010 Definitions of Words and Phrases. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the following meanings:

- A. "Infrastructure" means subdivision improvements for streets, storm sewer, sanitary sewer, water, and electric service.
- B. "Related Party Transaction" means transaction between the developer and a Buyer of a subdivision lot where the Buyer or Buyer's spouse is related to the developer within the 9th degree of consanguinity or the Buyer is a business entity in which the developer has at least a 3% interest. The grants provided by this ordinance shall only be made after the subdivision has been accepted by the City Council and the lot has been sold to a Buyer in a conveyance that is not a Related Party Transaction for which a Warranty Deed has been recorded.

19.01.020. The City Council may, in its sole discretion, make infrastructure reimbursement grants to developers of new residential building lots. Such grants shall be paid from local option sales tax receipts and shall be paid only when each lot is sold to a third party unrelated to the developer. The maximum amount of such grant is \$1,800 per building lot.

19.01.030. A developer seeking a residential infrastructure reimbursement grant shall first make the application to the Planning and Zoning Commission on forms furnished by and returned to the City Clerk.

19.01.040 Within thirty (30) days after the completed forms are returned to the City Clerk, the Planning and Zoning Commission shall meet and consider the application. Such consideration shall include, but not be limited to:

- A. Whether the sale of the lot was a Related Party Transaction. No lots sold in a Related Party Transaction is eligible for an infrastructure reimbursement grant under this ordinance.
- B. A building permit has been issued for the construction of a residential structure on the lot. A copy of such permit must be attached to the application.
- C. A copy of the recorded deed to the lot of Buyer shall be attached to the application.
- D. The total cost of infrastructure improvements for the subdivision and the total number of lots in the subdivision.
- E. The actual or estimated assessed evaluation of the lot for which the grant is sought and the projected time for the City to recover the amount of the grant in future tax receipts.

19.01.050 After consideration of the application, the Planning and Zoning Commission shall recommend to the City Council that the grant be approved or disapproved on and the reasons therefore. Within forty five (45) days after such receipt of recommendation, the City Council, by resolution, shall approve or disapprove such application. This approval may be based solely on financial considerations, including but not limited to the availability of local option sales tax funds from which to make such grants.

19.91.060 Grants provided by this ordinance are available only to the owner of the subdivision lots at the time the City Council approved the final subdivision plat.