

# Bellevue



city code of ordinances

2024 update

**ORDINANCE NO. 487**

**AN ORDINANCE ADOPTING THE CITY CODE OF ORDINANCES.**

Be it Ordained by the City Council of the City of Bellevue, Iowa:

Section 1. Pursuant to published notice, a public hearing has been duly held and the City Council hereby adopts the City of Bellevue, Iowa Code of Ordinances.

Section 2. An official copy of the City Code as adopted, including a certification by the City Clerk as to its adoption and effective date is on file at the office of the City Clerk.

Section 3. A copy of the code shall be kept available at the City Hall for public inspection and copies will be made available for sale at cost.

Section 4. All general ordinances or parts thereof passed prior to December 16th, 2024, not contained in the City of Bellevue, Iowa Code of Ordinances are hereby repealed except as hereafter provided, or special ordinances not named.

Section 5. The following ordinances are specifically saved from repeal:

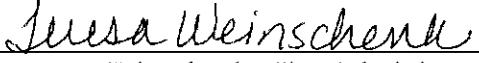
**NO ORDINANCES ARE SAVED FROM REPEAL.**

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

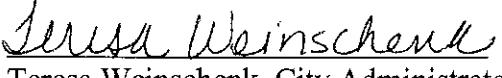
Passed by the City Council of Bellevue, Iowa on the 16th day of December 2024 and approved this 16th day of December 2024.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Teresa Weinschenk, City Administrator

Certification: I hereby certify that the foregoing was published as Ordinance Number 487 on December 16, 2024.

  
\_\_\_\_\_  
Teresa Weinschenk, City Administrator

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## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 1 GENERAL PROVISIONS**

1-1-1	Definitions	1-1-6	Severability
1-1-2	Grammatical Interpretation	1-1-7	Catchlines, Titles, Headings and Notes
1-1-3	Prohibited Acts Include Causing, Permitting	1-1-8	Amendments To City Code, Effect Of New Ordinances, Amendatory Language
1-1-4	Construction		
1-1-5	Amendment		

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

1. “Building” means any man-made structure permanently affixed to the ground.  
(ECIA Model Code Amended in 2011)
2. “Administrator” means City Administrator-Clerk.
3. “Chief of Police” means marshal and “marshal” means Chief of Police;
4. “City” means the City of Bellevue, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
5. “Clerk” means Assistant Clerk-Treasurer.
6. “Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
7. “Council” means the City Council of the City. All its members or all City Council persons mean the total number of City Council persons provided by the City charter under the general laws of the state;
8. “County” means the County of Jackson, Iowa;
9. “Delegation of Authority” means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(ECIA Model Code Amended in 2010)

10. “Fiscal Year” means July 1 to June 30.
11. “Law” denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
12. “May” confers a power;
13. “Month” means a calendar month;
14. “Must” states a requirement;
15. “Oath” shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” and “sworn”;
16. “Or” may be read “and” and “and” may be read “or” if the sense requires it;
17. “Ordinance” means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
18. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;
19. “Person” means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;
20. “Personal property” includes money, goods, chattels, things in action and evidences of debt;
21. “Preceding” and “following” mean next before and next after, respectively;
22. “Property” includes real and personal property;
23. “Real property” includes any interest in land;
24. “Shall” imposes a duty;
25. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;
26. “State” means the State of Iowa;
27. “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;

28. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
29. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;
30. "Writing" and "Written" includes printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
31. "Year" means a calendar year;

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

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

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

1. Gender. Any gender includes the other gender;
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

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

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

**1-1-5 AMENDMENT.** All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Bellevue Municipal Code of 1995 constituting this municipal Code, and shall include proper references to Chapter and section to maintain the orderly codification of the Ordinances.

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

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(ECIA Model Code Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be *prima facie* evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City of \_\_\_\_\_, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of \_\_\_\_\_, Iowa, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: ..." The new section shall then be set out in full as desired.

(ECIA Model Code Amended in 2010)

## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 2 RIGHT OF ENTRY**

#### **1-2-1 Right of Entry**

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

## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 3 PENALTY**

- 1-3-1 General Penalty
- 1-3-1A Parking Violations and Penalties
- 1-3-1B Penalties for Violations of this Chapter

- 1-3-1C Penalties for Violations of this Chapter

**1-3-1 GENERAL PENALTY.** The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

Code of Iowa, Sec. 903.1(1)(a)  
(ECIA Model Code Amended in 2008)  
(ECIA Model Code Amended in 2009)  
(ECIA Model Code Amended in 2010)  
(ECIA Model Code Amended in 2020)

**1-3-1A PARKING VIOLATIONS AND PENALTIES.** The penalties for parking violations shall be the penalties set forth in Iowa Code 805.8A, as amended from time to time by the Iowa General Assembly. Pursuant to Iowa Code 321.236(1 )(a), if a parking violation is not paid within thirty days of the date upon which the violation occurred. Notice will be sent and court date assigned.

(Ordinance 265, Passed September 24, 2001)  
(Amended during 2019 codification)

**1-3-1B PENALTIES FOR VIOLATIONS OF THIS CHAPTER.** The penalties for violations of this Code shall be the same penalties set forth in Iowa Code 805.8, 805.8A, 805.8B, and 805.8C, as amended from time to time by the Iowa General Assembly, for the corresponding violation of state law. In no event shall a penalty for violation of a City Ordinance be higher than is authorized by State law

(Ordinance 265, Passed September 24, 2001)

## **TITLE I GENERAL PROVISIONS**

### **CHAPTER 4 MUNICIPAL INFRACTIONS**

1-4-1	Municipal Infraction	1-4-5	Alternative Relief
1-4-2	Environmental Violation	1-4-6	Criminal Penalties
1-4-3	Penalties	1-4-7	Continuing Violations
1-4-4	Civil Citations		

**1-4-1 MUNICIPAL INFRACTION.** A violation of the Bellevue Municipal Code, as from time to time amended, or any ordinance or code herein adopted by reference, or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

**1-4-2 ENVIRONMENTAL VIOLATION.** A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation, and shall not apply to the following specific violations:

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. section 403.8.

2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing, if such discharge occurs from September 15 to January 15.

**1-4-3 PENALTIES.** A municipal infraction is punishable by the following civil penalties:

1. Standard Civil Penalties.

a. First offense-not more than seven hundred fifty dollars (\$750) for each violation.

b. Each repeat offense-not more than one thousand dollars (\$1,000) for each repeat offense.

(Code of Iowa, Sec. 364.22)

(ECIA Model Code Amended in 2010)  
(Ord. 338, Passed February 20, 2007)

2. Special Civil Penalties.

a. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. section 403.8, by an industrial user shall be punishable by a penalty of not more than one thousand dollars for each day a violation exists or continues.

b. A municipal infraction classified as an environmental violation shall be punishable by a penalty of not more than one thousand dollars for each occurrence. However, an environmental violation shall not be subject to such penalty if all of the following conditions are satisfied:

(1) The violation results solely from the person conducting an initial start-up, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown, of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The person notifies the City of the violation within twenty-four hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight hours.

**1-4-4 CIVIL CITATIONS.** Any officer authorized by the City to enforce the Bellevue Municipal Code may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.

(ECIA Model Code Amended in 2011)

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

- a. The name and address of the defendant.
- b. The name or description of the infraction attested to by the officer issuing the citation.
- c. The location and time of the infraction.
- d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- e. The manner, location, and time in which the penalty may be paid.
- f. The time and place of court appearance.
- g. The penalty for failure to appear in court.
- h. The legal description of the affected property, if applicable.

2. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the

imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

3. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor punishable by a fine of \$100.00.

(ECIA Model Code Amended in 2017)

1-4-5 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action or a separate action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

1-4-6 CRIMINAL PENALTIES. This Chapter does not preclude a peace officer from issuing a criminal citation for a violation of the Bellevue Municipal Code or any regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of the Bellevue Municipal Code by criminal sanctions or other lawful means.

1-4-7 CONTINUING VIOLATIONS. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense.

(Ord. 245, Passed March 6, 2000)

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 1 CITY CHARTER**

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

2-1-1 **CHARTER.** This Chapter may be cited as the Charter of the City of Bellevue, Iowa.

2-1-2 **FORM OF GOVERNMENT.** The form of government of the City of Bellevue, Iowa, is the Mayor-Council form of government.

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

2-1-4 **NUMBER AND TERM OF CITY COUNCIL.** The City Council consists of five City Council members elected at large, elected for staggered terms of four years.

2-1-5 **TERM OF MAYOR.** The Mayor is elected for a term of four years.

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

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS**

2-2-1	Creation of Appointive Officers	2-2-6	Surety
2-2-2	Appointments of Officers	2-2-7	Amount of Bonds
2-2-3	Terms of Appointive Officers	2-2-8	Bonds Filed
2-2-4	Vacancies in Offices	2-2-9	Boards and Commissions
2-2-5	Bonds Required		

2-2-1 **CREATION OF APPOINTIVE OFFICERS AND POSITIONS.** There are hereby created the following appointive officers: Clerk, Police Chief, Superintendent of Public Utilities, Superintendent of Public Works, and Fire Chief. The City Attorney position shall be filled by appointment of the City Council. Said appointee may be either an individual or a law firm, and may be either an employee of the City or an independent contractor, at the discretion of the City Council.

(Ord. 434, Passed October 8, 2018)

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

The City Council shall appoint the Clerk-Treasurer and Public Works Superintendent.

(Amended during 2019 codification)

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer fire department, with the approval of the City Council.

The Utility Board shall appoint the Superintendent of Public Utilities.

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

(Ord. 246, Passed April 3, 2000)  
(Amended during 2001 Codification)

2-2-3 **TERMS OF APPOINTIVE OFFICERS.** The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years. This limitation shall not apply to the position of City Attorney in the event said position is held by an independent contractor. Such independent contractor City Attorneys shall serve at the pleasure of the City Council, and in accordance with the contractual agreement by and between the City and the individual or law firm.

(Ord. 434, Passed October 8, 2018)

2-2-4 **VACANCIES IN OFFICES.** Vacancies in appointive office shall be filled in accordance with State law.

(ECIA Model Code Amended in 2014)

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

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

2-2-7 AMOUNT OF BONDS. The City insurance includes a Fidelity bond in the amount of \$80,000 for employee theft. City employees, City committee members, and City volunteers are all included under the current bond.

(Amended during 2019 codification)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the City Clerk.

(Amended during 2019 codification)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

(ECIA Model Code Amended in 2014)

## TITLE II GENERAL PROVISIONS

### CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the Police Chief
2-3-2	Books and Records	2-3-9	Powers and Duties of the City Attorney
2-3-3	Deposits of Municipal Funds	2-3-10	Powers and Duties of the Superintendent of Public Utilities
2-3-4	Transfer of Records and Property To Successor	2-3-11	Powers and Duties of the Superintendent of Public Works
2-3-5	Powers and Duties of the Mayor	2-3-12	Powers and Duties of the Fire Chief
2-3-6	Powers and Duties of the City Administrator		
2-3-7	Powers and Duties of the Assistant Clerk-Treasurer		

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

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

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

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

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

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

2. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes a law when the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen days after the date of passage and an Ordinance or amendment becomes a law when the ordinance or a summary of the Ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment.

(Code of Iowa. Sec. 380.6)

(ECIA Model Code Amended in 2008)

3. The Mayor shall make appropriate provision that duties of any absentee officer be carried on during his absence.

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

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

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

2-3-6 POWERS AND DUTIES OF THE CITY ADMINISTRATOR. The duties of the City Administrator shall be as follows:

(Amended during 2014 codification)

1. The Administrator shall supervise all departments of the City and give direction to the department heads concerning the functions of their department.

2. The Administrator shall make oral and written reports to the City Council as necessary.

3. The Administrator shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

4. The Administrator shall upon order of the City Council, secure for the City such specialized and professional services not already available to the City.

5. The Administrator shall sign all licenses and permits which have been approved by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

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

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

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

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

(Code of Iowa, Sec. 372.13(4) and (6))  
(ECIA Model Code Amended in 2014)  
(Amended during 2019 codification)

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

11. The Administrator shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. The Administrator shall authenticate all such measures except motions with said City Clerk's signature, certifying the time and place of publication when required.

(Amended during 2001 Codification)

12. The Administrator shall maintain copies of all effective City Ordinances and Codes for public review.

(Amended during 2006 codification)

13. The Administrator shall publish notice of public hearings, public notices of elections, ordinances, ordinance amendments, and other official actions, no less than four and no more than twenty days before the day of the election, hearing, or other official action requiring advance public notice, as required by state and City law.

(ECIA Model Code Amended in 2022)

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

15. The Administrator shall be the chief accounting officer of the City.

16. Following City Council adoption for the budget, the Administrator shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

17. The Administrator shall report to the City Council at the second meeting of each month the status of each municipal account as of the end of the previous month.

18. The Administrator shall balance all funds with the bank statements at the end of each month.
19. The Administrator shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other state officers as required by law.
20. The Administrator shall maintain all City records as required by law.
21. The Administrator shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.
22. The Administrator shall furnish upon request to any municipal officer a copy of any record, paper or public document under the Administrator's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Administrator shall furnish a copy of any record, paper or public document under the control of the Administrator, which is not a "confidential record" as defined under Iowa Code Section 22.7, to any citizen when requested upon payment of the fee set by City Council resolution. The Administrator shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.  
(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7  
(ECIA Model Code Amended in 2020)
23. The Administrator shall attend all meetings of committees, boards and commissions of the City. The Administrator shall record and preserve a correct record of the proceedings of such meetings.
24. The Administrator shall keep and file all communications and petitions directed to the City Council or to the City generally. The Administrator shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
25. The Administrator shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
26. The Administrator shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
27. The Administrator shall preserve a complete record of every City election, regular or special, and perform duties required by law or Ordinance of the City Clerk in regard to elections.
28. The Administrator shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.

2-3-7 POWERS AND DUTIES OF THE CLERK-TREASURER. The duties of the Clerk-Treasurer shall be as follows:

(Amended during 2014 codification)

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

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

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

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

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

**2-3-8 POWERS AND DUTIES OF THE POLICE CHIEF.** The duties of the Police Chief shall be as follows:

1. Reserved

(ECIA Model Code Amended in 2014)  
(ECIA Model Code Amended in 2020)

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

(Amended during 2006 codification)

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

(Amended during 2019 codification)

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

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

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

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

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

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

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

(ECIA Model Code Amended in 2014)

(Amended during 2019 codification)

11. The Police Chief may make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council.

(Amended during 2019 codification)

Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the marshal determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

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

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

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

2-3-9 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

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

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

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

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

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

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

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

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

2-3-10 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC UTILITIES. The duties of the Superintendent of Public Utilities shall be as follows:

1. The Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.

2. The Superintendent shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all

goods and supplies. The Superintendent shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.

3. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Superintendent shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

#### 2-3-11 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS.

The duties of the Superintendent of Public Works shall be as follows:

1. The Superintendent shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The Superintendent shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.

3. The Superintendent shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

4. The Superintendent shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Superintendent shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

#### 2-3-12 POWERS AND DUTIES OF THE FIRE CHIEF.

The duties of the Fire Chief shall be as follows:

1. The Fire Chief shall be charged with the duty of maintaining the efficiency, discipline and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the Fire Department.

3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the Fire Department.

4. The Fire Chief shall cause to be kept records of the Fire Department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the Fire Department and summarizing the activities of the Fire Department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, State laws regulating the following:

a. Fire prevention.

b. Maintenance and use of fire escapes.

c. The investigation of the cause, origin and circumstances of fires.

d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of State law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of the marshal's duties by investigating, preventing and reporting data pertaining to fires.

**TITLE II GENERAL PROVISIONS**

**CHAPTER 4 SALARIES OF MUNICPAL OFFICERS**

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

2-4-3 Utility Board of Trustees  
2-4-4 Other Officers

2-4-1 CITY COUNCIL MEMBER. Each City Council member shall be paid a bi-annual salary of \$1,500.00.

(Ord. 314, Passed October 24, 2005)  
(Amended during 2019 codification)

2-4-2 MAYOR. The Mayor shall receive an annual salary of \$2,819.00 to be paid in equal bi-annual installments.

(Ord. 314, Passed October 24, 2005)  
(Ord. 343, Passed May 21, 2007)  
(Amended during 2019 codification)

2-4-3 UTILITY BOARD OF TRUSTEES. Compensation of each trustee shall be \$1,200 per year. Compensation to be paid on an annual basis.

(Ord. 236, Passed April 5, 2001)  
(Amended during 2019 codification)

2-4-5 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 5 CITY FINANCE**

2-5-1	Budget Adoption	2-5-8	Budget Officer
2-5-2	Budget Amendment	2-5-9	Reserved
2-5-3	Reserved	2-5-10	Reserved
2-5-4	Accounts and Programs	2-5-11	Accounting
2-5-5	Annual Report	2-5-12	Budget Accounts
2-5-6	City Council Transfers	2-5-13	Contingency Accounts
2-5-7	Administrative Transfers		

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

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

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

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

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

(ECIA Model Code Amended in 2012)  
(ECIA Model Code Amended in 2014)

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

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

After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Administrator shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

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

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget.  
(Amended during 2019 codification)

**2-5-3 RESERVED.**

(ECIA Model Code Amended in 2014)

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

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

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

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

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

The City Administrator shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed 10% at any one time of the activity's annual appropriation which is increased or decreased. However, when a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

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

2-5-9 RESERVED.

2-5-10 RESERVED.

2-5-11 ACCOUNTING. The administrator shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the State. The administrator shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be approved/authorized by the Clerk's office personnel.

(Amended during 2019 codification.)

2-5-12 BUDGET ACCOUNTS. The Administrator shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or state law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

2-5-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Administrator shall set up in the accounting records.

(Amended during 2019 codification)

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

(ECIA Model Code Amended in 2020)

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 6 CITY SEAL**

2-6-1 Seal Established

2-6-2 Custody of Seal

2-6-1 **SEAL ESTABLISHED.** That a Seal having around the outer edge "SEAL OF THE City OF BELLEVUE" is hereby established and declared to be the official seal of the City of Bellevue, Iowa.

2-6-2 **CUSTODY OF SEAL.** That the Seal of the City of Bellevue shall be and remain in the custody of the City Administrator and shall be affixed by City Administrator to all Ordinances passed by the City Council which require the signatures of the Mayor or the City Administrator, or either of them; and upon such notices, certificates and other authenticated papers as shall be required by law.

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 7 CITY ELECTIONS**

2-7-1 Purpose

2-7-2 Nominating Method to be Used

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

2-7-2 NOMINATING METHOD TO BE USED. For the 1975 municipal election and in subsequent municipal elections of the City of Bellevue, Iowa, all candidates for elective municipal offices shall be nominated by the procedures set forth in Chapter 45 of the 1973 Code of Iowa, as amended.

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 8 PLANNING AND ZONING COMMISSION**

2-8-1	Planning and Zoning Commission	2-8-4	Appropriation
2-8-2	Tenure of Office	2-8-5	Powers
2-8-3	Organization		

**2-8-1 PLANNING AND ZONING COMMISSION.** That there be and there is hereby created a City Planning and Zoning Commission, the members of which shall consist of seven citizens of the City of Bellevue who shall be qualified by knowledge and experience to act in matters pertaining to the development of City planning and zoning, none of whom shall hold any elective position in said City. Such members shall be appointed by the City Council.

**2-8-2 TENURE OF OFFICE.** The term of office of said members shall be five (5) years, except the members first named shall hold office for such terms, not exceeding five (5) years, that the terms of not more than one-third of the members will expire in any one year. Vacancies occurring on the Commission caused by resignation or otherwise, shall be filled by the City Council for the unexpired term. All members of such Commission shall serve without compensation except their actual expense which shall be subject to the approval of the City Council.

**2-8-3 ORGANIZATION.** Such Commission shall choose annually, at its first regular meeting, one of its members to act as chairperson, and another of its members as vice-chairperson, who shall perform all of the duties of the chairperson during chairperson's absence or disability. The Commission shall adopt such rules and regulations governing its organization and procedure as may be deemed necessary, and it shall make an annual report to the City Council on or before the 30th day of January in each year, such report to contain its proceedings with a full statement of its receipts, disbursements and the progress of its work for the preceding fiscal year. It shall be empowered to appoint and employ such assistants as may be necessary and prescribe and define their duties and fix their compensation.

**2-8-4 APPROPRIATION.** The City Council shall annually appropriate a sum of money from the general funds for the payment of the expense of such Commission. The Commission shall have full, complete and exclusive authority to expend for and on behalf of such City all sums of money so appropriated. Gifts, donations, or payments which are received by such City for City planning and zoning purposes shall be placed in such fund, to be used by the Commission in a manner appropriate for its purposes. Said Commission shall have no power to contract debts beyond the amount of its incomes for the current year.

**2-8-5 POWERS.** Said Commission shall have and possess the following powers, and such other powers as may be incidental to the successful carrying out of the powers vested in it herein or such as may be expressly conferred upon it by law:

1. To make such surveys, studies, maps, plans or plats of the whole or any portion of the City and of any land outside thereof, which in the opinion of such Commission bears relation to a

comprehensive plan, and shall submit such plan to the City Council with its studies and recommendations, and it may publish the same.

2. To make recommendations for the location or erection of statuary, memorial or work of art in public places; public buildings, bridges, viaducts, street fixtures, public structures or appurtenances and the sites thereof.

3. To make recommendations upon plans, plats or replats of subdivisions or resubdivisions in such City which show streets, alleys or other portions of the same intended to be dedicated for public use.

4. To make recommendations for street, park, parkway, boulevard, traffic way or other public improvements.

5. To carry on comprehensive studies of present conditions and the future growth of such City in order to guide and accomplish a coordinated, adjusted and harmonious development of such City in accordance with the present and future needs thereof to the end that the health, safety, morals, order, convenience, prosperity and general welfare may be best promoted.

6. To conduct public hearings upon the adoption of such comprehensive plan or amendment thereto.

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

8. To recommend to the City Council, from time to time, as conditions require, amendments, supplements, changes or modifications in the comprehensive plan prepared by it.

9. To contract with professional consultants, the State of Iowa, and the Federal Government, or with any one or more of them for local planning assistance, and may agree with each or all of them as to the amount, if any, to be paid for such planning assistance.

10. To do all things necessary or advisable in order to carry out the intent and purpose of this Ordinance and all other Ordinances relating to the State of Iowa as they now exist or as the same may be hereafter amended or supplemented.

## **TITLE II GENERAL PROVISIONS**

### **CHAPTER 9 UTILITIES BOARD**

2-9-1 Utilities Board of Trustees

2-9-2 Salary

2-9-1 UTILITIES BOARD OF TRUSTEES. There is hereby created a Municipal Electric Light and Power Plant and Municipal Waterworks Board of Trustees, composed of three (3) members, who shall be appointed by the Mayor with the approval of the City Council. The first appointees shall hold office, one for two (2) years, one for four (4) years, one for six (6) years, and their successors shall be appointed for a term of six (6) years. All vacancies on the Board shall be filled in the manner of original appointments. The chairman of the Board of Trustees shall be elected by a majority vote of the members of the Board for a period of time to be fixed by the Board of Trustees.

2-9-2 SALARY. The salary is described in section 2-4-3

(Amended during codification)

**TITLE II GENERAL PROVISIONS**  
**CHAPTER 10 RESERVE POLICE FORCE**

2-10-1	Reserve Police Force Created	2-10-9	Weapons
2-10-2	Membership	2-10-10	Supplementary Capacity
2-10-3	Removal	2-10-11	Supervision
2-10-4	Orders	2-10-12	No Reduction of Regular Force
2-10-5	Compensation	2-10-13	Benefits When Injured
2-10-6	Violation of Laws	2-10-14	Insurance
2-10-7	Operation of Motor Vehicles	2-10-15	No Participation in Pension Fund or Retirement System
2-10-8	Training		

2-10-1 RESERVE POLICE FORCE CREATED. Pursuant to Iowa Code Chapter 80D, there is hereby created and established the Bellevue Reserve Police Force.

2-10-2 MEMBERSHIP. The Reserve Force shall not exceed ten (10) members, who shall be appointed by the City Council. All such appointees shall meet all minimum standards established by the director of the law enforcement academy pursuant to Iowa Code Section 80D.2.

2-10-3 REMOVAL. Members of the Reserve Force shall be subject to removal by the City Council.

2-10-4 ORDERS. The members of the Reserve Force shall be subject to lawful orders of a member of the Bellevue Police Department and the Mayor.

2-10-5 COMPENSATION. Members of the Reserve Force shall be considered employees of the City during those periods when they are performing police duties as authorized and directed by the Chief of Police, or the Assistant Chief in the absence of the Chief, and they shall receive a salary of one dollar per year. However, said members shall not be entitled to any benefits or obligations of police retirement benefits except workers compensation insurance.

2-10-6 VIOLATION OF LAWS. No member of said Reserve Force shall violate any City, State or Federal law, and any such violation may be grounds for summary dismissal.

2-10-7 OPERATION OF MOTOR VEHICLES. No member of the Reserve Force shall drive or operate a motor vehicle owned, leased or under the control of the City except in an emergency or by order of a police officer. A member shall not engage in any type of pursuit in a vehicle.

2-10-8 TRAINING. Each individual appointed as a reserve police officer shall complete the minimum training course as defined in Iowa Code Section 80D. 1A(1). Such training shall be conducted pursuant to and in compliance with Iowa Code Sections 80D.3, 80D.4, and 80D.7, and shall proceed according to the schedule contained in Iowa Code Section 80D.3 (4). Any member who does not complete each stage of the minimum training course as scheduled may not work as a reserve police officer until the required training is completed. Failure to complete the required training as scheduled may be grounds for summary dismissal.

2-10-9 WEAPONS. A member of the Reserve Force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the Iowa Law Enforcement Academy Council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Chief of Police. A member must complete all training, certification and recertification requirements established by the Iowa Law Enforcement Academy pursuant to Iowa Code Section 80D.7 before carrying a weapon in the line of duty.

2-10-10 SUPPLEMENTARY CAPACITY. Members of the Reserve Force shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers.

2-10-11 SUPERVISION. Members of the Reserve Force shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the Chief of Police. A member shall not wear an insignia of rank. The Chief of Police shall appoint a regular force peace officer as the Reserve Force Coordinating and Supervising Officer. That officer shall report directly to the Chief of Police.

2-10-12 NO REDUCTION OF REGULAR FORCE. The authorized size of the Bellevue Police Department shall not be reduced because of the establishment or utilization of reserve police officers.

2-10-13 BENEFITS WHEN INJURED. Benefits are provided in Iowa Code Chapter 85 shall be provided by the City to members of the Reserve Force who sustain an injury in the course of performing official duties.

2-10-14 INSURANCE. Liability and false arrest insurance shall be provided by the City to members of the Reserve Force while performing official duties in the same manner as for regular peace officers.

2-10-15 NO PARTICIPATION IN PENSION FUND OR RETIREMENT SYSTEM. No member of the Reserve Force shall be eligible for participation in a pension fund or retirement system created by the laws of the State of Iowa of which regular peace officers may become members.

**TITLE II POLICY ADMINISTRATION**  
**CHAPTER 11 REMOVAL FROM OFFICE**

2-11-1 Grounds for Removal  
2-11-2 Procedure for Removal of  
Appointees

2-11-3 Procedure for Removal of Elected  
Officials

**2-11-1 GROUNDS FOR REMOVAL.** All persons appointed to City office or elected to City office may be removed from office for any of the reasons set forth in Iowa Code Chapter 66 (1989). For purposes of this Ordinance, absence from three or more consecutive meetings by an appointee or elected official without good cause shall constitute willful or habitual neglect or refusal to perform the duties of the office under Iowa Code Section 66.1(1).

**2-11-2 PROCEDURE FOR REMOVAL OF APPOINTEES.** Except as otherwise provided by State or City law, all persons appointed to City office may be removed by the officer or body making the appointment. The removal shall be accomplished in the manner set forth in Iowa Code Section 372.15 (1989). Every such removal shall be by written order. The order shall give the reasons, be filed in the office of the City Administrator, and a copy shall be sent by certified mail to the person removed who, upon request filed with the Administrator within thirty days of the date of mailing the copy, shall be granted a public hearing before the City Council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

**2-11-3 PROCEDURE FOR REMOVAL OF ELECTED OFFICIALS.** Any City officer elected by the people may be removed from office, after hearing on written charges filed with the City Council, for any cause which would be grounds for removal under Iowa Code Chapter 66 (1989). A petition for removal must be filed with the City Administrator. It must be signed by at least five qualified electors of the City of Bellevue. The petition need not be in any special form but must be in writing and it must state the grounds for the removal.

Upon the filing of a petition for removal, the City Administrator shall set a time and place for a hearing upon the petition before the City Council. The City Administrator shall cause a copy of the petition and a notice of the time, date and place of the hearing to be served upon the officer whose removal is sought in the petition. The petition and notice shall be served in the manner required for the service of an original notice as set forth in the Iowa Rules of Civil Procedure.

The removal petition shall be heard by the City Council and the City Council shall vote to remove or not to remove the officer after the hearing upon the petition. The vote shall be by roll call vote in a public session. Such removal can only be made by a two-third vote of the entire City Council.

**TITLE II POLICY ADMINISTRATION**  
**CHAPTER 12 INDUSTRIAL PROPERTY TAX EXEMPTIONS**

2-12-1	Purpose	2-12-6	Amount of Exemption
2-12-2	New Construction	2-12-7	Application
2-12-3	Reconstruction	2-12-8	Prior Approval
2-12-4	New Machinery and Equipment	2-12-9	Repeal
2-12-5	Duration		

**2-12-1 PURPOSE.** This Ordinance does hereby provide for a partial exemption from property taxation of the actual value added to the industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 426A.1, subsection (1), paragraph (3) of the 1989 Code of Iowa, as amended.

**2-12-2 NEW CONSTRUCTION.** New construction as referred to herein means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

**2-12-3 RECONSTRUCTION.** New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City upon recommendation of the Iowa Department of Economic Development.

**2-12-4 NEW MACHINERY AND EQUIPMENT.** The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 426A. 1, subsection (1), paragraph (e) of the 1989 Code of Iowa, as amended, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

**2-12-5 DURATION.** The partial exemption shall be available until such time as this Ordinance is repealed by the City Council of the City of Bellevue, Iowa.

**2-12-6 AMOUNT OF EXEMPTION.** The actual value added to industrial real estate for the reasons specified in this Ordinance is eligible to receive a partial exemption from taxation for a period of five years. "Actual value added" as used in this Ordinance means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means actual value as determined by the assessor as of January first of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent.

2. For the second year, sixty percent.
3. For the third year, forty-five percent.
4. For the fourth year, thirty percent.
5. For the fifth year, fifteen percent.

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

**2-12-7 APPLICATION.** An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the County Assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the County Assessor and shall contain information deemed necessary by the County Assessor.

**2-12-8 PRIOR APPROVAL.** A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by Ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of this Ordinance. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

**2-12-9 REPEAL.** When in the opinion of the City Council continuation of the exemption granted by this Ordinance ceases to be of benefit to the City, the City Council may repeal this Ordinance, but all existing exemptions shall continue until their expiration.

**TITLE II POLICY ADMINISTRATION**

**CHAPTER 13 CABLE TELEVISION PROGRAM COMMISSIONS**

2-13-1	Creation of Commission	2-13-6	Meetings
2-13-2	Selection of Commission	2-13-7	Editorial Control
2-13-3	Term of Office	2-13-8	Compensation
2-13-4	Removal	2-13-9	Fiscal Matters
2-13-5	Establishment of Rules and Regulations	2-13-10	Number of Channels
		2-13-11	Channel Location

**2-13-1 CREATION OF COMMISSION.** There is hereby created the Bellevue Cable Communications Program Commission. The purpose of this Commission shall be to make programming determinations regarding the Bellevue Cable Television System.

**2-13-2 SELECTION OF COMMISSION.** The Commission shall be composed of five (5) members. The members shall be appointed by the City Council. The members of the Commission shall be residents of the City of Bellevue and, when the municipal cable television system becomes operational, shall be subscribers to that system. Subsequent vacancies shall be filled in the same manner.

**2-13-3 TERM OF OFFICE.** A member shall serve a term of five (5) years, except and provided, however, that one member of the initial Commission shall serve a term of one year; one member of the initial Commission shall serve a term of two years; one member of the initial Commission shall serve a term of three years; one member of the initial Commission shall serve a term of four years; and one member of the initial Commission shall serve a term of five years. The purpose for staggering these terms is to provide for the continuity of experience. The Commissioners shall draw lots at the first meeting of the Commission to determine the length of each member's initial term.

**2-13-4 REMOVAL.** The City Council shall have the authority to remove a member from the Commission, provided, however, that such removal shall not be as a result of any position taken, decision or vote of a member regarding any matter involving editorial or programming decisions. Any removal shall be by written order. Any member so removed shall be entitled to a public hearing before the City Council, upon written request filed with the City Administrator within thirty (30) days of the written order of removal.

**2-13-5 ESTABLISHMENT OF RULES AND REGULATIONS.** Once established, the Commission shall establish its own operating rules and regulations to govern its programming decisions and other decisions necessarily incidental thereto. The rules and regulations promulgated by the Commission shall provide for receiving input from the residents of the City of Bellevue and they shall further provide for the holding of appropriate hearings prior to making any final determinations regarding program selection. The Commission shall elect a Chairperson, Vice Chairperson and secretary from its membership. The Commission may adopt by-laws or such other policy manuals or memorandums necessary to perform their duties.

**2-13-6 MEETINGS.** All meetings and hearings shall be held once a month or when called by the Chairperson or Vice Chairperson. All meetings shall be open to the public. The Commission shall keep

minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its meetings and other official actions, all of which shall be a public record and filed in the office of the City Administrator.

2-13-7 EDITORIAL CONTROL.

1. Neither the City Council, the Mayor, nor any other official of the City of Bellevue shall exercise any editorial control regarding the content of any cable service owned or operated by the City of Bellevue, other than programming on any channel designated for educational or governmental use.

2. The Commission shall serve as a complete separate entity from the City of Bellevue to achieve separate editorial programming, selection of material, and transmissions to achieve the purpose and intent of the cited Congressional Act to prohibit the City of Bellevue from exercising any editorial or programming control over its own cable television facility or any such facility in which the City may own any ownership interest.

3. The Commission shall conduct such public hearings deemed helpful to gather information from the residents and citizens in performing its function. The Commission may make or cause to be made any necessary special studies on the location, condition, and adequacy of available programs and the desirability of any matters to be so transmitted. The Commission may acquire and maintain such information and materials as are necessary to achieve and accomplish their duties.

2-13-8 COMPENSATION. The members of the Commission shall serve as a public service without compensation.

2-13-9 FISCAL MATTERS. The Commission shall adopt a budgetary request each year which it shall file with the City Administrator on or before December 15th of each year for anticipated funds necessary to perform its function for the ensuing fiscal year commencing July 1st. The City Council shall approve such sums found reasonably necessary to enable the Commission to perform its function.

2-13-10 NUMBER OF CHANNELS. The initial programming to be determined by the Commission shall consist of a number of broadcast channels, satellite channels, premium channels and local access channels to be determined by the City Council. Additional channel capacity may be added in the future if authorized by the City Council.

2-13-11 CHANNEL LOCATION. It shall be the province of the City Council to determine which programming is to be available on which channels, including VHS channels 2-13.

**TITLE II POLICY ADMINISTRATION**  
**CHAPTER 14 FORFEITED PROPERTY**

2-14-1	Purpose	2-14-5	Accounting of Funds
2-14-2	Definition of Forfeited Property	2-14-6	Disposition of Firearms
2-14-3	Control of Forfeited Property	2-14-7	Disposition of Controlled Substances
2-14-4	Notification to State of Iowa	2-14-8	Receipt of Other Forfeited Property

**2-14-1 PURPOSE.** The purpose of this Ordinance is to provide for a method of depositing cash proceeds of forfeited property into an account separate from the general funds of the City of Bellevue and to provide guidelines for the expenditure of funds derived from forfeited property, and to provide a procedure for handling forfeited property that is not converted to cash.

**2-14-2 DEFINITION OF FORFEITED PROPERTY.** The definition of forfeited property as used in this Ordinance shall be the same as the definition of "forfeited property" or "forfeitable property" as used in Chapter 809 of the Code of Iowa.

**2-14-3 CONTROL OF FORFEITED PROPERTY.** The Chief of Police and the City Administrator shall have control over forfeited property in the City of Bellevue.

**2-14-4 NOTIFICATION TO STATE OF IOWA.** The City Administrator and Chief of Police shall immediately communicate the fact of having forfeited property to the Attorney General of the State of Iowa and shall arrange for the delivery of that property to the Department of Justice should the Attorney General request delivery. In addition, the City Administrator and Chief of Police are authorized to obtain written authorization from the Attorney General for the disposition of forfeited property and shall remit to the Attorney General the sum of ten percent (10%) of all sums obtained in the form of forfeited cash or from the sale of forfeited property.

**2-14-5 ACCOUNTING OF FUNDS.** The proceeds of the sale of forfeited property and forfeited cash shall be placed in a separate, identifiable fund, the proceeds of which are non-revertible, and the proceeds of which must be used to supplement the departmental budget. The proceeds shall be used to enhance law enforcement within the City of Bellevue, Iowa. The police department budget may not be reduced as a result of receiving the proceeds of the sale of forfeited property or forfeited cash. The City Administrator and Chief of Police shall annually make an accounting of funds received, funds spent and funds retained to the City Council.

**2-14-6 DISPOSITION OF FIREARMS.** It shall be the duty of the Chief of Police to deposit firearms with the Department of Public Safety as required by the Code of Iowa.

**2-14-7 DISPOSITION OF CONTROLLED SUBSTANCES.** It shall be the duty of the Chief of Police to dispose of controlled substances as required in Iowa Code Section 124.506.

**2-14-8 RECEIPT OF OTHER FORFEITED PROPERTY.** The City Administrator shall have authority to accept gifts of motor vehicles, real property or other miscellaneous items from the Department of Justice.

**TITLE II POLICY ADMINISTRATION**

**CHAPTER 15 RESERVED**

## **TITLE II POLICY ADMINISTRATION**

### **CHAPTER 16 CITY VOLUNTEERS**

2-16-1 Purpose

2-16-2 Application

2-16-3 Appointment and Removal

2-16-4 Supervision

**2-16-1 PURPOSE.** It is the purpose of this Chapter to establish a uniform procedure for the appointment and removal of city volunteers who serve on a more-or-less continuous basis.

**2-16-2 APPLICATION.** This Chapter shall apply to volunteer firefighters, volunteer ambulance personnel and volunteer RTA drivers of the City of Bellevue, Iowa.

#### **2-16-3 APPOINTMENT AND REMOVAL.**

1. Any volunteer seeking to join the Bellevue Fire Department or Bellevue Emergency Medical Service must first be reviewed and recommended by their respective membership. Prospective volunteer RTA drivers must be reviewed and recommended by the director of the transportation system.

2. The name, address and date of birth of any volunteer recommended for membership shall be forwarded to the city administrator, who shall conduct a personal background check on the individual.

3. The city administrator shall have the power to appoint the volunteer to the appropriate department or service.

4. Any volunteer may be removed by the city administrator utilizing the procedure set forth in Iowa Code §372.15.

**2-16-4 SUPERVISION.** Direct supervision of volunteers is the responsibility of the leadership of the appropriate department or service. In the event that disciplinary action is required or the actions of any volunteer potentially create a situation where liability could be incurred by the City, the matter shall be immediately referred to the city administrator.

(Ord. 323, Passed July 24, 2006)

**TITLE II POLICY ADMINISTRATION**  
**CHAPTER 17 HOTEL AND MOTEL TAX RATE**

2-17-1	Hotel and Motel Tax Established	2-17-5	Lessor
2-17-2	Definitions	2-17-6	Reporting and Collecting
2-17-3	Sales Price for Lodging	2-17-7	Deposit
2-17-4	Effective Date	2-17-8	Revenue

**2-17-1 HOTEL AND MOTEL TAX ESTABLISHED.** A local hotel and motel tax is hereby established within the corporate boundaries of the City of Bellevue, Jackson County, Iowa.

**2-17-2 DEFINITIONS.** “Lodging” as used herein shall include rooms, apartments or sleeping quarters in a hotel, motel, inn, public lodging house, modular home, manufactured, mobile home, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. “Renting”, “Rent” or “Rented” as used herein shall mean a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge or such lodging for its use. “Lessor” as used herein shall mean any person or legal entity engaged in the business of renting lodging to any person or legal entity. “Sales Price” as used herein shall include the total amount of consideration, including cash, credit, property and services, for which lodging is rented.

(Amended during 2014 codification)

**2-17-3 SALES PRICE FOR LODGING.** The sales price for lodging shall be taxed at a rate of seven percent (7%); provided however, this tax shall not apply to the sales price from the renting of lodging which is rented to the same person or legal entity for a period of more than thirty – one (31) consecutive days.

(Amended during 2014 codification)

**2-17-4 EFFECTIVE DATE.** The effective date for the increase of the existing local hotel and motel tax rate from five percent (5%) to seven (7%) shall be July 1, 2012. The city of Bellevue, Iowa shall provide notice by mail of such action to the Iowa Department of Revenue and Finance not less than 45 days prior to the effective date for the increase in the local hotel and motel tax rate.

(Amended during 2014 codification)

**2-17-5 LESSOR.** The lessor shall add the local hotel and motel tax to the sales price of the lodging, and the local hotel and motel tax, when collected, shall be stated as a distinct item on the receipt, separate and apart from the sales price of the lodging and the state – imposed tax under Iowa code section 423A.3.

(Amended during 2014 codification)

**2-17-6 REPORTING AND COLLECTING.** The Director of Iowa Department of Revenue and Finance shall provide all necessary and appropriate forms for reporting and collecting the local hotel and motel tax.

(Amended during 2014 codification)

2-17-7 DEPOSIT. Upon receipt the Iowa Department of Revenue and Finance will deposit the local hotel and motel taxes code collected under this Ordinance into a local transient guest tax fund as provided under Iowa code section 423A.6 and 423A.7. The local hotel and motel taxes collected under this Ordinance by the Iowa Department of Revenue and Finance will be distributed on a quarterly basis from the local transient guest tax fund to the city of Bellevue, Iowa. Upon receipt of moneys from the local transient guest tax fund, the city of Bellevue, Iowa shall credit such moneys to the general fund, subject to the restrictions set forth in Section 2-17-8 below.

2-17-8 REVENUE. The revenue derived by the city of Bellevue, Iowa from the local hotel and motel tax shall be used as follows:

1. At least fifty percent (50%) shall be spent for the acquisition of sites for, or constructing, improving, enlarging, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including, but not limited to, memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas; and,

2. The remaining revenues may be spent by the City for any City operations authorized by law as a proper purpose for the expenditure within the statutory limitations of city revenues derived from ad valorem taxes.

(Ord. 377, Passed March 7, 2012)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 1 OFFENSES**

3-1-1	Violations of Chapter	3-1-6	Streets
3-1-2	Public Peace	3-1-7	Public Safety and Health
3-1-3	Minors	3-1-8	Public Property
3-1-3A	Public Morals	3-1-9	Drug Paraphernalia
3-1-4	Curfew for Minors	3-1-10	Sidewalk Regulations
3-1-5	Animals	3-1-11	Regulation of Skating Devices

**3-1-1 VIOLATIONS OF CHAPTER.** Commission of any of the acts named in the following sections by any person shall constitute a violation of this Chapter. Any violation of this Chapter constitutes a simple misdemeanor.

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

1. **Assault.** Commit an assault by doing any of the following without justification: (Code reference 708.1)

a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

b. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

2. **Criminal Mischief.** Commit criminal mischief by intentionally damaging, defacing, altering or destroying tangible property with no right to do so, resulting in damage of less than one hundred dollars. (Code reference 716.1, 716.6)

3. **Criminal Trespass.** Knowingly trespass upon the property of another. The following definitions shall apply: (Code reference 716.7)

a. The term “property” shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

b. The term “trespass” shall mean one or more of the following acts:

(1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another.

(2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(5) The term "trespass" shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(6) The term "trespass" does not mean the entering upon the right-of-way of a public road or highway.

4. Disorderly Conduct by Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport. (Code reference 723.4)

5. Disorderly Conduct by Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof. (Code reference 723.4)

6. Disorderly Conduct by Epithets of Gestures. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another. (Code reference 723.4)

7. Disorderly Conduct by Disturbing Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. (Code reference 723.4)

8. Disorderly Conduct by Obstructing Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others. (Code reference 723.4)

9. Public Consumption in Park. Consume alcoholic liquor or beer in any park between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. the following day, unless purchased in the park under a State liquor license.

10. Urinating in Public. Urinating in public within the City limits.

11. Engine Brakes and Compression Brakes.

(Ord. 306, Passed December 6, 2004)

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

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

### 3-1-3 MINORS.

1. Contributing to Delinquency. It shall be unlawful to encourage any child under eighteen years of age to commit any act of delinquency defined in Iowa Code Chapter 232. (Code reference 709A. 1)

2. Contributing to Delinquency. It shall be unlawful to knowingly send, cause to be sent, or induce to go, any child under the age of eighteen to any of the following: (Code reference 709A. 1)

a. An unlicensed premises where alcoholic liquor, wine or beer is sold or kept for sale.

b. To knowingly encourage, contribute, or in any manner cause such child to violate any law of this State, or any Ordinance of the City of Bellevue, Iowa.

c. To knowingly permit, encourage, or cause such child to be guilty of any vicious or immoral conduct.

### 3-1-3A PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.

(Code of Iowa, Sec. 709.9)

2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

(ECIA Model Code Amended in 2020)

### 3-1-4 CURFEW FOR MINORS.

1. Definitions. The following definitions apply with reference to this section:

a. "Knowingly" means knowledge which a responsible adult should reasonably expect 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 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.

b. "Minor" means an unemancipated person under the age of eighteen (18) years.

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

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

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

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

2. Minors Prohibited. Unless accompanied by a responsible adult, no minor under the age of eighteen (18) years shall be in any public place between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. the following day.

3. Curfew Exceptions. The following are exceptions to the juvenile curfew:

a. The minor is accompanied by a responsible adult.

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

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

(1) The minor's place of employment within one hour after the end of work.

(2) The minor's place of religious activity, within one hour after the end of the religious activity.

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

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

(5) Assembly, such as a march, protest, demonstration, sit-in, or meeting of an association for the advancement of economic, political, religious or cultural matter; or for any other activity protected by the First Amendment of the United States Constitution within one hour after the end of the assembly, association meeting, or other activity protected by the First Amendment.

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

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

4. Adult's Responsibility. It is unlawful for a responsible adult knowingly to permit or to allow a minor to be in any public place in the City of Bellevue, Iowa, within the time periods prohibited by this Section, unless the minor's presence falls within one of the above sections.

5. Procedures of Enforcement. In enforcing this Ordinance, the following procedures shall be followed:

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

b. A minor shall not be taken into custody unless the minor refuses to sign the citation without qualification; persists in violating the Ordinance, refuses to provide proper identification or identify the person's self, or constitutes an immediate threat to the person's own safety or the safety of the public. A police officer who takes a minor into custody for a curfew violation may keep the minor in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

c. In the event a minor is taken into custody, the police 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. If a minor is issued a citation to appear for a violation of this Ordinance, a police officer shall notify the adult responsible for the minor as soon as possible, within 24 hours of the violation.

6. Penalties. The following penalties shall apply to a violation of this Ordinance:

a. The penalty for a responsible adult's first violation of this Ordinance shall be a written warning. In the case of a first violation of this Ordinance by a minor, the Chief of Police or the designee

of the Chief of Police shall cause a written notice of the violation to be served either (i) by certified mail addressed to the adult responsible for the minor at the last known address of the responsible adult or (ii) by personal service upon the adult responsible for the minor effectuated by a member of the City of Bellevue Police Department. The written notice of the violation of this Ordinance shall include a warning that any subsequent violation of this Ordinance by the minor for whom the adult is responsible will result in full enforcement of this Ordinance against both the minor and the adult responsible for the minor, including all applicable fines and penalties.

(Ord. 384, Passed May 16, 2012)

b. A responsible adult's second and subsequent violations shall be a simple misdemeanor offense for each violation, punishable by a fine not to exceed one hundred dollars. In lieu of the fine, a responsible adult may be ordered to perform community service as ordered by the court.

c. A minor's second and subsequent violation of this Ordinance shall be a simple misdemeanor, punishable by a fine not to exceed \$100.00. In lieu of the fine, the minor may be ordered to perform community service as ordered by the court.

### 3-1-5 ANIMALS.

1. It shall be unlawful for any person to do any of the following:

a. To allow dogs, cats, other domesticated animals, farm animals or fowl to run at large within the City limits. The term "at large" shall mean an animal found off the premises of the owner or upon the public streets, alleys, public grounds or parks within the City. A dog or cat shall not be deemed at large: (1) if it is attached to a leash of sufficient strength and not more than ten (10) feet in length if such leash is held by a competent person; or (2) it is accompanied by or at the side of the owner and is obedient to commands of the owner or a competent person.

b. To permit an animal under a person's control or within such person's custody to do any of the following acts:

(1) to allow a dog or cat to urinate or defecate on private property other than the owner's property, or upon public property, unless such waste is immediately removed and properly disposed of by the owner.

(2) to allow a dog or cat to cause a disturbance by excessive barking or other noise making, to chase vehicles, or to molest, attack or interfere with persons or other domestic animals.

(3) to allow a dog or cat to attack or bite a person or domestic animal, or to attempt to attack or bite a person or domestic animal.

(Ord. 356, Passed December 3, 2008)

### 3-1-6 STREETS.

1. Removal of Street Signs or Guards Prohibited. It shall be unlawful for any person to willfully remove, throw down, destroy, deface, carry away or extinguish from any highway, street, alley or bridge any light, sign, obstruction, or guard erected or placed thereon for the purpose of

guarding or enclosing unsafe or dangerous places in said highway, street, alley or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

(Amended during 2001 Codification)

2. Injury to or Defacement of Road or Sidewalk Prohibited. It shall be unlawful for any person to obstruct, deface, or injure any public road or sidewalk in any manner without the consent of an authorized representative of the City.

3. Improper Drainage Prohibited. It shall be unlawful for an abutting property owner to allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or to fail to remove snow, ice and accumulations from the sidewalks within twenty-four (24) hours of accumulation.

4. Improper Snow Removal Prohibited. It shall be unlawful for any person to throw, push, or place, or cause to be thrown, pushed, or placed any ice or snow from private property onto the traveled portion of streets or other public right of ways of the City so as to obstruct gutters, impede the passage of vehicles, or so as to otherwise create a hazardous condition thereon.

(Ord. 256, Passed February 5, 2001)

5. Removal of Hydrant Caps or Manholes Prohibited. It shall be unlawful for any person to remove hydrant caps, sewer caps or manhole covers without the consent of an authorized representative of the City.

### 3-1-7 PUBLIC SAFETY AND HEALTH.

1. Discharge of Firearms. No person shall discharge or fire BB guns, air rifles, shotguns, revolvers, pistols, or any other firearms within the City limits. The following exceptions shall apply:

a. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, groups or individual, and that public safety would not be compromised thereby.

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

c. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports, or by a recognized military organization, or the use of a substance prepared and used for medicinal or fumigation purposes.

(Ord. 228, Passed November 24, 1997)

2. False Alarms. It shall be unlawful for any person to give or cause to be given any false alarm of a fire, to set fire to any combustible material, or to cry or sound an alarm without cause.

3. Stench Bombs. It shall be unlawful for any person to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is irritating or offensive to any of the senses in, on or about any theatre, restaurant, car, structure, place of business or amusement, public parks or buildings, or any other place of public assembly, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to (1) duly constituted police or military authorities; (2) to any place of business or home having tear gas installed as a protection against burglary or robbery; (3) to any person discharging a canister of tear gas or other irritating agent in self defense; or (4) to any bank or other messenger carrying funds or other valuables.

4. Possession and Use of Fireworks.

a. Fireworks Definition. "Fireworks" as used in this Ordinance shall mean all "First Class Consumer Fireworks" and "Second Class Consumer Fireworks" as defined in Iowa Code § 100.19(1) including, but not limited to, aerial shell kits and reloadable tubes, chasers, helicopter and aerial spinners, mine and shell devices, missile-type rockets, firecrackers, torpedoes, sky rockets, bottle rockets, roman candles, cone fountains, cylindrical fountains, flutter sparklers, ground and hand-held sparkling devices, ground spinners, illuminating torches, toy smoke devices not classified as novelties, wire or dipped sparklers not classified as novelties, or other fireworks containing any explosive composition, combination of explosive substances, inflammable compound, or other device containing any explosive substance or flammable compound, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

b. Possession of Fireworks. Except as provided in this Ordinance, no person shall possess any Fireworks, as defined Section 3-1-7(5) (a), within the City limits.

c. Fireworks Use Regulations. It is unlawful for any person to use, set off, explode, deflagrate, or otherwise detonate any Fireworks, as defined in Section 3-1-7(5)(a) above, within the City limits except on the following dates and times:

The day of Bellevue Heritage Days Fireworks Display from 9:00 a.m. until 10:00 p.m.  
July 4th from 9:00 a.m. until 11 :00 p.m.

If the Bellevue Heritage Days Fireworks Display falls on July 4th, then the timeframe will be 9:00 a.m. until 11 :00 p.m.

Unless accordance with a permit issued by the City Council pursuant to Section 3-1-7(5)(e) below is requested and approved.

d. All of the remaining limitations and exceptions set forth in Iowa Code § 100.19 and Iowa Code §§ 727.2(3) through 727.2(5) are incorporated herein by this reference and shall remain in full force and effect within the City limits.

e. The City Council may, upon application in writing, grant a permit for the display and use of Fireworks, as defined Section 3-1-7(5)(a), by any organization, entity, or group of individuals when such Fireworks will be handled by a competent operator.

(Ord. 228, Passed November 24, 1997)

(Ord. 433, Passed October 22, 2018)

(Ord. 462, Passed September 1, 2021)

5. Abandoned Refrigerators or Freezers. It shall be unlawful for any person to place, or cause or allow to be placed, any discarded, abandoned, unattended or unused refrigerator or freezer, or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling or within an unoccupied or abandoned building or dwelling, or other structure. This provision applies to both the owner of any such refrigerator, freezer, or similar container, and to the owner or occupant of the premises where the hazard is placed or permitted to remain.

6. Impersonating Officer. It shall be unlawful for any person to falsely represent themself or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

7. Harassment of City employees.

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

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

8. False Report. It shall be unlawful for any person to report or cause to be reported false information to a Fire Department or a law enforcement authority, knowing that the information is false, or to report the alleged occurrence of a criminal act knowing the same did not occur.

9. Violation of Public Space. It shall be unlawful to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property without the consent of an authorized representative of the City.

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

11. Games in Streets Prohibited. It shall be unlawful for any person to play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

12. Storage of Flammable Liquids in Residential Areas. It shall be unlawful for any person to store in excess of ten (10) gallons of any flammable liquid, including, but not limited to, gasoline, in any container within any R-1 Single Family Residential or R-2 Mixed Residential zoning district established under the Zoning Ordinance of the City of Bellevue, Iowa.

(Ord. 311 Passed September 6, 2005)

13. Reserved.

(ECIA Model Code amended in 2022)

14. Firearm and Weapon Free Zone.

**A. Findings of Fact.** The City Council of the City of Bellevue, Iowa, hereby makes the following findings of fact:

(1) Article III, Section 38A of the Constitution of the State of Iowa, and Sections 364.1 and 364.2 of the Code of Iowa (2009) provide a city with home rule power and authority 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, not inconsistent with the laws of the general assembly and subject only to limitations expressly imposed by a state or city law.

(2) An exercise of a city's power is not inconsistent with a state law unless it is irreconcilable with the state law.

(3) A municipality has the inherent authority to manage the property over which it exercises ownership or control.

(4) A municipality has the inherent obligation to preserve and improve the health, safety and welfare of its citizens.

(5) Section 724.28 of the Code of Iowa (2009) provides certain restrictions on the scope of local ordinances limiting firearm registration, transportation, possession, and transfer.

(6) The Iowa Attorney General has issued an Opinion of the Attorney General which concluded that an ordinance or resolution passed by a municipality establishing a "firearm/weapons free zone" placing restrictions upon the possession of firearms and weapons in buildings owned by or directly controlled by the municipality is a valid exercise of a municipalities' home rule authority and is not irreconcilable with Section 724.28 of the Code of Iowa (2009). (OP. Atty. Gen. #03-4-1).

(7) Section 724.4A(1) of the Code of Iowa (2009), as amended, creates a "weapons free zone" in or on the real property comprising a public park, except that portion of a public park designated as a hunting area under Section 461A.42.

(8) It is in the best interest of the citizens of the City of Bellevue, Iowa to preserve and improve the health, safety and welfare of said citizens through the establishment of a "Firearm and Weapon Free Zone" in all municipal buildings and public parks in the City of Bellevue, Iowa.

**B. Decision.**

**1 Definitions.**

(A) Municipal building. The term "municipal building" shall mean any structure, dwelling, garage, building or shelter owned, leased or otherwise occupied or controlled by the City of Bellevue, Iowa and used for any municipal or public purposes by the City.

(B) Public Park. The term "public park" shall mean the real property comprising a public park within the corporate city limits of the City of Bellevue, Iowa, except that portion of a public park designated as a hunting area under Section 461A.42.

(C) Weapon. The term "weapon" shall mean and include all weapons as defined or described in Sections 724.1 and 724.4 of the Code of Iowa (2009), as may be amended.

(D) Firearm. The term "firearm" shall mean any device or instrument designed to propel, or used in the propulsion of any bullet, shot, pellet, slug, BB, dart or other projectile by the action of a propellant charge, an explosive, or by mechanical or electrical means, within or connected to the device or instrument. The term includes pistols, revolvers, derringers, handguns, pellet guns, rifles, shotguns, muskets, antique firearms, or other devices which can expel or may be readily converted to expel any form of projectile so as to strike an object or person.

(E) Firearm and Weapon Free Zone. The term "Firearm and Weapon Free Zone" shall mean all municipal buildings and public parks in the City of Bellevue, Iowa which are hereby declared to be a Firearm and Weapon Free Zone.

C. Notice and Detection.

1. Notice Posted. Notice of the Firearm and Weapon Free Zone shall be posted by the City of Bellevue in a prominent manner at each entryway into all municipal buildings and at each entryway into all public parks in the City of Bellevue, Iowa.

2. Detection. All packages, brief cases, containers and any person entering into a municipal building or public park in the City of Bellevue, Iowa may, upon probable cause to believe the person is carrying or in possession of a weapon or firearm, be subject to metal detection testing or personal search conducted by a law enforcement officer.

D. Criminal Offense.

1. Unlawful Act. It shall be unlawful for any person, except a law enforcement officer, a member of the Armed Forces of the United States or the Iowa National Guard on active duty, a person in the service of the United States of America, or a correctional officer serving in an institution under authority of the Iowa Department of Corrections, to carry, possess or display any weapon or firearm within a Firearm and Weapon Free Zone in the City of Bellevue, Iowa.

2. Penalty. Any person violating the provisions of Section 3.1 of this Resolution shall be charged with criminal trespass under Section 716.7(2)(b) of the Code of Iowa (2009), as may be amended, and upon conviction shall be subject to a fine of not less than \$65.00 and not to exceed \$650.00 as provided in Sections 716.8(1) and 903.1(a) of the Code of Iowa (2009).

(Resolution 01-11, Passed January 19, 2011)

15. Littering Prohibited.

a. As used in this Code, "discard" means to place, cause to be placed, throw, deposit or drop, and "litter" means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Bellevue, except as provided and approved by the City of Bellevue, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one's ownership, possession or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste is kept in place in the manner prescribed in this Code.

(ECIA Model Code Amended in 2017)

### 3-1-8 PUBLIC PROPERTY.

1. **Illegal Connections Prohibited.** It shall be unlawful to willfully, and without proper authorization, tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distribution system of any electric light plant, gas plant, water plant, or wastewater treatment system, or to aid or abet any other person in doing so.

2. **Illegal Connections to Telephone or Cable Television.** It shall be unlawful to willfully, and without proper authorization, tap or connect a wire with the telephone wires or cable television wires of any person, company or association.

3. **Drainage Obstruction Prohibited.** It shall be unlawful to divert, obstruct, impede, or fill up, without consent from an authorized representative of the City, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

4. **Nonresidents Depositing Garbage in City Limits.** It shall be unlawful for any nonresident of the City of Bellevue to deposit garbage for collection anywhere within the City limits of Bellevue, Iowa.

5. **Dumping Prohibited.** It shall be unlawful for any person to dump or place any refuse, animal waste, yard waste, trees, limbs or brush on Water Lots 23 through 80 in the City of Bellevue, Iowa.

6. It shall be unlawful for any person to dump or place any garbage/refuse, cans, bottles, bags, debris, lumber, or other non-compost material at the city compost site. Violators shall be subject to a \$250.00 fine per incident and the City reserves the right to ban such violators from using the compost site. The area is monitored by a surveillance camera.

(Ord. 327, Passed July 24, 2006)  
(Amended during 2009 codification)  
(Ord. 449, Passed November 4, 2019)  
(Amended during 2024 codification)

### 3-1-9 DRUG PARAPHERNALIA.

1. Definitions. The term “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 204 of the Iowa Code. It includes, but is not limited to:

- a. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- b. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producting, processing, or preparing controlled substances.
- c. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- d. Testing Equipment. Testing equipment used, intended for use, or designed for use in indentifying or in analyzing the strength, effectiveness or purity of controlled substances.
- e. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- f. Diluents. Diluents or adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
- g. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- h. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

j. Storage Containers. Containers and other objects used, intended for use, or designated for use in storing or concealing controlled substances.

k. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

l. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;

(6) Miniature cocaine spoons and cocaine vials;

(7) Chamber pipes;

(8) Carburetor pipes;

(9) Electric pipes;

(10) Air driven pipes;

(11) Chillums;

(12) Bongs;

(13) Ice pipes or chillers.

2. Determining Factors. In determining whether an object is drug paraphernalia for the purpose of enforcing this article, the following factors should be considered in addition to all other logically relevant factors:

a. Statements. Statements by an owner or by anyone in control of the object concerning its use.

b. Prior Convictions. Prior convictions, if any, or an owner, or of anyone in control of the object under any State or Federal law as relating to any controlled substances.

c. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 204 of the Code of Iowa.

d. Proximity to Substances. The proximity of the object to controlled substances.

e. Residue. The existence of any residue of controlled substances on the object.

f. Evidence of Intent. Direct or circumstantial evidence of the intent of the owner or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 204 of the Code of Iowa.

g. Instructions. Instructions, oral or written, provided with the object concerning its use.

h. Descriptive Material. Descriptive materials accompanying the object which explain or depict its use.

i. Advertising. National and local advertising concerning its use.

j. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

k. Sales Ratios. Direct or circumstantial evidence of the ratio sales of the object(s) to the total sales of the business enterprise.

l. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.

m. Expert Testimony. Expert testimony concerning its use.

3. Prohibited Acts. The following acts are prohibited:

a. Possession of Drug Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 204 of the Code of Iowa.

b. Manufacture, Delivering or Offering for Sale. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer to sell drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound concert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body

a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 204 of the Code of Iowa.

c. Advertisement of Drug Paraphernalia. It is unlawful for any person to place or accept for placement in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

### 3-1-10 SIDEWALK REGULATIONS.

1 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

(ECIA Model Code Amended in 2011)

2. It shall be unlawful for any person to construct, place, maintain or utilize any sign, planter, bench, table, vending machine, or any other obstruction on any public sidewalk within the city limits.

3. It shall be unlawful to place any cigarette butt receptacle upon a public sidewalk within the city limits without a permit.

4. A person or business desiring to place a cigarette butt receptacle upon a public sidewalk within the city limits shall apply for a permit from the city in advance of placement. The application shall be on forms provided by the city and shall contain all information requested in the application. The city administrator may issue a permit, and shall consider the following factors in determining whether or not a permit should be granted:

a. The location proposed for the cigarette butt receptacle.

b. The nature of the business or location for which a permit is requested.

c. A history or lack of history of cigarette butt littering in the area of the proposed receptacle.

d. Any obstructions to public sidewalks or handicapped access by the proposed receptacle.

e. The location of other cigarette butt receptacles in the area of the proposed receptacle.

The city administrator shall grant or deny the application by noting his or her decision on the face of the application. A copy of the decision shall be provided to the requesting party.

5. If a permit for a cigarette butt receptacle is granted, the requesting party may place a cigarette butt receptacle that meets the standards set forth in this section. The receptacle shall be a Smokers Outpost or Smokers Cease-Fire Cigarette Butt Receptacle, or a substantial equivalent of those products. Such receptacles shall not exceed 20 inches in diameter or 42 inches in height and shall be of a color to match or enhance the existing exterior of any surrounding buildings. The receptacle shall be subject to approval of the city administrator.

(Ord. 288, Passed August 5, 2003)  
(Ord. 351, Passed August 20, 2008)

### 3-1-11 REGULATION OF SKATING DEVICES.

1. Definitions. For purposes of this section, “skating devices” include skateboards, roller skates, inline skates and/or roller blades.

2. It shall be unlawful for any person to operate skating devices on the public streets or sidewalks within the “business district,” which shall be defined as the area included within and including the foregoing streets and their adjoining sidewalks:

Riverview Street from Park Street to Jefferson Street; Second Street from Park Street to Jefferson Street; State Street from Riverview Street to Second Street; Court Street from Riverview Street to Second Street; and Market Street from Riverview Street to Second Street.

3. It shall be unlawful for any person to operate skating devices upon or within any municipal parking lot.

4. It shall be unlawful for any person operating a skating device to ride in any irregular or reckless manner such as zigzagging, stunting, or otherwise riding with disregard for either the operator’s safety or the safety of others.

5. All persons using or operating skating devices on any street or sidewalk shall observe all traffic rules and regulations, as well as all traffic control devices.

6. All persons operating a skating device on a public street shall operate as near to the right curb as possible at all times.

(Ord. 335, Passed February 15, 2006)  
(Amended during 2024 codification)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 2 NUISANCES**

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

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

1. **Nuisances Declared.** The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances shall include, but not be limited to, those activities and items hereinafter set forth in this section below:

(Code of Iowa, Sec. 657.1)  
(Amended during 2001 Codification)  
(ECIA Model Code Amended in 2017)

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

(Code of Iowa, Sec. 657.2(1))

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

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

(Code of Iowa, Sec. 657.2(4))

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

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

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

(Code of Iowa, Sec. 657.2(9))

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

h. Weeds. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard. Weeds and grasses grown to a height in excess of eight (8) inches shall constitute a health, safety or fire hazard. When the Mayor or other authorized municipal officer finds that weeds and/or grasses have grown to a height in excess of eight (8) inches, the Mayor or such other officer shall cause a written notice to be served upon the owner of the property, as shown by the records of the County Auditor, directing that such weeds be cut and/or such grasses be cut or mowed within three (3) days of the service of such written notice. Following service of such written notice, if the property owner fails to cut the weeds and/or cut or mow the grass the City shall mow or cut the grass and/or cut the weeds and the property owner shall be assessed the fee provided for in Section 3-2-9(b).

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

(Ord. 431, Passed August 6, 2018)

i. Trees on private property infected with Dutch elm disease.

j. Effluent from a septic tank or drainfield or ponding of polluted water over an overloaded or non-operating drainfield.

k. The obstruction of a gutter or drainage ditch or pipe.

l. The maintaining of any accumulations of rubbish.

m. Buildings or structures which are in such a state of disrepair as to constitute a danger to children who might enter the premises or passersby on public property.

n. Animals constituting a nuisance pursuant to Section 4-1-4 of the City of Bellevue Code of Ordinances. The City may order the owner of an animal constituting a nuisance to remove the offending animal from the city limits or to destroy it.

(Ord. 358, Passed December 3, 2008)

o. Erecting or using any outdoor wood burning furnace which, by occasioning noxious exhalations, unreasonably offensive smells, air pollutant particulates, or other annoyances, is injurious and dangerous to the health, comfort and/or property of individuals or the public.

(Ord. 391, Passed April 1, 2013)

p. Causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice to others; causing or suffering any refuse, garbage, obnoxious substances, hazardous wastes, junk or salvage materials or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool

of water; except for compost piles established and maintained with written permission from the Jackson County Public Health Department and junk or salvage materials property stored in accordance with the Bellevue Municipal Code;

q. Diseased or damaged trees or shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor insects or diseased pests or diseases injurious to other trees or shrubs or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

r. Any ditch, drain or water course which is now or hereafter may be constructed so as to prevent surface water and overflow water from adjacent lands entering or draining into and through the same; any storm water detention basis not maintained in an appropriate manner so as to allow its proper function.

s. Stagnant water standing on any property, any property, container or material kept in such condition that water can accumulate and stagnate.

t. Reserved.

(Amended during 2024 codification)

u. Infestations of vermin such as rats, mice, skunks, snakes, starlings, pigeons, bees, wasps, cockroaches or flies.

v. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainage fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors; septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are empty and cleaned with clean fill; an evolved cesspools or septic tank which does not comply with the Jackson County Department of Health regulation.

w. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

x. Dangerous buildings or structures.

y. Abandoned buildings.

z. Any hazardous thing or condition on property which may contribute to injury of any person present on the property; hazards include, but are not limited to, open holes, open wells, open foundation, dangerous trees or limbs, abandoned and unsecured refrigerators or trapping devices.

aa. The storage, parking, leaving or permitting the storage, parking or leaving of any inoperable or obsolete vehicle upon private property within the City for a period in excess of 48 hours, unless exempted herein. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a legal junk yard or automobile or truck-oriented use operated in the appropriate zone and in compliance with the Bellevue Municipal Code of Ordinances.

bb. All junk yard or salvage operations except those permitted by ordinance and operating in full compliance with the Bellevue Municipal Code of Ordinances.

cc. The open burning of trash, refuse, garbage, junk or salvage materials, yard waste, leaves and tree trimmings shall be prohibited within the City limits, provided, however, the City Council may designate up to three weekends each year to allow City residents to burn leaves and tree trimmings in accordance with the City's Open Burning Policy. Outdoor cooking or burning of wood is permitted if performed in a container constructed of steel, brick or masonry and the fire is no larger than four feet in diameter. Additional open burning may be permitted upon written request, only with the special permission of the City Council provided the burning is in compliance with Open Burning Policy guidelines established by the City in consultation with the Fire Department.

dd. Any accumulations of ice, water and snow on public sidewalks, or the failure to remove said accumulations within 48 hours after the creation of such accumulations exist, shall constitute a nuisance and shall be abated pursuant to the provisions specified in the Bellevue Municipal Code of Ordinances.

ee. Reserved.

(Amended during 2024 codification)

ff. Any nuisance described as such or declared by Chapter 657 of the Code of Iowa.

gg. The sounding of any horn or other signaling device on any vehicle on any street, public or private place within the City, except as a danger warning, which makes a loud or harsh sound to the disturbance or annoyance of any person and can be plainly audible at a distance of 50 feet.

hh. The use of amplified sound creating a disturbance or annoyance to others and can be plainly heard 50 feet from the source of the amplified sound.

ii. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

jj. Reserved.

kk. No person shall obstruct, deface, destroy or injure any public right-of-way in any manner by breaking up, plowing or digging within the right-of-way without City permission.

ll. No person shall throw or deposit on any public or private property any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter or any other debris or like substance which may injure or damage any person, animal or vehicle or which may annoy, injure or become dangerous to the health, comfort or property of individuals or the public.

mm. Reserved.

(Amended during 2024 codification)

nn. Reserved.

oo. Reserved.

pp. The storage of any appliances, scrap metal, indoor furniture, broken furniture, used building material, unstacked wood, broken toys, broken bicycles and tricycles, bathroom fixtures and similar objects visible from the public right-of-way or adjoining property.

qq. Reserved.

(Amended during 2024 codification)

rr. Pipes, lumber, drywall, flooring, roofing shingles and other building material left on the property visible from the public right-of-way or adjoining property for a period of time exceeding 72 hours.

ss. Rusty, deteriorated, dilapidated or unusable play equipment visible from any adjoining property.

tt. Dilapidated dwelling units exhibiting peeling paint, untreated wood, broken gutters, broken windows, dry rot, missing banisters, railings and spindles, broken doors and the like creating an eyesore and offending members of the public.

(ECIA Model Code Amended in 2017)

(This is not an exclusive or exhaustive list of possible nuisances. The Council must decide what is needed and appropriate for its community.)

(ECIA Model Code Amended in 2020)

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

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance may be abated by criminal citation, municipal infraction or as otherwise provided in this Ordinance or Code of Iowa.

(Code of Iowa, Sec. 657.3)

(ECIA Model Code Amended in 2017)

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

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.
2. The removal, repair, or dismantling of dangerous buildings or structures.
3. The numbering of buildings.
4. The connection to public drainage systems from abutting property when necessary for public health or safety.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard. Weeds and grasses grown to a height in excess of eight (8) inches shall constitute a health, safety or fire hazard. When the Mayor or other authorized municipal officer finds that weeds and/or grasses have grown to a height in excess of eight (8) inches, the Mayor or such other officer shall cause a written notice to be served upon the owner of the property, as shown by the records of the County Auditor, directing that such weeds be cut and/or such grasses be cut or mowed within three (3) days of the service of such written notice. Following service of such written notice, if the property owner fails to cut the weeds and/or mow or cut the grass the City shall mow or cut the grass and/or cut the weeds and the property owner shall be assessed the fee provided for in Section 3-2-9(b).

(Ord. 431, Passed August 6, 2018)

**3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION.** Whenever the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, the Mayor or officer may notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice. Notice and opportunity to abate the nuisance is not required prior to bringing legal action.

(Code of Iowa, Sec. 364.12(3)(h))  
(ECIA Model Code Amended in 2014)  
(ECIA Model Code Amended in 2017)

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

**3-2-6 METHOD OF SERVICE.** The notice could be sent by police or by certified mail to the property owner as shown by the records of the County Auditor. Notice by one publication in one newspaper of general circulation in the area where the nuisance exists is also acceptable.

(Code of Iowa, Sec. 364.12(3)(h))  
(ECIA Model Code Amended in 2014)

**3-2-7 REQUEST FOR HEARING AND APPEAL.** Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer/employee ordering the abatement within seven (7) working days of the receipt of the notice or

the right to a hearing shall be waived. If an appeal is not filed as set forth herein, it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. The property owner may appeal this decision by filing written notice with the City Clerk within five (5) calendar days of the decision. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

(ECIA Model Code Amended in 2017)

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

**3-2-9 ABATEMENT BY MUNICIPALITY.**

1. If the property owner, or the legal representative of the property owner, after being notified to abate a nuisance or other regulated condition, neglects or fails to abate the nuisance or other regulated condition as directed, the City may then perform the required action to abate the nuisance or other regulated condition. The City shall keep an accurate itemized account of the expenses incurred in performing the required action. The itemized account of expenses shall be filed with the City Clerk/Treasurer for payment on behalf of the City. All such itemized expenses paid on behalf of the City shall be collected in accordance with Section 3-2-10 COLLECTION OF COST OF ABATEMENT of the Bellevue Code of Ordinances.

2. The City will assess to the property owner the following labor fees for mowing grass and cutting weeds reaching a height in excess of eight inches:

Minimum fee, first hour	\$175.00
Each additional hour	\$75.00 per hour

The City shall keep an accurate itemized account of the labor time incurred in performance of the mowing grass and cutting weeds. The itemized account of labor expenses shall be filed with the City Clerk/Treasurer for payment on behalf of the City. All such itemized labor expenses paid on behalf of the City shall be collected in accordance with Section 3-2-10 COLLECTION OF COST OF ABATEMENT of the Bellevue Code of Ordinances.

(Ord. 430, Passed August 6, 2018)

**3-2-10 COLLECTION OF COST OF ABATEMENT.** The City Administrator shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the City Administrator shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

(Amended during 2006 codification)

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

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential, commercial or industrial building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

(Amending during 2001 Codification)

(ECIA Model Code Amended in 2014)

(ECIA Model Code Amended in 2017)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 3 TRAFFIC CODE**

3-3-1	Short Title	3-3-14	“U” Turns
3-3-2	Definitions	3-3-15	One-Way Streets and Alleys
3-3-3	Traffic Accident Studies	3-3-16	Through Highways and Required Stops
3-3-4	Annual Reports of Traffic Accidents	3-3-17	School Stops and Playground Stops
3-3-5	Authority of Police and Fire Department Officials	3-3-18	Pedestrians’ Rights and Duties
3-3-6	Reserved	3-3-19	Parking Regulations
3-3-7	Reserved	3-3-20	Impoundment of Vehicles
3-3-8	Reserved	3-3-21	Miscellaneous Provisions
3-3-9	General Traffic Regulations	3-3-22	Bicycle Regulations
3-3-10	Traffic Control Devices	3-3-23	Snowmobile Regulations
3-3-11	Chief of Police to Designate Crosswalks; Establish and Mark Traffic Lanes	3-3-23A	All-Terrain Vehicles and Off-Road Vehicle Regulations
3-3-12	Play Streets	3-3-23B	Golf Cart Regulations
3-3-13	Reserved	3-3-24	Placement of Stop Signs
		3-3-25	Placement of Yield Signs
		3-3-26	Placement of Pedestrian Crossing Signs

3-3-1 **SHORT TITLE.** This Chapter may be known and cited as the “Bellevue Traffic Code”.

3-3-2 **DEFINITIONS.** Where words and phrases used in this Chapter are defined by Iowa Code Section 321.1 as amended from time to time by the general assembly, such definitions shall apply to this Ordinance. In addition, the following terms are defined as follows:

1. “Automatic Traffic Citation” shall mean a notice of violation generated in connection with the Automated Traffic Enforcement System.
2. “Automated Traffic Enforcement (ATE) Contractor” shall mean the company or entity, if any, with which the City of Bellevue contracts to provide equipment and/or services in connection with the automated Traffic Enforcement System.
3. “Automated Traffic Enforcement (ATE) System” shall mean an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or a system using one or more vehicle detectors in combination with photography to identify vehicles which are exceeding the speed limit.
4. “Park” and “parking” shall mean the stopping of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of loading or unloading merchandise or passengers.
5. “Stop” shall mean the complete cessation of movement.

6. "Stop" or "stopping" shall mean any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control sign or signal.

7. "Business district" shall mean:

Second Street between Park Street and Jefferson Street; Third Street between Market Street and Court Street; Riverview Street between Park Street and Jefferson Street; Market Street between Riverview Street and Third Street; State Street between Riverview Street and Third Street; and Court Street between Riverview Street and Third Street.

8. "Residential district" shall mean all areas of the City not included in the business district.

9. "Vehicle Owner" shall mean the person or entity identified by the Iowa Department of Transportation, or identification by other state vehicle registration office, as the registered owner of a vehicle detected violating a traffic law by failing to obey speed regulations within the City. Notwithstanding the foregoing, in the event the Iowa Department of Transportation or any other state vehicle registered offices identifies a person or entity as the lessee of the vehicle, that lessee shall be the vehicle owner for the purpose of this chapter. In the event a state registration office does not specify whether a person or entity listed on the registration for the vehicle is the owner or the lessee of the vehicle, any person or entity listed on that vehicle registration may be deemed the vehicle owner and held jointly and severally responsible for a violation of the chapter.

(Ord. 476, Passed May 17, 2023)

**3-3-3 TRAFFIC ACCIDENT STUDIES.** Whenever the accidents at any particular location become numerous, the Chief of Police shall conduct a study of such accidents and propose remedial measures.

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

**3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.** The provisions of this Chapter and Iowa Code Chapter 321 shall be enforced by the officers of the Police Department.

The officers of the Police Department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic at the scene or in the immediate vicinity.

**3-3-6 RESERVED.**

**3-3-7 RESERVED.**

### 3-3-8 AUTOMATED TRAFFIC ENFORCEMENT (ATE).

1. General. In accordance with its police powers, the City Council may cause to be deployed, erect or cause to have erected an Automated Traffic Enforcement (ATE) system for capturing images of motor vehicles that violate traffic laws by failing to obey speed regulations with the City. The system may be managed by a private contractor that owns and operates the requisite equipment. The Bellevue Police Chief shall retain supervisory control over the system and, with prior City Council approval, shall determine the exact deployment of the system components throughout the City. The contractor shall provide photographic and/or video images of the potential violations to the Bellevue Police Department to review and, in the event the Bellevue Police Department determines a vehicle was operated in violation of the City's traffic control ordinances, the Bellevue Police Department shall direct that a notice of Automated Traffic Citation be issued to the vehicle owner in accordance with the provisions of this section.

2. Vehicle owner subject to Civil Fine for Automated Traffic Citations.

a. If a vehicle is detected traveling at a speed above the posted limit, then the Vehicle Owner shall be subject to a civil fine as scheduled under heading titled Notice of Automated Traffic Citations; Fines.

b. Exceptions from the section are set forth under heading titled Exemptions and shall not be considered violations for purposes of the A TE System.

c. In no event will an Automated Traffic Citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the Vehicle Owner's driving record.

3. Notice of Automated Traffic Citation; Fines.

a. Upon determination by a qualified Bellevue Police Department Employee that the ATE System has detected a violation as described in above subsection, a notice of an Automated Traffic Citation will be mailed to the Vehicle Owner for each violation recorded by the A TE System. The ATE Contractor shall mail the notice within 30 days after receiving information about the Vehicle Owner. The notice shall include: name and address of the Vehicle Owner, vehicle make (if available and readily discernable), vehicle registration number, alleged violation, time, date, and location of the alleged violation, applicable fine, information as to the manner in which the Automated Traffic Citation may be challenged, and that the basis of the notice is photographic or video record generated by an A TE System.

b. Any violation of subsection 2.a. above after the first thirty (30) days of implementation shall be subject to a civil fine as scheduled in the table below, and the fine for any violation committed in the designated construction zone (as provided by the Code of Iowa), shall be doubled, as scheduled below, subject to any event to the limit on the fines sought in municipal infractions.

Speed Over the Limit	Civil Fine	If in Construction or School Zone
1 – 5 MPH	\$25	\$50
6 – 9 MPH	\$50	\$100
10 – 14 MPH	\$100	\$200
15 – 19 MPH	\$150	\$300
20 – 24 MPH	\$200	\$400
25 – 29 MPH	\$250	\$500
Over 30 MPH	\$400	\$800

MPH=miles per hour

4. Challenging an Automated Traffic Citation. Within 30 days from the date spearing at the top of the notice of the Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner may either pay the fee associated with the citation or challenge the citation by submitting a written challenge to the citation by completing the non-appearance form found at [www.viewcitation.com](http://www.viewcitation.com) or as listed on Notice of Violation. Or requesting that a municipal infraction be filled pursuant to Iowa Code Section 364.22, as amended. Otherwise, the citation shall stand. Therefore, the City may seek voluntary payment and/or file the situation as a municipal infraction against the Vehicle Owner.

5. Failure to Timely Pay or Challenge Automated Traffic Citation. If the recipient of an Automated Traffic Citation does not either pay the fine by the due date stated on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the Vehicle Owner in accordance with the Bellevue City Code Title I, Chapter 4 and §364.22 of the Code of Iowa as amended, seeking judgment for the applicable civil fines, plus State mandated filing fees, and court costs. If judgment is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgment together with interest as permitted by law.

Collection of that judgment may include referral to the State of Iowa Income Offset program administered by the Department of Administrative Services, State Accounting Enterprise. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the Vehicle Owner and/or referring the matter to a private service agent to conduct collection in accordance with all applicable law.

6. Exemptions from Section 3-3-8 ATE. The following shall not be considered violations for purposes of the A TE System. The list exemption list below shall not be construed as limiting the defense available to challenge the Automated Traffic Citation or defend as municipal infraction.

a. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to Bellevue Municipal Code Title III Community Protection, Chapter 3 the Chapter 321 of the Code of Iowa.

b. The violation occurred at any time after the vehicle in question or its State registration plates were reported to a law enforcement agency as having been stolen, provided, however, the vehicle or its plates had not been recovered by the Vehicle Owner at the time of the alleged violation.

c. The vehicle in question was an authorized emergency vehicle and was exceeding the speed limit of in response to a verifiable emergency, or the vehicle was being operated by a member of the volunteer Bellevue Fire Department, Bellevue EMS, or other volunteer emergency response department in relation to a verifiable fire or other emergency.

7. Calibration. For purposes of this section, calibration shall mean the procedure by which ATE equipment is tested and verified to ensure its speed-measuring capabilities are functioning properly and accurately. The ATE equipment shall be calibrated at least once annually by personnel trained and certified to do this. The calibration shall be consistent with engineering or industry standards. Calibration and maintenance records will be provided to the Chief of Police or designee.

(Ord. 476, Passed May 17, 2023)

**3-3-9 GENERAL TRAFFIC REGULATIONS.** It shall be unlawful for any person to violate any of the following general traffic regulations:

See 3-3-9.1 through 3-3-9.137

(Ord. 228, Passed November 24, 1997)

**3-3-9.1 REGISTRATION CARD CARRIED AND EXHIBITED.** A vehicle's registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

(Code of Iowa, Sec. 321.32)

The provisions requiring that a registration card be carried in the vehicle to which it refers shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

(Code of Iowa, Sec. 321.33)

**3-3-9.2 OPERATION WITHOUT REGISTRATION.** A person shall not operate, and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor for the current registration year and unless a certificate of title has been issued for such vehicle except as otherwise expressly permitted in this chapter. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b".

(Code of Iowa, Sec. 321.98)

Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the registration provisions of this chapter except:

1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, or nonresidents as contemplated by section 321.53 and chapter 326 of the Iowa Code, or under a temporary registration permit issued by the department as hereinafter authorized.

2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another.

3. Any implement of husbandry.
4. Any special mobile equipment as herein defined.
5. Any vehicle which is used exclusively for interplant purposes, in the operation of an industrial or manufacturing plant, consisting of a single unit comprising a group of buildings separated by streets, alleys, or railroad tracks, and which vehicle is used solely to transport materials from one part of the plant to another or from an adjacent railroad track to the plant and in so doing incidentally using said streets or alleys for not more than one thousand feet.
6. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in Iowa Code section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from registration under this subsection.
8. Any mobile home or manufactured home.

(Code of Iowa, Sec. 321.18)

**3-3-9.3 FRAUDULENT USE OF REGISTRATION.** A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "d".

(Code of Iowa, Sec. 321.99)

**3-3-9.4 OPERATORS LICENSED — OPERATION OF COMMERCIAL MOTOR VEHICLES.**

1. A person, except those expressly exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver's license issued by the department valid for the vehicle's operation.
2. A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or driver's license is valid for the vehicle operated. A person who operates

a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

3. A licensee shall have the licensee's driver's license in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. However, a person charged with violating this subsection shall not be convicted if the person produces to the clerk of the district court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section.

**3-3-9.8 PERMITTING UNAUTHORIZED MINOR TO DRIVE.** A person shall not cause or knowingly permit the person's child or ward under the age of eighteen years to drive a motor vehicle upon any highway when the minor is not authorized under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, paragraph "c".

(Code of Iowa, Sec. 321.19)

**3-3-9.9 PERMITTING UNAUTHORIZED PERSON TO DRIVE.** A person shall not knowingly authorize or permit a motor vehicle owned by the person or under the person's control to be driven upon a highway by a person who is not issued a driver's license valid for the vehicle's operation. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, paragraph "c".

(Code of Iowa, Sec. 321.220)

**3-3-9.10 EMPLOYING UNLICENSED CHAUFFEUR.** A person shall not employ as a chauffeur of a motor vehicle a person not then holding a class D driver's license or a commercial driver's license as provided in this chapter.

(Code of Iowa, Sec. 321.221)

**3-3-9.11 UNLAWFUL USE OF LICENSE OR NONOPERATOR' S IDENTIFICATION CARD — PENALTY.** It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, paragraph "b", for any person:

1. To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or nonoperator's identification card.
2. To lend that person's driver's license or nonoperator's identification card to another person or knowingly permit the use of the license by another.
3. To display or represent as one's own a driver's license or nonoperator's identification card not issued to that person.
4. To fail or refuse to surrender to the department upon its lawful demand a driver's license or nonoperator's identification card which has been suspended, revoked, or canceled.

5. To permit an unlawful use of a driver's license or nonoperator's identification card issued to that person.

(Code of Iowa, Sec. 321.16)

**3-3-9.12 RENTING MOTOR VEHICLE TO ANOTHER.** No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of residence except a nonresident whose home state or country does not require that an operator be licensed.

(Code of Iowa, Sec. 321.222)

A person shall not rent a motor vehicle to another person without inspecting the driver's license of the person to whom the vehicle is to be rented and doing all of the following:

1. A comparison and verification of the signature on the driver's license with the signature of such person written in the inspecting person's presence.

2. A comparison and verification of the person to whom the motor vehicle is to be rented with the photograph and other identification information on the person's driver's license.

3. A determination that the driver's license of the person to whom the vehicle is to be rented is valid for operating the vehicle to be rented.

(Code of Iowa, Sec. 321.223)

**3-3-9.13 OBEDIENCE TO PEACE OFFICERS.** No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

**3-3-9.14 PUBLIC OFFICERS NOT EXEMPT.** The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(Code of Iowa, Sec. 321.230)

**3-3-9.15 AUTHORIZED EMERGENCY VEHICLES AND POLICE BICYCLES.**

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of any authorized emergency vehicle, may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

3. The driver of a fire department vehicle, police vehicle, ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:

a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

4. The exemptions granted to an authorized emergency vehicle under subsection 2 and for a fire department vehicle, police vehicle, or ambulance as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of section 3-3-9.125 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection 3, paragraph "b" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter, for the purpose of determining the speed of travel of such suspected violator.

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

(Code of Iowa, Sec. 321.231)

#### 3-3-9.16 RADAR JAMMING DEVICES — PENALTY.

1. A person shall not sell, operate or possess a radar jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state.

2. This section does not apply to radar speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in their official duties.

3. A radar jamming device may be seized by a peace officer subject to forfeiture as provided by chapter 809 or 809A of the Iowa Code.

4. For the purposes of this section "radar jamming device" means any mechanism designed or used to transmit radio waves in the electromagnetic wave spectrum to interfere with the reception of those emitted from a device used by peace officers of this state to measure the speed of motor vehicles on the highways of this state and which is not designed for two-way transmission and cannot transmit in plain language.

(Code of Iowa, Sec. 321.232)

#### 3-3-9.17 BICYCLES, ANIMALS, OR ANIMAL-DRAWN VEHICLES.

1. A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

2. A person, including a peace officer, riding a bicycle on the highway is subject to the provisions of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

3. A person propelling a bicycle on the highway shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

4. A person shall not use a bicycle on the highway to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.

5. This section does not apply to the use of a bicycle in a parade authorized by proper permit from local authorities.

(Code of Iowa, Sec. 321.234)

**3-3-9.18 ALL-TERRAIN VEHICLES — HIGHWAY USE.**

1. As defined under 3-3-23A All-Terrain Vehicles and Off-Road Vehicle Regulations.

(Ord. 472, Passed August 17, 2022)

(Amended during 2024 codification)

**3-3-9.19 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.** No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized emergency vehicle.

(Code of Iowa, Sec. 321.256)

1. For the purposes of this section “stop at the official traffic control signal” means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

2. Official traffic control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

a. A “steady circular red” light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the leftmost lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

b. A “steady circular yellow” or “steady yellow arrow” light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right of way to all vehicles.

c. A “steady circular green” light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.

d. A “steady green arrow” light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right of way to other vehicles and pedestrians lawfully within the intersection.

e. A “flashing circular red” light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

f. A “flashing yellow” light means vehicular traffic shall proceed through the intersection or past such signal with caution.

g. A “don’t walk” light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

h. A “walk” light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right of way by drivers of all vehicles.

(Code of Iowa, Sec. 321.257)

**3-3-9.20 DAMAGE TO VEHICLE.** The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until the driver has fulfilled the requirements of Iowa Code section 321.263. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and punished as provided in Iowa Code section 321.482.

(Code of Iowa, Sec. 321.262)

**3-3-9.21 OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES.**

1. General. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. Riders.

a. Motorized bicycles. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. Motorcycles. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

c. Sitting position. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

3. Use of traffic lanes. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

4. Headlights on. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section 3-3-9.113. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

5. Packages. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

6. Parades. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities.

7. Bicycle safety flags required on motorized bicycles. When operated on a highway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, and be Day-Glo in color.

(Code of Iowa, Sec. 321.275)

3-3-9.22 RECKLESS DRIVING. Any person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Every person convicted of reckless driving shall be guilty of a simple misdemeanor.

(Code of Iowa, Sec. 321.277)

3-3-9.23 DRAG RACING PROHIBITED. No person shall engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this state and no person shall aid or abet any motor vehicle speed contest or speed exhibition on any street or highway of this state, except that a passenger shall not be considered as aiding and abetting. Motor vehicle speed contest or exhibition of speed are defined as one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

(Code of Iowa, Sec. 321.278)

3-3-9.24 SPEED RESTRICTIONS. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law. The following shall be the lawful speed except as provided by this section, or except as posted pursuant to Iowa Code sections 262.68, 321.236, subsection 5, section 321.288, subsection 6, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, and any speed in excess thereof shall be unlawful:

1. Twenty-five miles per hour in any business district.

(Amended during 2019 codification)

2. Twenty-five or thirty-five miles per hour as marked per signage in any residential area.

(Amended during 2019 codification)

3. Forty-five miles per hour in any suburban district. Each school district as defined in subsection 70 of section 321.1 shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district.

4. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic shall be fifty- five miles per hour.

5. Reasonable and proper, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 4 of this section.

6. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways including the national system of interstate highways is sixty- five miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways. However, the department or cities with the approval of the department may establish a lower speed limit upon such highways located within the corporate limits of a city. For the purposes of this subsection, a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations. It is further provided that any kind of vehicle, implement, or conveyance

incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate system.

(Code of Iowa, Sec. 321.285)

**3-3-9.27 CONTROL OF VEHICLE — REDUCED SPEED.** A person operating a motor vehicle shall have the vehicle under control at all times and shall reduce the speed to a reasonable and proper rate:

1. When approaching and passing a person walking in the traveled portion of the public highway.
2. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.
3. When approaching and traversing a crossing or intersection of public highways, or a bridge, sharp turn, curve, or steep descent, in a public highway.
4. When approaching and passing an emergency warning device displayed in accordance with rules adopted under Iowa Code section 321.449, or an emergency vehicle displaying a revolving or flashing light.
5. When approaching and passing a slow moving vehicle displaying a reflective device or alternative reflective device as provided by Iowa Code section 321.383.
6. When approaching and passing through a sign-posted road work zone upon the public highway.

(Code of Iowa, Sec. 321.288)

**3-3-9.28 MINIMUM SPEED REGULATION.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a simple misdemeanor punishable as a scheduled violation under Iowa Code section 805.8A, subsection 8.

(Code of Iowa, Sec. 321.294)

**3-3-9.29 SPEED ZONES.** The following speed zones are established by the city council and any speed in excess thereof shall be unlawful.

1. It is hereby determined upon the basis of engineering and traffic investigations that the speed permitted by state law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is hereby declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

- a. Increased speed limits: None.

b. Decreased speed limits:

- (1) 15 mph on Sixth Street between Park Street and Spring Street.
- (2) 15 mph on Spring Street between Sixth Street and Seventh Street.
- (3) 15 mph on Franklin between Fourth Street and Sixth Street.
- (4) 15 mph on Park Street between Sixth Street and Seventh Street.
- (5) 15 mph on South Third between Church Street and Vine Street.
- (6) 15 mph on Vine Street between Second Street and Third Street.
- (7) 25 mph on Mill Creek Road from 7th Street west to the city limits.
- (8) 25 mph on Sieverding Ridge Road from Mill Creek Road northwest to the city limits.

(Ord. 340, Passed April 18, 2007)

2. No person shall operate a vehicle upon an alley in the city limits at a speed in excess of 10 mph.

3. The following speed zones have been established by the Iowa Department of Transportation on Riverview Street (Iowa Highway 52) in the City limits of Bellevue, Iowa, and are hereby adopted by the City.

- a. 35 mph from Motte North to fifty (50) feet south of Franklin Street;
- b. 25 mph from fifty (50) feet south of Franklin Street to seventy-five (75) feet south of Chestnut;
- c. 35 mph from seventy-five (75) feet south of Chestnut to the entrance of the Nelson Unit of Bellevue State Park.

4. The following speed zones have been established by the Iowa Department of Transportation on State Street (Iowa Highway 62) in the City limits of Bellevue, Iowa, and are hereby adopted by the City:

- a. 25 mph from Riverview Street to the alley between Fifth Street and Sixth Street;
- b. 35 mph from the alley between Fifth Street and Sixth Street to Thirteenth Street;
- c. 45 mph from Thirteenth Street to the west City limits;
- d. A Special School Speed Zone of 35 mph shall be in effect between a point 250 east of Beta Court to a point 400 east of the intersection of Highway 62 and County Road D-61. This Special School Speed Zone shall be in effect when flashing warning devices are activated. This Special School

Speed Zone shall be in effect from 30 minutes prior to the beginning of school to 15 minutes after school starts, and from 15 minutes before school ends to 30 minutes after school ends. In addition, this Special School Speed Zone shall be in effect during special events at anytime the flashing warning devices are activated by school personnel, upon approval of the Iowa Department of Transportation.

(Ord. 261, Passed March 19, 2001)

**3-3-9.30 DRIVING ON RIGHT-HAND SIDE OF ROADWAY — EXCEPTIONS.**

1. A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

b. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

d. Upon a roadway restricted to one-way traffic.

2. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway.

3. A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection 1, paragraph "b". This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(Code of Iowa, Sec. 321.297)

**3-3-9.31 MEETING AND TURNING TO RIGHT.** Except as otherwise provided in section 3-3-9.30, vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right.

(Code of Iowa, Sec. 321.298)

**3-3-9.32 OVERTAKING A VEHICLE.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated: The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side

of the roadway until safely clear of the overtaken vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(Code of Iowa, Sec. 321.299)

3-3-9.33        OVERTAKING AND PASSING.

1. Unless otherwise prohibited by law, the driver of a vehicle on a roadway with unobstructed pavement of sufficient width for two or more lines of traffic moving in the same direction as the vehicle being passed may overtake and pass upon the right of another vehicle which is making or about to make a left turn when such movement can be made in safety.

2. Unless otherwise prohibited by law, the driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety.

3. The driver of a vehicle shall not drive off the pavement or upon the shoulder of the roadway or upon the apron or roadway of an intersecting roadway in overtaking or passing on the right or the left.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code section 805. 8A, subsection 6, paragraph "d".

(Code of Iowa, Sec. 321.302)

3-3-9.34        LIMITATIONS ON OVERTAKING ON THE LEFT. A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within three hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

(Code of Iowa, Sec. 321.303)

3-3-9.35        PROHIBITED PASSING. No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed for a distance of approximately seven hundred feet.

2. When approaching within one hundred feet of any narrow bridge, viaduct, or tunnel, when so signposted, or when approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

3. Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the department of transportation.

(Code of Iowa, Sec. 321.304)

**3-3-9.36        ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.**

1. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

2. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(Code of Iowa, Sec. 321.305)

**3-3-9.37        ROADWAYS LANED FOR TRAFFIC.** Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign. Vehicles moving in a lane designated for slow-moving traffic shall yield the right of way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane. A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

(Code of Iowa, Sec. 321.306)

**3-3-9.38        FOLLOWING TOO CLOSELY.** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(Code of Iowa, Sec. 321.307)

**3-3-9.39        MOTOR TRUCKS AND TOWED VEHICLES — DISTANCE REQUIREMENTS.** The driver of any motor truck, or of a motor vehicle drawing another vehicle, when traveling upon a roadway, outside of a business or residence district shall not follow within three hundred feet of another motor truck, or of a motor vehicle drawing another vehicle. The provisions of this section shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

(Code of Iowa, Sec. 321.308)

**3-3-9.40        TOWING — CONVOYS.**

1. A person shall not pull or tow by motor vehicle, for hire, another motor vehicle over any highway outside the limits of any incorporated city, except in case of temporary movement of a disabled motor vehicle to the place where repairs will be made, unless the person has complied with the provisions of Iowa Code sections 321.57 and 321.58. Provided, however, if the person is a nonresident of the state of Iowa and has complied with the laws of the state of that person's residence governing licensing and registration as a transporter of motor vehicles, the person shall not be required to pay the fee provided in Iowa Code section 321.58 but only to submit proof of the person's status as a bona fide manufacturer or transporter as may reasonably be required by the department.

2. A person pulling or towing by motor vehicle another motor vehicle in convoy or caravan shall maintain a distance of at least five hundred feet between the units of the convoy or caravan.

(Code of Iowa, Sec. 321.309)

#### 3-3 -9.41 TOWING FOUR-WHEELED TRAILERS.

1. A motor vehicle shall not tow a four-wheeled trailer with a steering axle, or more than one trailer or semitrailer, or both in combination. However, this section does not apply to a motor home, multipurpose vehicle, motor truck, truck tractor or road tractor nor to a farm tractor towing a four-wheeled trailer, nor to a farm tractor or motor vehicle towing implements of husbandry, nor to a wagon box trailer used by a farmer in transporting produce, farm products or supplies hauled to and from market.

2. Any four-wheeled trailer towed by a truck tractor or road tractor shall be registered under the semitrailer provisions of section 321.122, provided, however, that the provisions of this section shall not be applicable to motor vehicles drawing wagon box trailers used by a farmer in transporting produce, farm products or supplies hauled to and from market.

#### 3-3-9.42 TURNING AT INTERSECTIONS.

1. The driver of a vehicle intending to turn at an intersection shall do so as follows:

a. Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

b. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered.

c. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

2. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers,

buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(Code of Iowa, Sec. 321.311)

3-3-9.43        TURNING ON CURVE OR CREST OF GRADE. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade or hill, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

(Code of Iowa, Sec. 321.3 12)

3-3-9.44        STARTING PARKED VEHICLE. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(Code of Iowa, Sec. 321.3 13)

3-3-9.45        WHEN SIGNAL REQUIRED. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(Code of Iowa, Sec. 321.3 14)

3-3-9.46        SIGNAL CONTINUOUS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour.

3-3-9.47        STOPPING. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(Code of Iowa, Sec. 321.316)

3-3 -9.48        SIGNALS BY HAND AND ARM OR SIGNAL DEVICE.

1. The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in section 3-3 -9.49, or by a mechanical or electrical directional signal device or light conforming to the provisions of this chapter.

2. Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred feet from the front and rear of a vehicle equipped therewith.

3. It is unlawful for any person to sell or offer for sale or operate on the highways of the state any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless the vehicle is equipped with a directional signal device of a type in compliance with the provisions of subsection 2. Motorcycles, motorized

bicycles, and semitrailers and trailers less than forty inches in width are exempt from the provisions of this section.

4. When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project a glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while other lamps on the vehicle are lighted.

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, the operator then may display on the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation.

(Code of Iowa, Sec. 321.317)

**3-3-9.49 METHOD OF GIVING HAND AND ARM SIGNALS.** All signals herein required which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:

1. Left turn — Hand and arm extended horizontally.
2. Right turn — Hand and arm extended upward.
3. Stop or decrease of speed — Hand and arm extended downward.

(Code of Iowa, Sec. 321.318)

**3-3-9.5 ENTERING INTERSECTIONS FROM DIFFERENT HIGHWAYS.** When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. The foregoing rule is modified at through highways and otherwise as hereinafter stated in this chapter.

(Code of Iowa, Sec. 321.3 19)

**3-3-9.51 LEFT TURNS — YIELDING.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as to constitute an immediate hazard, then said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn.

(Code of Iowa, Sec. 321.320)

**3-3-9.52 ENTERING THROUGH HIGHWAYS.** The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway.

(Code of Iowa, Sec. 321.321)

**3-3-9.53 VEHICLES ENTERING STOP OR YIELD INTERSECTION.**

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

2. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, Sec. 321.322)

**3-3-9.54 MOVING VEHICLE BACKWARD ON HIGHWAY.** A person shall not cause a vehicle to be moved in a backward direction on a highway unless and until the vehicle can be backed with reasonable safety, and shall yield the right of way to any approaching vehicle on the highway or an intersecting highway which is so close as to constitute an immediate hazard.

(Code of Iowa, Sec. 321.323)

**3-3-9.55 OPERATION ON APPROACH OF EMERGENCY VEHICLES.** Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or red and blue lights, or an authorized emergency vehicle of a fire department displaying a blue light, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light. Upon the approach of an authorized emergency vehicle, as above stated, the driver of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**3-3-9.56 STOP OR YIELD AT HIGHWAYS.** The department, based on an engineering study, with reference to primary highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs, in accordance with specifications established by the department at specified entrances to the highway or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

(Code of Iowa, Sec. 321.345)

3-3-9.57 PEDESTRIANS SUBJECT TO SIGNALS. Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 3-3-9.59 to 3-3-9.63.

(Code of Iowa, Sec. 321.325)

3-3-9.58 PEDESTRIANS ON LEFT. Pedestrians shall at all times when walking on or along a highway, walk on the left side of such highway.

(Code of Iowa, Sec. 321.326)

3-3-9.59 PEDESTRIANS' RIGHT-OF-WAY. Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805 .8A, subsection 7, paragraph "b".

(Code of Iowa, Sec. 321.327)

3-3-9.60 CROSSING AT OTHER THAN CROSSWALK.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway except that cities may restrict such a crossing by ordinance.

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

3. Where traffic-control signals are in operation at any place not an intersection pedestrians shall not cross at any place except in a marked crosswalk.

(Code of Iowa, Sec. 321.328)

3-3-9.61 DUTY OF DRIVER — PEDESTRIANS CROSSING OR WORKING ON HIGHWAYS.

1. Notwithstanding the provisions of section 3-3-9.60 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.

2. Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a highway whenever the driver is notified of the presence of such workers by a flagman or a warning sign.

(Code of Iowa, Sec. 321.329)

3-3-9.62 USE OF CROSSWALKS. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(Code of Iowa, Sec. 321.330)

3-3-9.63 PEDESTRIANS SOLICITING RIDES.

1. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

2. Nothing in this section or this chapter shall be construed so as to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle.

(Code of Iowa, Sec. 321.33 1)

3-3-9.64 WHITE CANES RESTRICTED TO BLIND PERSONS. For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways, and public places of the state any white canes or walking sticks which are white in color or white tipped with red.

(Code of Iowa, Sec. 321.332)

3-3-9.65 DUTY OF DRIVERS. Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red, or being led by a guide dog wearing a harness and walking on either side of or slightly in front of said blind person, shall immediately come to a complete stop, and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog.

(Code of Iowa, Sec. 321.333)

3-3-9.66 PENALTIES. Any person who shall carry a cane or walking stick such as prescribed in section 3-3-9.64 contrary to the provisions hereof, or who shall fail to heed the approach of a person lawfully so carrying a cane or walking stick white in color or white tipped with red, or being led by a guide dog, or who shall fail to immediately come to a complete stop, and take such precautions against accident or injury to such person, shall be fined not less than one dollar nor more than one hundred dollars for each offense.

(Code of Iowa, Sec. 321.334)

3-3-9.67 DRIVING THROUGH SAFETY ZONE. No vehicle shall at any time be driven through or within a safety zone.

(Code of Iowa, Sec. 321.340)

3-3-9.68 OBEDIENCE TO SIGNAL OF TRAIN.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a train, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

(Code of Iowa, Sec. 321.341)

3-3-9.69 STOP AT CERTAIN RAILROAD CROSSINGS — POSTING WARNING.

1. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.

2. The department, city or county shall be required to post the standard sign as prescribed by the manual on uniform traffic-control devices adopted by the department pursuant to Iowa Code section 321.252 in advance of each railroad grade crossing to warn the motorist that the motorist is approaching a railroad grade crossing. Upon properly posting all railroad grade crossings within its jurisdiction and upon implementing the standards established in accordance with Iowa Code section 307.26, the department, city, or county shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing.

(Code of Iowa, Sec. 321.342)

3-3-9.70 CERTAIN VEHICLES MUST STOP.

1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before crossing a railroad track by motor carrier safety rules adopted under Iowa Code section 321.449, before crossing at grade any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.

2. The driver of a commercial motor vehicle shall comply with all of the following provisions that apply to the driver:

a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching train before proceeding.

b. If the driver is not always required to stop at a railroad crossing, stop before reaching the crossing if the railroad tracks are not clear.

c. Refrain from proceeding through a railroad crossing if sufficient space is not available to drive completely through the crossing without stopping.

d. Obey a traffic-control device or the directions of an enforcement official at a railroad crossing.

e. Have sufficient undercarriage clearance before negotiating a railroad crossing.

3. No stop need be made at a crossing where a peace officer or a traffic-control device directs traffic to proceed. No stop need be made at a crossing designated by an "exempt" sign. An "exempt" sign shall be posted only where the tracks have been partially removed on either side of the roadway.

(Code of Iowa, Sec. 321.343)

3-3-9.71 HEAVY EQUIPMENT AT CROSSING.

1. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

2. Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

3. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than fifty feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

4. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(Code of Iowa, Sec. 321.344)

3-3-9.72 STOP BEFORE CROSSING SIDEWALK — RIGHT-OF-WAY.

1. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver's vehicle is entering.

2. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on said highway and shall yield the right-of-way to all vehicles approaching on said highway.

(Code of Iowa, Sec. 321.353)

3-3-9.73 STOPPING ON TRAVELED WAY. Upon any highway outside of a business district, rural residence district or residence district a person shall not stop, park, or leave standing a vehicle, whether attended or unattended:

1. Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "paved highway" includes an asphalt surfaced highway.

2. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 3-3-9.90. This section does not apply to a vehicle making a turn as provided in section 3-3-9.42. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

(Code of Iowa, Sec. 321.354)

**3-3-9.74 DISABLED VEHICLE.** Section 3-3-9.73 shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

(Code of Iowa, Sec. 321.355)

**3-3-9.75 OFFICERS AUTHORIZED TO REMOVE.** Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of sections 3-3-9.73 and 3-3-9.74 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(Code of Iowa, Sec. 321.356)

**3-3-9.76 REMOVED FROM BRIDGE.** Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(Code of Iowa, Sec. 321.357)

**3-3-9.77 STOPPING, STANDING OR PARKING.** No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk, except a bicycle may stop, stand, or park on a sidewalk if not prohibited by a local jurisdiction.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five feet of a fire hydrant.
5. On a crosswalk.
6. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.

7. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings.

8. Reserved.

(Amended during 2019 codification)

9. Within twenty 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 feet of said entrance when properly signposted.

10. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

12. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.

13. At any place where official signs prohibit stopping or parking.

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

15. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358)

3-3-9.78 MOVING OTHER VEHICLE. No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(Code of Iowa, Sec. 321.359)

3-3-9.79 THEATERS, HOTELS AND AUDITORIUMS. A space of not to exceed fifty feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five sleeping rooms, or other buildings where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

3-3-9.80 UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(Code of Iowa, Sec. 321.362)

3-3-9.81        OBSTRUCTION TO DRIVER'S VIEW.

1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(Code of Iowa, Sec. 321.363)

3-3-9.82        PREVENTING CONTAMINATION OF FOOD BY HAZARDOUS MATERIAL.

Food intended for human consumption shall not be shipped in a vehicle or container which has been used to transport a hazardous material unless the vehicle or container has been purged of any hazardous material or the transportation is made in a manner that prevents any contact between the food and the hazardous material.

(Code of Iowa, Sec. 321.364)

3-3-9.83        COASTING PROHIBITED. The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears.

(Code of Iowa, Sec. 321.365)

3-3-9.84        ACTS PROHIBITED ON FULLY CONTROLLED-ACCESS FACILITIES. It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

1. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.

2. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.

3. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.

4. Drive a vehicle into the facility from a local service road.

5. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.

6. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity. For the purpose of this section, fully controlled-access facility is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections. Violations of this section are punishable as a scheduled violation under Iowa Code section 805.8A, subsection 6, paragraph "d".

(Code of Iowa, Sec. 321.366)

3-3-9.85 FOLLOWING FIRE APPARATUS. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Code of Iowa, Sec. 321.367)

3-3-9.86 CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code of Iowa, Sec. 321.368)

3-3-9.87 PUTTING DEBRIS ON HIGHWAY. A person shall not throw or deposit upon a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon the highway. A person who violates this section or section 321.370 commits a misdemeanor punishable as a scheduled violation under Iowa Code section 805. 8A, subsection 14, paragraph "d".

(Code of Iowa, Sec. 321.369)

3-3-9.88 REMOVING INJURIOUS MATERIAL. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material and other material as defined in section 321.369 shall immediately remove the same or cause it to be removed.

(Code of Iowa, Sec. 321.370)

3-3-9.89 CLEARING UP WRECKS. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Code of Iowa, Sec. 321.371)

3-3-9.90 DISCHARGING PUPILS — REGULATIONS.

1. The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is forty-five miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than one hundred fifty feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than forty-five miles per hour. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance

center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.

A school bus, when operating on a highway with four or more lanes shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers.

A school bus shall, while carrying passengers, have its headlights turned on.

2. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver.

3. The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.

The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing. The driver shall bring the vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion.

4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped.

(Code of Iowa, Sec. 321.372)

### 3-3-9.92 WHEN LIGHTED LAMPS REQUIRED.

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted head lamps as provided in section 3-3-9.114, subject to exceptions with respect to parked vehicles as hereinafter stated.

2. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection 1 of this section upon a straight level

unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(Code of Iowa, Sec. 321.384)

**3-3-9.93 HEAD LAMPS ON MOTOR VEHICLES.** Every motor vehicle other than a motorcycle or motorized bicycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(Code of Iowa, Sec. 321.385)

**3-3-9.94 CITATION FOR UNLIGHTED HEADLAMP OR REAR LAMP.** A citation issued for failure to have head lamps as required under section 3-3-9.93 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp. If the person complies with the directive to replace or repair the headlamp within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

A citation issued for failure to have rear lamps as required under section 3-3-9.96 or a rear registration plate light as required under section 3-3-9.97 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. If the person complies with the directive to replace or repair the lamps or light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

(Code of Iowa, Sec. 321.385A)

**3-3-9.95 HEAD LAMPS ON MOTORCYCLES AND MOTORIZED BICYCLES.** Every motorcycle and motorized bicycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(Code of Iowa, Sec. 321.386)

**3-3-9.96 REAR LAMPS.** Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear. All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with equivalent equipment.

(Code of Iowa, Sec. 321.387)

**3-3-9.97 ILLUMINATING PLATES.** Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear registration plate is illuminated by an electric lamp other than the required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times when head lamps are lighted.

(Code of Iowa, Sec. 321.388)

3-3-9.98 REFLECTOR REQUIREMENT. Every new motor vehicle, trailer, or semitrailer hereafter sold and every commercial vehicle hereafter operated on a highway shall also carry at the rear, either as a part of the rear lamp or separately, a red reflector meeting the requirements of this chapter.

(Code of Iowa, Sec. 321.389)

3-3-9.99 REFLECTOR REQUIREMENTS. Whenever a red reflector is required or permitted to be used in substitution of lamps upon a vehicle under any one of the provisions of this chapter, such reflector shall be mounted upon the vehicle at a height not to exceed forty-two inches nor less than twenty inches above the ground upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle, except that on a commercial vehicle the reflector shall be visible from all distances within five hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawfully lighted head lamps as provided in section 3-3-9.113.

(Code of Iowa, Sec. 321.390)

3-3-9.100 CLEARANCE AND IDENTIFICATION LIGHTS. Every motor truck, and every trailer or semitrailer of over three thousand pounds gross weight, shall be equipped with the following lighting devices and reflectors in addition to other requirements of this chapter, and such devices shall be lighted at the times mentioned in section 3-3-9.92.

1. Every motor truck, whatever its size shall have the following:

On each side, one reflector, at or near the rear; and On the rear, two reflectors, one at each side.

2. Every motor truck, eighty inches or more in width shall have the following in addition to the requirements of subsection 1:

- a. If thirty feet or less in over-all length —

On the front, two clearance lamps, one at each side; and  
On the rear, two clearance lamps, one at each side.

- b. If more than thirty feet in overall length —

On the front, two clearance lamps, one at each side;  
On each side, two side-marker lamps, one at or near the front, and  
One at or near the rear, and an additional reflector at or near the front; and  
On the rear, two clearance lamps, one at each side.

3. Every truck tractor or road tractor shall have the following:

On the front, two clearance lamps, one at each side if the tractor cab is as wide as, or wider than, the widest part of the vehicle or vehicles towed;

On each side, one side-marker lamp at or near the front; and  
On the rear, one tail lamp.

4. Every trailer or semitrailer having a gross weight in excess of three thousand pounds shall have the following:

On the front, two clearance lamps, one at each side, if the trailer is wider in its widest part than the cab of the vehicle towing it;

On each side, one side-marker lamp at or near the rear; two reflectors, one at or near the front and one at or near the rear; and

On the rear, two clearance lamps, one at each side; one stop light; one tail lamp; and two reflectors, one at each side.

5. Every motor truck or combination of motor truck and trailer having a length in excess of thirty feet or a width in excess of eighty inches shall be equipped with three identification lights on both front and rear. Each such group shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle.

(Code of Iowa, Sec. 321.392)

### 3-3-9.101 COLOR AND MOUNTING.

1. A lighting device or reflector, when mounted on or near the front of a motor truck or trailer, except a school bus, shall not display any other color than white, yellow, or amber.

2. No lighting device or reflector, when mounted on or near the rear of any motor truck or trailer, shall display any other color than red, except that the stop light may be red, yellow, or amber.

3. Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate the extreme width of the vehicle or its load.

4. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor truck, trailer, tractor, or motor grader owned by the state, or any political subdivision of the state, or any municipality therein, while such equipment is being used for snow removal, sanding, maintenance, or repair of the public streets or highways.

(Code of Iowa, Sec. 321.393)

3-3-9.102 LAMP OR FLAG ON PROJECTING LOAD. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 3-3-9.92, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(Code of Iowa, Sec. 321.394)

3-3-9.103 LAMPS ON PARKED VEHICLES. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent to the roadway, outside of a business district whether attended or unattended during the times mentioned in section 3-3-9.92, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of

five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(Code of Iowa, Sec. 321.395)

3-3-9.104 EXCEPTION. Section 3-3-9.103 shall not apply when an accident extinguishes said light and renders a vehicle incapable of use, and when the person in control of the vehicle erects, at the earliest opportunity after the accident, such proper light at or near the vehicle as will give warning of the presence of said vehicle.

(Code of Iowa, Sec. 321.396)

3-3-9.105 LAMPS ON BICYCLES. Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in section 3-3-9.92, visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

(Code of Iowa, Sec. 321.397)

3-3-9.106 LAMPS ON OTHER VEHICLES AND EQUIPMENT. All vehicles, including animal-drawn vehicles and including those referred to in Iowa Code section 321.383 not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section 3-3-9.92 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section 3-3-9.92.

(Code of Iowa, Sec. 321.398)

3-3-9.107 SPOT LAMPS. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(Code of Iowa, Sec. 321.402)

3-3-9.108 AUXILIARY DRIVING LAMPS. Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty- two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this chapter.

(Code of Iowa, Sec. 321.403)

3-3-9.109 SIGNAL LAMPS AND SIGNAL DEVICES. Every motor vehicle shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop, which shall be red or yellow in color, which signal shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet to the rear but shall not project a glaring or dazzling light.

(Code of Iowa, Sec. 321.404)

3-3-9.110 SELF-ILLUMINATION. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 3-3-9.92.

(Code of Iowa, Sec. 321.405)

3-3-9.111 RESERVED.

3-3-9.112 BACK-UP LAMPS. Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion.

(Code of Iowa, Sec. 321.408)

3-3-9.113 MANDATORY LIGHTING EQUIPMENT. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

(Code of Iowa, Sec. 321.409)

3-3-9.114 REQUIRED USAGE OF LIGHTING DEVICES.

1. Whenever a motor vehicle is being operated on a roadway or shoulder during the times specified in section 3-3-9.92, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

a. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 3-3-9.113, subsection 2, shall be deemed to avoid glare at all times, regardless of road contour and loading.

b. Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 3-3-9.113, subsection 1.

2. The provisions of subsection 1, paragraphs "a" and "b", do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

(Code of Iowa, Sec. 321.415)

**3-3-9.115 SINGLE-BEAM ROAD-LIGHTING EQUIPMENT.** Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(Code of Iowa, Sec. 321.417)

**3-3-9.116 ALTERNATE ROAD-LIGHTING EQUIPMENT.** Any motor vehicle may be operated under the conditions specified in section 3-3-9.92 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in sections 3-3-9.113 and 3-3-9.114, or section 3-3-9.116, provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour.

(Code of Iowa, Sec. 321.418)

**3-3-9.117 NUMBER OF DRIVING LAMPS REQUIRED OR PERMITTED.** At all times specified in section 3-3-9.92 at least two lighted lamps, except where one only is permitted, shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(Code of Iowa, Sec. 321.419)

**3-3-9.118 NUMBER OF LAMPS LIGHTED.** Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(Code of Iowa, Sec. 321.420)

**3-3-9.119 SPECIAL RESTRICTIONS ON LAMPS.** Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the

beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code section 805.8A, subsection 3, paragraph "d".

(Code of Iowa, Sec. 321.421)

**3-3-9.120 RED LIGHT IN FRONT.** No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles, or school buses and vehicles as provided in section 3-3-9.121, subsection 6. No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber.

(Code of Iowa, Sec. 321.422)

**3-3-9.121 FLASHING LIGHTS.**

1. Definitions. As used in this section, unless the context otherwise requires:

a. "Emergency medical care provider" means as defined in Iowa Code section 146A. 1.

b. "Fire department" means a paid or volunteer fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency.

c. "Member" means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first response service.

2. Prohibited lights. A flashing light on or in a motor vehicle is prohibited except as follows:

a. On an authorized emergency vehicle.

b. On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop.

c. On a motor vehicle used by a rural mail carrier when stopping or stopped on or near a highway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle.

d. On a vehicle being operated under an excess size permit issued under Iowa Code chapter 321E.

e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection 3 of this section.

f. A flashing white light is permitted on a vehicle pursuant to subsection 7.

g. A white flashing strobe light mounted on a school bus as permitted under Iowa Code section 321.373, subsection 7.

3. Blue light. A blue light shall not be used on any vehicle except for the following:

a. A vehicle owned or exclusively operated by a fire department.

b. A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, and necessity for authorization is demonstrated in the request.

c. An authorized emergency vehicle, other than a vehicle described in paragraph "a" or "b", if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a" or "b".

4. Expiration of authority. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

5. When used. The certificate of authorization shall be carried at all times with the certificate of registration of the authorized vehicle and the operator of the vehicle shall not illuminate the blue or white light except in any of the following circumstances:

a. When the member is en route to the scene of a fire or is responding to an emergency in the line of duty requiring the services of the member.

b. When the authorized vehicle is transporting a person requiring emergency care.

c. When the authorized vehicle is at the scene of an emergency.

d. The use of the blue or white light in or on a private motor vehicle shall be for identification purposes only.

6. Amber flashing light. A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of thirty-five miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

7. Flashing white light. Except as provided in Iowa Code section 321.373, subsection 7, and subsection 2, paragraph "c" of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

- a. On a vehicle owned or exclusively operated by an ambulance, rescue, or first response service.
- b. On a vehicle authorized by the director of public health when all of the following apply:
  - (1) The vehicle is owned by a member of an ambulance, rescue, or first response service.
  - (2) The request for authorization is made by the member on forms provided by the Iowa department of public health.
  - (3) Necessity for authorization is demonstrated in the request.
  - (4) The head of an ambulance, rescue, or first response service certifies that the member is in good standing and recommends that the authorization be granted.
- c. On an authorized emergency vehicle.

The Iowa department of public health shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

(Code of Iowa, Sec. 321.423)

### 3-3-9.122 BRAKE, HITCH AND CONTROL REQUIREMENTS.

1. Every motor vehicle, other than a motorcycle, or motorized bicycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and motorized bicycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer or semitrailer of a gross weight of three thousand pounds or more, and every trailer coach or travel trailer of a gross weight of three thousand pounds or more intended for use for human habitation, when operated on the highways of this state, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, and so designed as to be applied by the driver of the towing motor vehicle from its cab, or with self-actuating brakes, and weight equalizing hitch with a sway control. Every semitrailer, travel trailer, or trailer coach of a gross weight of three thousand pounds or more shall be equipped with a separate, auxiliary means of applying the brakes on

the semitrailer, travel trailer, or trailer coach from the cab of the towing vehicle. Trailers or semitrailers with a truck or truck tractor need only comply with the brake requirements.

4. Except as otherwise provided in this chapter, every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle with the following exceptions:

a. Any motorcycle or motorized bicycle.

b. Any trailer or semitrailer of less than three thousand pounds gross weight need not be equipped with brakes.

c. Trucks and truck tractors equipped with three or more axles and manufactured before July 25, 1980, need not have brakes on the front wheels, except that such vehicles equipped with two or more front axles shall be equipped with brakes on at least one of the axles; however, the service brakes of the vehicle shall comply with the performance requirements of section 3-3-9.123.

d. Only such brakes on the vehicle or vehicles being towed in a driveaway-towaway operation need be operative as may be necessary to insure compliance by the combination of vehicles with the performance requirements of section 3-3-9.123. The term "driveaway-towaway" operation as used in this subsection means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle or motor vehicles are on the roadway during the course of transportation, whether or not any such motor vehicle furnishes the motive power.

(Code of Iowa, Sec. 321.430)

### 3-3-9.123 PERFORMANCEABILITY.

1. The service brakes upon any motor vehicle or combination of motor vehicles, when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent, when traveling twenty miles an hour shall be adequate:

a. To stop such vehicle or vehicles having a gross weight of less than five thousand pounds within a distance of thirty feet.

b. To stop such vehicle or vehicles having a gross weight in excess of five thousand pounds within a distance of forty-five feet.

2. Under the above conditions the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

3. Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of forty-five feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.

All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this chapter.

4. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(Code of Iowa, Sec. 321.43 1)

**3-3-9.124 HORNS AND WARNING DEVICES.** Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(Code of Iowa, Sec. 321.432)

**3-3-9.125 SIRENS, WHISTLES, AND BELLS PROHIBITED.** A vehicle shall not be equipped with and a person shall not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, but the siren, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach of the vehicle.

(Code of Iowa, Sec. 321.433)

**3-3-9.126 BICYCLE SIRENS OR WHISTLES.** A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

(Code of Iowa, Sec. 321.434)

**3-3-9.127 MUFFLERS, PREVENTION OF NOISE.** Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway.

(Code of Iowa, Sec. 321.436)

**3-3-9.128 MIRRORS.**

1. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed however when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

2. Notwithstanding this chapter or Iowa Code chapter 321 E, a combination of vehicles coupled together which is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickups, boats, and recreational chassis, may permanently attach a convex-type mirror on either or both of the vertical supports, forward of the steering axle of the power unit, provided that the mirror shall not extend beyond the limit of any other rearview mirror on the vehicle.

(Code of Iowa, Sec. 321.437)

**3-3-9.129 WINDSHIELDS AND WINDOWS.**

1. A person shall not drive a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a side-wing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing. The department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violations of this subsection.

3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of Iowa Code section 321.383 or section 321.115 shall be equipped with a windshield in accordance with section 321.444.

(Code of Iowa, Sec. 321.438)

**3-3-9.130 WINDSHIELD WIPERS.** The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(Code of Iowa, Sec. 321.439)

**3-3-9.131 RESTRICTIONS AS TO TIRE EQUIPMENT.**

1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Any pneumatic tire on a vehicle shall be considered unsafe if it has:

a. Any part of the ply or cord exposed;

b. Any bump, bulge or separation;

c. A tread design depth of less than one-sixteenth of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars or, for those tires with tread wear indicators, worn to the level of the tread wear indicators in any two tread grooves;

d. A marking "not for highway use", "for racing purposes only", "unsafe for highway use";

e. Tread or sidewall cracks, cuts or snags deep enough to expose the body cord;

f. Such other conditions as may be reasonably demonstrated to render it unsafe;

g. Been regrooved or recut below the original tread design depth, excepting special tires which have extra under tread rubber and are identified as such, or if a pneumatic tire was originally designed without grooves or tread.

2. A vehicle, except an implement of husbandry, equipped with either solid rubber or pneumatic tires shall not be operated where the weight per inch of tire width is greater than five hundred seventy-five pounds per inch of tire width based on the tire width rating, except on a steering axle, in which case six hundred pounds per inch of tire width is permitted based on the tire width rating.

(Code of Iowa, Sec. 321.440)

**3-3-9.132 METAL TIRES PROHIBITED.** No person shall operate or move on a paved highway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway.

(Code of Iowa, Sec. 321.441)

**3-3-9.133 PROJECTIONS ON WHEELS.** No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:

1. Farm machinery with tires having protuberances which will not injure the highway.

2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

3. Pneumatic tires with inserted ice grips or tire studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1 of each year to April 1 of the following year, except that a school bus and fire department emergency apparatus may use such tires at any time.

(Code of Iowa, Sec. 321.442)

**3-3-9.134 EXCEPTIONS.** The department and local authorities in their respective jurisdictions shall review any application for a special permit and may, with good cause being shown, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

(Code of Iowa, Sec. 321.443)

**3-3-9.135 SAFETY BELTS AND SAFETY HARNESSSES — USE REQUIRED.**

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. § 571.209—

57 1.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year.

2. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under eleven years of age shall be secured as required under section 3-3-9.136.

This subsection does not apply to:

a. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

b. The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

c. The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

d. Passengers on a bus.

e. A person possessing a written certification from a health care provider licensed under Iowa Code chapter 148, 150, 1 50A, or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

f. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

4. a. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under Iowa Code section 668.3, subsection 1. However, except as provided in section 3-3-9.136, subsection 6, the failure

to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed five percent of the damages awarded after any reductions for comparative fault.

5. The department shall adopt rules pursuant to Iowa Code chapter 1 6A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned,

leased, rented, or primarily used by persons with physical disabilities who use collapsible wheelchairs.

(Code of Iowa, Sec. 321.445)

### 3-3-9.136 CHILD RESTRAINT DEVICES.

1. a. A child under one year of age and weighing less than twenty pounds who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit in a rear-facing child restraint system that is used in accordance with the manufacturer's instructions.

b. A child under six years of age who does not meet the description in paragraph "a" and who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions.

2. A child at least six years of age but under eleven years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under section 3-3-9.135.

3. This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. This section does not apply to the transportation of a child who has been certified by a physician licensed under Iowa Code chapter 148, 150, or 1 50A as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

4. a. An operator who violates subsection 1 or 2 is guilty of a simple misdemeanor and subject to the penalty provisions of Iowa Code section 805. 8A, subsection 14, paragraph "c".

b. During the eighteen-month period beginning July 1, 2004, and ending December 31, 2005, peace officers shall issue only warning citations for violations of subsections 1 and 2, provided the operator is, at a minimum, in compliance with the provisions of subsections 1 and 2, Code 2003. A peace officer may issue a citation for a violation of this section or section 3-3-9.135, as applicable, to an operator who is not in compliance with section 3-3-9.136, subsections 1 and 2, Code 2003, in regard to a child under six years of age, or section 3-3-9.135, Code 2003, in regard to a child at least six years of age but under eleven years of age. This paragraph is repealed January 1, 2006.

5. A person who is first charged for a violation of subsection 1 and who has not purchased or otherwise acquired a child restraint system shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle safety standards.

6. Failure to use a child restraint system, safety belts, or safety harnesses as required by this section does not constitute negligence nor is the failure admissible as evidence in a civil action.

7. For purposes of this section, "child restraint system" means a specially designed seating system, including a belt-positioning seat or a booster seat, that meets federal motor vehicle safety standards set forth in 49 C.F.R. § 571.213.

(Code of Iowa, Sec. 321.446)

**3-3-9.137 CARELESS DRIVING.** A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways:

1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
2. Simulates a temporary race.
3. Causes any wheel or wheels to unnecessarily lose contact with the ground.
4. Causes the vehicle to unnecessarily turn abruptly or sway.

**3-3-10 TRAFFIC CONTROL DEVICES.**

1. Traffic Control Devices. The Chief of Police shall cause to be placed and maintained traffic-control devices, or parking signs, when and as required under the Ordinances of this City to make effective its provisions, and may so cause to be placed and maintained such additional, emergency or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate traffic under the traffic Ordinances of this City or under State law or warn traffic.

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

**3-3-11 CHIEF OF POLICE TO DESIGNATE CROSSWALKS; ESTABLISH AND MARK TRAFFIC LANES.**

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

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

### 3-3-12 PLAY STREETS.

1. The City Council, by Ordinance, may declare any street or part thereof a play street. Following passage of such an Ordinance, the Chief of Police is authorized to place appropriate signs or devices in the roadway indicating such street to be a play street. No person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

The following streets are declared play streets during the school year between the hours of 7:00 o'clock a.m. and 3:30 o'clock p.m.:

a. 100 block S. Third Street;

(Amended during 2019 codification)

### 3-3-13 RESERVED.

### 3-3-14 "U" TURNS.

1. It shall be unlawful for a driver to make a "U" turn at any intersection marked by a No U turn" sign.

### 3-3-15 ONE WAY STREETS AND ALLEYS.

1. The City Council may designate by Ordinance that streets or alleys, or portions of streets and alleys, are for one-way traffic only. The Chief of Police shall place and maintain signs giving notice thereof. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite directions is prohibited. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

2. The following streets are designated as one-way traffic only:

a. Second Street, east of the railroad tracks, is designated as one-way northbound from Chestnut Street to High Street.

b. Second Street, west of the railroad tracks, is designated as one-way southbound from High Street to Chestnut Street.

3. The following alleys are designated as one-way traffic only:

a. South entrance to the municipal parking lot is designated as one-way northbound.

b. The alley between Riverview Street and Second Street is designated as one-way southbound from Market Street to Court Street.

### 3-3-16 THROUGH HIGHWAYS AND REQUIRED STOPS.

1. Riverview Street and State Street are designated to be through highways.

2. The Chief of Police shall place and maintain a stop sign on each and every street intersecting a through highway except as herein modified by Ordinance.

3. The following modifications are approved: None.

### 3-3-17 SCHOOL STOPS AND PLAYGROUND STOPS.

1. School Stops. A driver of a vehicle approaching an authorized school stop shall bring such vehicle to a complete stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until he or she shall have passed such school site. The following areas are designated as school stops:

LOCATION	TRAFFIC BOUND
Intersection of Court & 4th St.	East and West
Intersection of Franklin & 5th St.	East and West
Intersection of Court & 3rd St.	East and West
Intersection of Park & 6th St.	East and West (Amended during 2019 codification)

2. Playground Stops. A driver of a vehicle approaching an authorized playground stop shall bring such vehicle to a complete stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized playground stop sign, and thereafter proceed in a careful and prudent manner until he or she shall have passed such playground site. The following areas are designated as playground stops:

a. Park Street between Sixth Street and Seventh Street at the sidewalk entering the municipal swimming pool.

b. Intersection of 6th and Spring Streets for traffic traveling east and west.  
(Ord. 222, Passed May 27, 1997)

### 3-3-18 PEDESTRIANS' RIGHTS AND DUTIES.

1. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

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

### 3-3-19 PARKING REGULATIONS.

1. Parallel Parking Required. 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 eight (8) inches of the curb or edge of the roadway except as hereinafter provided.

2. Parking on One-Way Streets. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eight (8) inches of the curb or edge of the roadway.

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

- a. On a sidewalk;
- b. In front of a public or private driveway;
- c. Within an intersection;
- d. Within five (5) feet on either side of the point on the curb nearest to a fire hydrant.
- e. On a crosswalk;
- f. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway;
- g. Reserved;

(Amended during 2019 codification)

h. 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 property signposted;

i. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

j. On the roadway side on any vehicle stopped or parked at the edge or curb of the street;

k. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic;

l. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

m. At any place where official signs or curb markings prohibit stopping, standing or parking.

n. Within ten (10) feet of the crosswalk at all intersections within the City.

o. In an alley under a fire escape at any time.

p. On Fridays upon the following streets between the hours of 4:00 o'clock a.m. to 7:00 o'clock a.m. inclusive:

(1) Second Street between Market Street and Court Street.

(2) Third Street between Market Street and Court Street.

(3) Market Street between Riverview Street and Second Street.

(4) State Street between Riverview Street and Third Street.

(5) Court Street between Riverview Street and Second Street.

(6) Riverview Street between High Street and Elm Street.

(7) State Street between Riverview Street and Seventh Street.

(Ord. 342, Passed May 21, 2007)

(Ord. 485, Passed September 23, 2024)

4. No Parking or Restricted Parking Zones. The City Council may establish no parking zones or restricted parking zones where they are necessary because of restricted visibility, where standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require it. The Chief of Police shall cause to be erected appropriate signs, or in his or her discretion, shall cause the curbing to be painted yellow, or both, in a no parking zone. It shall be unlawful for the operator of any vehicle to stand or park any vehicle in an area designated in conformity with this Ordinance. The following no parking zones or restricted parking zones are hereby established:

(Ord. 239, Passed June 7, 1999)

(Ord. 271, Passed March 18, 2002)

(Ord. 274, Passed June 3, 2002)

(Ord. 289A, Passed September 22, 2003)

(Ord. 301, Passed May 3, 2004)

(Ord. 307, Passed December 6, 2004)

(Ord. 372, Passed November 3, 2010)  
(Ord. 408, Passed November 2, 2015)  
(Ord. 422, Passed June 5, 2017)

“NO PARKING ANYTIME”

Market from 6th to 7th	West
Riverview from 54 feet south of Park to High	North
Park from Riverview to Second	West
State from Alley behind 2nd and 3rd to Corporate limits	West
Spring from Third to Sixth	West
State from Fourth to Third	East
Church from Sixth to Fifth	East
Potter’s Drive from Riverview Street to 150 feet West of the Railroad Viaduct	Both Sides
Both sides of northern alley entrance leading to Municipal Parking Lot	North & South
West side of Second St., the first 100 feet South of Court St.	South
West side of Second St., the first 75 feet north of Chestnut Street	South
East side of Jefferson Ave. within 135 feet north the intersection with High Street	North
The north side of Court St., the first 120 feet east of Second St.	West
Twelfth Street from State Street to Mill Creek Road	South
Pine Drive from 6th to 7th Streets	East
6th Street from Spring Street to Pine Drive	South
West side of Seventh Street to a point 43 feet North from the curb line on the South side of Jefferson Street	
The north side and south side of Dorchester Street	
Rose Street, from Riverview St. westerly 65 feet	Both Sides
South Riverview Street from Elm Street South to the southerly corporate city limits	South
Rose Street, from Riverview Street Westerly reduced from 65 feet to 45 feet	Both Sides
North and South Sides of High Street from Riverview Street to Second Street	(Reserved for the Bellevue Municipal Utility Department, Monday through Friday)
North side of State Street to a point 80 feet West of the intersection with Second Street.	
South Riverview Street from southerly corporate limits to 117 feet north of Chestnut St	
South Riverview Street from southerly corporate limits to 85 feet south of Chestnut Street	East
North Sixth Street 80 feet of intersection with Franklin Street Traffic Bound South	
	(Ord. 428, Passed December 18, 2017)
	(Amended during 2019 codification)

(Ord. 459, Passed April 19, 2021)  
(Ord. 478, Passed April 19, 2023)

**“NO PARKING DURING SCHOOL HOURS”**

Court from Third to Fourth	West
South 4th from State to Court	North
BETA Court	North & South

(Amended during 2019 codification)

**“NO PARKING 9:30 AM - 2:15 PM ON SCHOOL DAYS”**

Third Street from State to Court	North & South
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(Ord. 347, Passed March 5, 2008)

**“NO PARKING DURING CHURCH SERVICES”**

North Side of Market Street from Alley to 25 Feet West of Alley

**“NO PARKING ANYTIME”**

Park Street from 7th Street Easterly for 365 Feet	West
South 7th Street starting 41 feet North of the Intersection with Jefferson Street extending North an additional 28 feet	West

**“NO PARKING HERE TO CORNER”**

Riverview Street within 30 feet of the intersection of the North access drive to the municipal parking lot	North
Court Street within 40 feet West of intersection with South 3rd	East
State Street within 30 feet East of intersection with Second Street	East
South 4th within 40 feet North of intersection with Court	South
North Second within 30 feet South & North of intersection with Market	North
North Second within 30 feet South of intersection with Park	North
Riverview within 30 feet South of intersection with Franklin	South
Riverview within 60 feet North of intersection with Market	South
Riverview within 72 feet South of intersection with Market	North
Riverview within 66 feet South of intersection	South

with State	
Riverview within 67 feet North and 72 feet South of intersection with Court	North & South
Riverview within 68 feet North and 40 feet South of intersection with Jefferson	North & South
Washington Street within 30 feet South of intersection with Ensign Road	North & South
Spruce Street within 75 feet West of intersection with Riverview St.	West
Park Street within 38 feet of intersection with Riverview (U.S. 52)	East
7th Street within 150 feet of intersection with State (U.S. 61)	South
West side of Jefferson Ave. within 105 feet North of the intersection with High ST.	South
West side of 2nd Street 40 feet South of the intersection with High Street	South
West side of North Riverview Street to a point 86 ft. north of the intersection with State Street.	
West side of North Riverview Street to a point 120 ft. south of the intersection with High Street.	
West side of South Riverview Street for a distance of 41 ft. north and 47 ft. south of the intersection with Vine Street.	
East side of South second Street to a point 30 ft. south of the intersection with Chestnut Street.	
North Third Street 60 feet on the North and 125 feet on the South from the intersection with State Street	North
Market Street from the Intersection of Market Court Street to North 6 <sup>th</sup> Street	South
Jackson Park Drive (near 102 Jackson Park Dr residence) from the Intersection of Jefferson Ave to the city limits heading West	South
South Jefferson Street within 60 feet East of the Intersection with 7th Street	South
South 7th Street within 29 feet North of the Intersection with Jefferson Street	West
Spring Street within 84 feet of intersection with North Sixth Street	Traffic Bound East
North Sixth Street within 115 feet of intersection with Spring Street	South
	(Ord. 238, Passed June 7, 1999)
	(Ord. 255, Passed February 5, 2001)
	(Ord. 427, Passed November 13, 2017)
	(Amended during 2019 codification)
	(Ord. 452, Passed March 9, 2020)
	(Ord. 453, April 20, 2020)
	(Ord. 478, Passed April 19, 2023)

**“NO PARKING THIS SIDE”**

Riverview Street from Elm Street to the beginning  
of Potter’s Drive South

Jackson Park Drive (between 102 and 118 Jackson Park Dr)  
from the intersection of Jefferson Ave  
heading West South

Jackson Park Drive (between 121 and 111 Jackson  
Park Dr) heading North to South East

Jackson Park Drive (between 1510 Jefferson Ave and 121  
Jackson Park Dr from the intersection of  
Jefferson Ave heading West South

(Ord. 464, Passed November 15, 2021)

**“NO PARKING - RESERVED FOR FIREMEN ON MONDAY THRU FRIDAY”**

North Third Street within 60 feet North of  
State Street North

North Third Street within 125 feet North of  
State Street South  
(Amended during 2019 codification)

**“NO OVERNIGHT PARKING”**

Reserved  
(Ord. 216, Passed September 23, 1996)

**“PHYSICAL THERAPY PARKING ONLY”**

The 200 block of Market Street, Bellevue, Iowa, on the north side of the street for traffic headed west-bound, first parking space west of Second Street, shall be parking for physical therapy patients only from 8:00 o’clock a.m. to 5:00 o’clock p.m. Monday through Friday each week. This parking space shall be available for regular parking at all other times.

(Ord. 224, Passed November 10, 1997)

**“NO PARKING - RESERVED FOR POLICE DEPARTMENT”**

Two marked parking spaces in the City Hall parking lot, west side of building  
(Ord. 464, Passed November 15, 2021)

**“NO PARKING FROM NOVEMBER 1 TO MARCH 1”**

Rose Street from 65 feet west of Riverview St. to Second St. North side

5. Painting Curb Prohibited. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect No Parking signs.

6. Snow Emergencies. When weather forecasts or occurrences indicate the need, the Mayor and/or the City Administrator may proclaim a snow emergency and request all available news media to publicize the proclamation.

a. It shall be unlawful to park, abandon or leave unattended any vehicle in the business district during any snow emergency proclaimed by the Mayor and/or City Administrator between the hours of 12:00 o'clock a.m. and 6:00 o'clock a.m. or where signs are posted, unless the snow has been removed or plowed from said areas and the snow has ceased to fall.

b. Calendar parking shall be in effect in all residential areas during any snow emergency proclaimed by the Mayor and/or the City Administrator. On even numbered days, it shall be unlawful to park, abandon or leave unattended any vehicle on street sides where buildings bear odd numbers. On odd numbered days, it shall be unlawful to park, abandon or leave unattended any vehicle on street sides where buildings bear even numbers. It shall also be unlawful to park, abandon or leave unattended any vehicle in such locations where signs are posted, during any snow emergencies proclaimed by the Mayor and/or the City Administrator unless the snow has been removed or plowed from said streets and the snow has ceased to fall. Calendar parking shall also be in effect when a snowfall occurs of at least 2.0 inches during any twenty-four-hour period in the following areas zoned for trailer housing: Vine and Rose Streets west of S. 3<sup>rd</sup> Street; S. 3<sup>rd</sup> Street, S. 4<sup>th</sup> Street and S. 5<sup>th</sup> Street between Vine and Spruce Streets and S. 6<sup>th</sup> Street from Church to Rose Streets.

(Ord. 350, Passed March 19, 2008)

(Ord. 438, Passed May 20, 2019)

c. All vehicles parked in violation of the areas specified above that hinder or are in the way of snow removal equipment will be towed away, without notice, at the owner's expense.

7. Overnight Camping Prohibited. No person shall park a vehicle for the purpose of camping in any area parked to prohibit all night camping, between the hours of sundown and sunrise of any day. Camping is prohibited in the following area: Municipal parking lot.

8. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon the roadway for the principal purpose of:

a. Displaying such vehicle for sale;

b. Displaying advertising;

c. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City;

d. Storage or as junk storage for more than forty-eight (48) hours.

9. Truck, Trailer and Recreational Vehicle Parking Restricted.

a. Definitions of Recreational Vehicle and Watercraft:

(1) Recreational Vehicle: The general term for a vehicular unit not exceeding 36 feet in overall length, 8 feet in width, and 12 feet in overall height, which term shall apply to the following specific vehicle types:

A. Camper Trailer. A folding or collapsible vehicular structure without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.

B. Travel Trailer. A rigid structure with a width of not more than 8 feet, without its own motive power, designed as a temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.

C. Truck Camper. A portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary living quarters for travel, camping, recreation, and vacation usage, which in combination with the carrying power vehicle is licensed and registered for highway use.

D. Motor Home. A vehicular unit built on or as part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation usage, which is licensed and registered for highway use.

E. Boat Trailer. A rigid structure, without its own motive power, designed to transport watercraft for recreational usage, which is licensed and registered for highway use.

F. Horse Trailer. A rigid structure, without its own motive power, primarily to transport horses, designed to be towed behind another motorized vehicle, which in combination with the towing vehicle is licensed and registered for highway use.

G. Utility Trailer/Construction Trailer. A rigid structure, without its own motive power, primarily used to transport personal property, designed to be towed behind another motorized vehicle, which in combination with the towing vehicle is licensed and registered for highway use.

H. Watercraft. A general term applied to all boats, kayaks, canoes, jet skis, and all other vessels, whether impelled by wind, oars or mechanical devices, designed primarily for recreational usage on water. The watercraft when mounted upon a boat trailer and parked shall be considered one unit, exclusive of the towing vehicle.

b. Restrictions on Parking.

(1) It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on Park Street, Jefferson Street, and Second Street within the corporate city limits of the City of Bellevue, Iowa.

(2) It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on any public street or public alleyway

within the corporate city limits of the City of Bellevue, Iowa for a period in excess of three (3) consecutive hours.

(3) It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on any public street or public alleyway within the corporate city limits of the City of Bellevue, Iowa in such a manner as to create a safety hazard.

(4) It shall be unlawful to park any truck having a manufacturers' rated capacity of one ton or more, any recreational vehicle and/or any watercraft on any public street or public alleyway within the corporate city limits of the City of Bellevue, Iowa in such a manner as to impede or obstruct the two-lane flow of traffic.

(Ord. 421, Passed May 17, 2017)

10. Truck Parking Restricted. It shall be unlawful for any truck tractor or semi-trailer to park on any City street or public alley in the City; provided that this section does not apply to truck tractor or semi-trailers being used for the purpose of delivering or collecting goods, wares or merchandise for longer than is necessary for the expeditions delivery or collection thereof, and in no event for a period of time to exceed three (3) hours.

(Ord. 419, Passed February 21, 2017)

11. Two Hour Parking. The following areas shall be designated as two hour parking:

a. Both sides of Riverview Street between Market Street and Jefferson Street.

b. Both sides of Second Street between Market Street and Court Street.

c. Both sides of State Street from Riverview Street to the alley east of Third Street.

d. Both sides of Market Street from the Mississippi River bank to Second Street.

e. Both sides of Court Street from Riverview Street to Second Street.

f. Both sides of Riverview Street from Market Street northerly one hundred fifty-five (155) feet.

g. West side of Riverview Street from Jefferson Street southerly seventy-five (75) feet from the south edge of "No Parking Here to Corner" sign.

Parking in these designated areas shall be limited to two hours Monday through Saturday from 9:00 o'clock a.m. to 5:00 o'clock p.m.

Special exceptions to the two hour parking regulations shall be granted to patients receiving medical or dental care. If such a patient receives a violation notice, the notice may be filed with the doctor or dentist providing the needed medical or dental services. The doctor or dentist may then certify to the police department that the patient was receiving treatment during the time of the violation. Upon such certification, the violation notice shall be voided.

The Chief of Police or his designee may grant daily parking permits to such persons as deemed necessary. The fee for such a permit shall be five dollars (\$5.00) per parking space per day. No more than five (5) permits shall be issued per person or event without the approval of the City Council.

12. **Penalties.** The owner and operator of any vehicle who parks in violation of any provision of this section (3-3-19) shall be subject to a fine of twenty dollars (\$20.00) per hour or portion thereof during which the vehicle is permitted to remain in the parking space. All such penalties are to be paid by the owner or operator within twenty-four (24) hours and, if not paid within said time at City Hall, said owner or operator shall be subject to punishment for the commission of a misdemeanor. Persons who park a vehicle in a persons with disabilities parking zone shall be fined in accordance with subsection 13 below.

(Ord. 291, Passed December 1, 2003)  
(Ord. 475, Passed January 23, 2023)

13. **Persons with Disabilities Parking.**

a. No person shall park a vehicle in a persons with disabilities parking zone as designated by the City Council by Ordinance and marked by signs bearing the international symbol of accessibility, except vehicles displaying special identification issued to persons with disabilities by the Iowa Department of Transportation pursuant to Iowa Code Chapter 321 L. The fine for a violation of this Section is \$100.00.

b. Pursuant to Iowa Code 321 L.5(4)(a), the City hereby declares that its business district is the fire district defined in Bellevue Ordinance No. 6-9-2. The following persons with disabilities parking is established within this district:

(Ord. 219, Passed March 24, 1997)  
(Ord. 240, Passed August 23, 1999)  
(Ord. 282, Passed December 16, 2002)  
(Amended during 2006 Codification)  
(Ord. 393, Passed August 19, 2013)  
(Ord. 404, Passed February 16, 2015)  
(Ord. 407, Passed August 17, 2015)  
(Ord. 424, Passed June 27, 2017)

(1) North Second Street near the intersection with State Street northbound.

(2) 100 block of South Riverview southbound.

(3) 100 block of North Riverview northbound.

(4) 200 block of North Riverview within 44 to 66 feet north of intersection with Market Street southbound.

(5) 100 block of North Second Street south of Market Street intersection northbound from 7:00 a.m. to 7:00 p.m. Monday thru Friday. This parking space shall be available for regular parking at all other times.

(6) 100 block of Court Street west of intersection with Riverview eastbound.

- (7) 100 block of West Market Street west of intersection with Riverview eastbound.
- (8) 100 block of East Market Street east of intersection with Riverview westbound.
- (9) North side of 100 block of Market Street the first parking spot west of alley.  
(Amended during 2024 codification)

c. The following person with disabilities parking is established outside of the business district:

- (1) North side of Court Street between Third Street and Fourth Street marked spot adjacent to Bellevue Elementary School westbound.
- (2) Franklin near the intersection with Sixth Street westbound.
- (3) Two parking spaces marked at Bellevue Senior Center at 1600 State Street.
- (4) Two parking spaces marked at Bellevue Community Center at 1600 State Street.  
(Ord. 424, Passed June 27, 2017)  
(Ord. 478, Passed April 19, 2023)

d. The following persons with disabilities parking is established in residential areas:

None.

(Ord. 282, Passed December 16, 2002)

14. Trailers. Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

(ECIA Model Code Amended in 2020)

15. Electrical Vehicle Charging. It shall be unlawful for any person to park or stand a non-electric vehicle in any municipal parking space that has been designated as a public electric vehicle charging station. Further, it shall be unlawful for any person to park or stand an electric vehicle in a municipal parking space that has been designated as a public electric vehicle charging station when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this section, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

(ECIA Model Code amended in 2022)

16. Parking Prohibited - Reserved.

(Amended during 2019 codification)

17. Parking Tickets. The Police Department shall cause notices to be attached to each vehicle in violation of the parking provisions of the City Code. Said notice shall state the nature of the violation

and the time thereof, as well as the penalties levied therefore. Said penalties shall be deposited at City Hall.

18. Registered Owner Prima Facia Evidence. In any proceedings for a violation of any parking provision of this Ordinance, registration plates displayed on such vehicle involved shall constitute prima facia evidence that the registered owner of such vehicle was a person who parked or caused to be parked the vehicle at the place where such violation occurred.

### 3-3-20 IMPOUNDMENT OF VEHICLES.

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

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

b. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic;

c. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, he or she shall be given twenty-four (24) hours to remove the vehicle.

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

2. The owner or driver of any vehicle impounded for one or more violations of the provisions of this Chapter shall be required to pay the reasonable costs of towing and storage.

### 3-3-21 MISCELLANEOUS PROVISIONS.

1. Driving on Sidewalks Prohibited. The driver of a vehicle shall not drive upon or within any sidewalk area.

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

3. Disrupting Funeral Procession Prohibited. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Section.

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

b. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by the use of headlights.

4. Overweight Vehicles Prohibited. No person shall operate any vehicle with a gross weight in excess of the amounts specified by this Ordinance and designated by signs which are erected giving notice thereof. The following load limits are specified on the following streets:

None.

### 3-3-22 BICYCLE REGULATIONS.

For the purpose of this Section the following terms are defined:

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

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

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

(Code of Iowa, Sec. 321.1)

(ECIA Model Code Amended in 2008)

(ECIA Model Code Amended in 2022)

2. Traffic Code Applies. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State or by the traffic ordinances of this City, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle, he or she shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

(ECIA Model Code Amended in 2022)

3. Seat Required. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

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

5. Riding on Roadways. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

6. Riding Abreast. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

7. Use of Paths Required. Whenever a useable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

8. Yield Upon Emerging from Driveway or Alley. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

9. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

10. Parking Prohibited. No person shall park a bicycle upon a street other than upon the roadway against the curb, nor shall a person park a bicycle on the sidewalk in a manner which obstructs pedestrian traffic.

11. Business District Sidewalks. No person shall ride a bicycle upon a sidewalk within the business district.

12. Sidewalk Riding Prohibited. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs.

13. Pedestrians Have Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

14. Bicycle Lighting. Every bicycle, when used at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

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

### 3-3-23 SNOWMOBILE REGULATIONS.

1. Definitions. The following definitions apply to this Section:

a. Snowmobile: A self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

b. Operate: To control the operation of a snowmobile.

c. Operator: A person who operates or is in actual control of a snowmobile.

2. Unlawful Operation. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

a. On private property of another without the express permission to do so by the owner or occupant of said property.

b. On public sidewalks, public school grounds, park property, playgrounds, and recreational areas without express provision or permission to do so by the proper public authority.

c. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

d. In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.

e. Without having such snowmobile registered as provided for by State law, except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of owner's immediate family.

f. Within the right-of-way of any public street other than the following designated snowmobile route:

1) Highway 52 from the North City Limits to Motte North Street.

2) Motte North Street from Highway 52 to Jefferson Avenue.

3) Jefferson Avenue from Motte North Street to High Street.

4) High Street from Jefferson Avenue to the alley between Second and Third Street.

5) The alley between Second Street and Third Street from High Street to Vine Street.

6) Vine Street from the alley between Second Street and Third Street to the alley between Riverview Street and Second Street.

7) The alley between Riverview Street and Second Street to Elm Street.

8) Elm Street from the alley between Riverview Street and Second Street to Riverview Street.

9) Riverview Street from Elm Street to the South City Limits.

10) Spring Street from the alley between Second Street and Third Street to Seventh Street.

- 11) Seventh Street from Spring Street to Jefferson Street.
- 12) Jefferson Street from Seventh Street to Sixth Street.
- 13) Sixth Street from Jefferson Street to Chestnut Street.
- 14) Chestnut Street from Sixth Street to the alley between Second Street and Third Street.
- 15) Park Street from Seventh Street to Twelfth Street.
- 16) Twelfth Street from Park Street to State Street.
- 17) State Street from Twelfth Street to the West City Limits.
- 18) Mill Creek Road from the intersection of Park Street and Seventh Street to the City Limits.

(Ord. 382, Passed April 18, 2012)

(Ord. 394, October 21, 2013)

3. Travel to Designated Route. A snowmobile shall be permitted to travel on the right-of-way of public streets other than those designated above if the snowmobile is traveling to or from a designated street using the most direct route to or from the operator's residence or place of business.

4. Emergencies. Notwithstanding the provisions of this Section, the Chief of Police shall have the authority to designate areas that he or she shall deem available for the use of snowmobiles during emergencies.

5. Equipment. All snowmobiles operated within the City shall have the following equipment:

a. Mufflers which are properly attached and which reduce the noise of operation of the snowmobile to the minimum noise necessary for operating the snowmobile. No person shall use a muffler cutout, bypass or similar device on said vehicle.

- b. Adequate brakes in good condition.
- c. At least one headlight and one taillight.

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

6. Unattended Snowmobiles Prohibited. It shall be unlawful for the operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key is left in the ignition.

7. Traffic Regulations Apply. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any Ordinance of the City to direct or regulate traffic.

3-3-23A        ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLE REGULATIONS.

1. "All-terrain vehicle" (ATV) as defined in Iowa Code Section 3211.1 means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic-centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. ATV includes off-road utility vehicles, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

2. "Off-road motorcycle" as defined in Iowa Code Section 321I.1 shall be considered an ATV for the purpose of registration, titling if the title has not previously been issued pursuant to Iowa Code Chapter 321. An operator of an off-road motorcycle is subject to provision governing the operation of ATV in such state chapter but is exempt from the education instruction and certification program requirements of Iowa Code Sections 3211.25 and 321 I.26. Off-road motorcycle shall mean a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. Off-road motorcycle includes a motorcycle that was originally issued a certificate of title and registered for highway use under State Code Chapter 321, but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle" (UTV) as defined in Iowa Code Section 321I.1 means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of a bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. UTV includes the following vehicles:

a. "Off-road utility vehicle - type I" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

b. "Off-road utility vehicle - type 2" means an off-road utility vehicle, other than a type I off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

c. "Off-road utility vehicle - type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

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

4. "Operator" or "Driver" means a person who operates or is in actual physical control of an ATV.

5. "Owner" means the person, other than a lienholder, having the property right in or title to an ATV. The term includes a person entitled to the use or possession of an ATV subject to an interest

in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

6. Unlawful operation. It shall be unlawful for any person to operate an off-road vehicle under the following circumstances:

- a. On private property of another without express permission to do so by the owner or occupant of said property.
- b. On public sidewalks and trails, city parks and playgrounds, and recreational areas without express permission to do so by the proper public authorities,
- c. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- d. In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.
- e. Without having such off-road vehicle registered and insured as provided for by State law, except that this provision shall not apply to the operation of an off-road vehicle on the private property of the owner by the owner or a member of the owner's immediate family, or as otherwise exempted by law.
- f. Driving parallel on State Highways (52 and 62) as defined under State Code.

7. State Highway Use.

- a. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.
- b. The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.
- c. The all-terrain vehicle is operated by an employee or agent of a public agency as defined in Iowa Code section 34.1 for the purpose of providing emergency services or rescue.

8. Operations on Roadway.

- a. ATV and Off-Road Vehicles may be operated and travel on the right-of-way of any city public street and alley.
- b. ATV and Off-Road Vehicles may be operated on State primary highways (52 and 62) within the City limits over the most direct and accessible route between an ATV park or trail, a secondary county road, and a city street as defined by State Code.
- c. Operator or Driver shall be eighteen years of age, possess a valid driver's license, and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage.

d. Operate the vehicle by the required City speed limit or at a maximum speed of thirty-five miles per hour.

e. Operators shall comply with all laws related to the operation of ATV and off-road vehicles on highways including but not limited to Iowa Code Sections 321.234A, 321.384, 321.386, 321.387, 321.404, 321.432, 321.437, and 321I.10.

9. Equipment. All off-road vehicles operated within the City shall have the following equipment: All equipment required and defined by State law.

10. Traffic regulations apply. Each person operating an off-road vehicle shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto and shall obey the orders and directions of any ordinance of the City to direct or regulate traffic.

11. Enforcement. Violations of this ordinance shall be written under the applicable State of Iowa Code.

12. Timeframe. Operation shall not begin until 4:00 a.m. and must cease by 10:00 p.m.

(Ord. 290, Passed October 6, 2003)

(Amended during 2014 codification)

(Ord. 442, Passed June 3, 2019)

(Ord. 455, Passed November 2, 2020)

(Ord. 471, Passed August 17, 2022)

13. Use of any ATV or UTV within the City must first be registered with the proper State authority. The operator must carry the registration certificate whenever the ATV or UTV is in use. The State registration decal must be displayed on the ATV or UTV and remain clearly visible. All ATVs and UTVs operated within the City must have operational headlights, taillights, break lights, horn, brakes, muffler, and rearview mirrors.

(ECIA Model Code amended in 2024)

### 3-3-23B OPERATION OF GOLF CARTS

1. "Golf Cart" means a 4-wheeled motor vehicle designed to transport one or more people on a golf course. A golf cart designed with one bench seat shall not transport more than two people. A golf cart designed with two bench seats shall not transport more than four people.

2. Authorizing the operation of golf carts on public streets within the corporate city limits of Bellevue, Iowa consistent with Iowa Code 321.247.

3. Timeframe: The golf cart shall be operated only on the street from sunrise to sunset.

4. Operation: Golf carts may be operated on City streets by persons possessing a valid driver's license and minimum of eighteen (18) years of age. A golf cart shall not be operated upon a City Street which is a primary road extension (State and Federal highways) but shall be allowed to

cross over a City Street which is a primary road extension through the City. No golf carts shall be operated on any street at a speed in excess of twenty-five (25) miles per hour.

5. Unlawful Operation. It shall be unlawful for any person to operate a golf cart under the following circumstances:

a. On private property of another without express permission to do so by the owner or occupant of said property.

b. On public sidewalks, public school grounds, park property, playgrounds, and recreational areas without express permission to do so by the proper public authorities.

c. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

d. In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.

6. Designation of other areas. Notwithstanding the provisions of this Section, the Chief of Police shall have the authority to designate areas that he or she shall deem available for the use of off-road vehicles.

7. Equipment: The golf cart shall be equipped with adequate brakes, slow moving vehicle sign, and a bicycle safety flag, minimum of five (5) feet from the ground level.

8. Unattended golf cart prohibited. It shall be unlawful for the operator to leave or allow a golf cart to be or remain unattended on public property while the golf cart is running or the key is left in the ignition.

9. Traffic regulations apply. Each person operating a golf cart shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any ordinance of the City to direct or regulate traffic.

#### 10. Fee & Insurance

a. Resident owners and operators of golf carts may apply for an annual permit to be issued by the Bellevue Police Dept. on forms provided by the City of Bellevue, Iowa. Each application for a permit shall be accompanied by a fee of \$50.00, payable to the City of Bellevue.

b. The Bellevue Police Dept. shall not issue a permit authorizing the operation of a golf cart on any public street or alley within the corporate city limits of Bellevue, Iowa until the owner/operator has provided the following:

1) Documentation that the owner/operator is at least eighteen (18) years of age and possesses a valid driver's license.

2) Documentation that the owner/operator has in force liability insurance coverage of not less than \$100,000 per person per incident which coverage includes the operation of the golf cart on public street or alleys.

3) The permit issued by the Bellevue Police Department shall specifically identify the name and address of the owner/operator to whom the permit is issued.

4) Documentation that the owner/operator is a resident of the City of Bellevue.

c. A permit issued under this ordinance shall be evidenced by a permit sticker issued by the Bellevue Police Dept. The permit and the permit sticker shall be effective from January 1st through December 31st of the calendar year in which the permit is issued.

d. The operator of a golf cart shall display the permit sticker issued by the Bellevue Police Department in a prominently visible place on the rear of the golf cart.

11. Violations: A person who violates, commits a simple misdemeanor punishable as a schedule violation.

a. Any person violating the ordinance is guilty of a misdemeanor and shall be subject to a Municipal civil infraction and fine of twenty dollars (\$20.00).

b. Any person guilty of violating this ordinance two (2) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of Fifty dollars (\$50.00) and revocation of City permit for a period of Two (2) months.

c. Any person guilty of violating this ordinance three (3) times in a twelve (12) month period shall be subject to a Municipal civil infraction and fine of One-hundred dollars (\$100.00) and revocation of City permit for a period of one (1) year from third (3rd) violation date.

d. When otherwise unable to identify the violator/driver of any provision of this chapter, law enforcement officers may assume the burden to be on the owner of the permit for said violation.

(Ord. 470, Passed June 23, 2022)

### 3-3-24 PLACEMENT OF STOP SIGNS.

1. The stop intersections listed in this Section are hereby authorized, and all vehicles shall come to a full stop before entering such streets from intersecting streets and private drives:

#### STOP SIGNS

<b>Intersection</b>	<b>Traffic Bound</b>
Riverview & Potters Dr.	East
Riverview & Dorchester	West
Riverview & Elm	East
Riverview & Spruce	East
Riverview & Rose	East
Riverview & Vine	East
Riverview & Church	East

Riverview & Chestnut	East
Riverview & Jefferson	East
Riverview & Court	East
Riverview & State	East
Riverview & Market	East
Riverview & Park	East
Riverview & Franklin	East
Riverview & Spring	East
Riverview & Belle	East
Riverview & Sylvan	Eas
Riverview & Oak	East
Riverview & High	East
Riverview & Motte North	East
Second & Elm	East
Second & Spruce	East & West
Rose Alley between Second & Third	East
Alley between Second & Third to Church	South
Spruce to Alley between Second & Third	West
Second & Rose	West
Second & Vine	East & West
Second & Church	West
Second & Chestnut	East, West & South
Second & Jefferson	East & West
Second & Court	East & West
Second & State	North & South
Second & Market	East & West
Second & Park	East & West
Second & Franklin	East & West
Second & Spring	East & West
Second & Belle	East & West
Second & Sylvan	East & West
Second & Oak	East & West
Jefferson Ave. & High	East & West
Jefferson Ave. & John	East & West
Jefferson Ave. & Elizabeth	East
Jefferson Ave. & Motte North	North, South, East & West
Jefferson Ave. & Ensign	East
Jefferson Ave. & Sunrise Ct.	East
Jefferson Ave. & Jackson Park Dr.	East
Jefferson Ave. & Railroad Crossing	East & West
Jefferson Ave. & Highway 52	East
Riverside & Highway 52	West & West (2 entrance)
Third & Rose	North
Third & Vine	North & South
Third & Church	North & South
Third & Chestnut	North & South
Third & Jefferson	North & South
Third & Court	North & South

Third & State	North & South
Third & Market	North & South
Third & Park	North & South
Third & Franklin	North & South
Third & Spring	North & South
Washington & High	North & South
Washington & John	North & South
Washington & Elizabeth	North & South
Washington & Motte North	North & South
Washington & Ensign	North
Fourth & Vine	North
Alley between Fourth & Fifth to Vine	North
Fourth & Church	East & West
Fourth & Chestnut	East & West
Fourth & Court	North & South
Fourth & State	North & South
Fourth & Market	North & South
Fourth & Park	North & South
Fourth & Franklin	North & South
Fourth & Spring	North
Fifth & Vine	North
Fifth & Church	North & South
Fifth & Chestnut	North & South
Fifth & Jefferson	North & South
Fifth & Court	North & South
Fifth & State	North & South
Fifth & Market	North & South
Fifth & Park	North & South
Fifth & Franklin	North & South
Fifth & Spring	North
Sixth & Vine	North
Sixth & Jefferson	North & South
Sixth & Court	North & South
Sixth & State	North & South
Sixth & Market	East & West
Sixth & Park	North & South
Sixth & Franklin	East
Sixth & Spring	North, South, East & West
Seventh & Court	East
Seventh & State	North & South
Seventh & Market	West
Seventh/Park/Mill Creek Rd.	North, South, East & West
Seventh & Spring	North, South, East & West
Seventh & Pine Dr.	West
Seventh & Dunn	East
Seventh & Brinker Ct.	West
Seventh & Duetel Ct.	South

Riviera Dr. & River Ridge	South
Eighth & Frontier Ct.	East & North
Eighth & State	North
Ninth & State	South
Ninth & Park	North
Tenth & State	South
Tenth & Park	North
Eleventh & State	South
Eleventh & Park	South
Twelfth & State	South
Twelfth & Park	North, South, East & West
Twelfth & Edward Ave.	North, South & East
Twelfth & Mill Creek Rd.	North
Mill Creek & Sieverding Ridge	East
Fourteenth & Edward Ave.	South
Fourteenth & Mill Creek Rd.	North
Beta Court & State	North
Lindsay Ln. & State	North
8 <sup>th</sup> Street and Frontier Court	North
Park and Sixth Street	East and West
Sixth & Franklin	North, South & West
Sixth & Park	North, South, East & West
Jackson Park Drive	East & West
Rose Street and alley between 2 <sup>nd</sup> & 3 <sup>rd</sup> St	Southeast & Northwest
	(Ord. 228, Passed November 24, 1997)
	(Ord. 229, Passed December 8, 1997)
	(Ord. 230, Passed December 12, 1998)
	(Ord. 271, Passed March 18, 2002)
	(Ord. 292, Passed October 20, 2003)
	(Ord. 324, Passed June 19th, 2006)
	(Ord. 318, Passed March 20, 2006)
	(Ord. 332, Passed November 20, 2006)
	(Ord. 333, Passed February 15, 2006)
	(Ord. 383, Passed May 16, 2012)
	(Ord. 395, Passed October 21, 2013)
	(Ord. 408, Passed November 2, 2015)
	(Ord. 420, Passed April 17, 2017)
	(Ord. 423, Passed May 15, 2017)
	(Ord. 478, Passed April 19, 2023)
	(Ord. 481, Passed November 20, 2023)
	(Ord. 486, Passed October 7, 2024)

### 3-3-25 PLACEMENT OF YIELD SIGNS.

1. The yield intersections listed in this Section are hereby authorized and all vehicles shall yield the right-of-way before entering such intersections.

“YIELD SIGNS”

Intersection	Traffic Bound
Elizabeth & Mulberry	West
Mulberry & Motte North	West
Fourth & Rose	South
Fifth & Rose	South
Sixth & Chestnut	West
Church & Sixth	East
Neu & Sixth	East
Seventh & Duetel	East
Seventh & River Ridge Drive	East
Kieffer Dr. & Duetel	North
Broadway Ct. & Duetel	South
Broadway Ct. & Maple	North & South
Maple & Seventh	East
Kieffer Dr. & Dunn	South
Fourth and Vine	North
Fifth and Vine	North

(Ord. 333, Passed February 15, 2006)  
 (Ord. 420, Passed April 17, 2017)  
 (Amended during 2019 codification)

### 3-3-26 PLACEMENT OF PEDESTRIAN CROSSING SIGNS.

1. The pedestrian crossings listed in this Section are hereby authorized, and all vehicle shall yield the right-of-way to pedestrians at pedestrian crossings.

#### “PEDESTRIAN CROSSING”

Riverview Street at Chestnut	North & South
State Street at Fourth	North, South, East & West
State Street at Third	North, South, East & West
State and 8 <sup>th</sup>	East & West
100 Block N. 7 <sup>th</sup>	North & South
S. Riverview & Vine	North & South
N. Riverview & Park	North & South
S. Riverview & Chestnut	North & South
State Street at Sixth	East & West
State Street at Eighth	East & West
N. Riverview & Oak	North & South
N. 6th Street & Franklin	North & South
Jackson Park Drive	East & West

(Amended during 2019 codification)  
 (Ord. 478, Passed April 19, 2023)  
 (Ord. 481, Passed November 20, 2023)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 4 RAILROAD REGULATIONS**

3-4-1	Definitions	3-4-5	Street Crossing Obstructions
3-4-2	Speed	3-4-6	Maintenance of Crossings
3-4-3	Warning Signals	3-4-7	Flying Switches
3-4-4	Street Crossing Signs and Devices		

**3-4-1 DEFINITIONS.** For use in this Chapter, the following terms are defined as follows:

1. The term "railroad train" shall mean any steam, electric or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include interurbans and street cars.

2. The term "operator" shall mean any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

**3-4-2 SPEED.** It shall be unlawful to operate any railroad train through any street crossing within the platted areas of Bellevue at a speed greater than 20 miles per hour.

(Code of Iowa, Sec. 327F.31)  
(Amended during 2019 codification)

**3-4-3 WARNING SIGNALS.** Operators shall sound a bell at least 1,000 feet before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least 1,000 feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 3-4-6 of this Chapter or under a Quiet Zone restriction.

(Amended during 2019 codification)

**3-4-4 STREET CROSSING SIGNS AND DEVICES.** Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign, signal, device, or gate or flagman is required by resolution of the City Council. Such nonmechanical signs shall be of a height and size, and utilize such lettering as to give adequate warning of such crossing. Whenever the City Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained, flagman stationed at any street or other public crossing, the City Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device, or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the City Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company or companies with a notice of the time limit for compliance. In complying, Chapter 327G of the Code of Iowa shall prevail.

3-4-5 STREET CROSSING OBSTRUCTIONS. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

1. When necessary to comply with signals affecting the safety of the movement of trains.
2. When necessary to avoid striking an object or person on the track.
3. When the train is disabled.
4. When necessary to comply with governmental safety regulations including, but not limited to, speed Ordinances and speed regulations.

An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-4-6 MAINTENANCE OF CROSSINGS. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

3-4-7 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattached to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car's or cars' approach.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 5 FIRE PROTECTION**

3-5-1	Establishment and Purpose	3-5-5	Liability Insurance
3-5-2	Volunteer Fire Fighters	3-5-6	Fires Outside City Limits
3-5-3	Fire Fighter's Duties	3-5-7	Fire Department Capital Fund
3-5-4	Worker's Compensation and Hospitalization Insurance	3-5-8	Created Fire Fighter's Association

**3-5-1 ESTABLISHMENT AND PURPOSE.** A volunteer Fire Department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

**3-5-2 VOLUNTEER FIRE FIGHTERS.** Up to forty-five individuals, at least eighteen (18) years of age, shall be appointed to serve as volunteer fire fighters. Prior to appointment as a volunteer fire fighter, and thereafter as required by the City, a volunteer fire fighter must pass a medical physical examination.

(Ord. 275, Passed June 17, 2002)  
(Ord. 366, Passed February 17, 2010)  
(Amended during 2014 codification)

**3-5-3 FIRE FIGHTER'S DUTIES.** When called by the chief, all fire fighters shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly the commands of others who have been appointed by the chief to be in command temporarily. Fire fighters shall report to the chief in advance if they expect to be absent from the City for twelve (12) hours or more. Fire fighters shall report for training as ordered by the chief.

(Ord. 275, Passed June 17, 2002)

**3-5-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE.** The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters. All department personnel shall be covered by the contract.

(Ord. 275, Passed June 17, 2002)

**3-5-5 LIABILITY INSURANCE.** The City Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

**3-5-6 FIRES OUTSIDE CITY LIMITS.** The department shall answer calls to fires, medical emergencies and other emergencies outside the City limits per the department's standard operating procedures, contracts, mutual aid and other agreements.

(Ord. 275, Passed June 17, 2002)

3-5-7 FIRE DEPARTMENT CAPITAL FUND CREATED. The City Council hereby creates a fund to be known as the Fire Department Capital Fund. All charitable donations received by the department shall be deposited into this fund. Expenditures from this fund shall be limited to fire department purposes exclusively. This fund shall be shown on the monthly report prepared by the city clerk. The city administrator is authorized to advance up to the sum of \$25,000 per request upon the recommendation of the finance committee of the department for fire department capital expenditures. This section shall not be amended or repealed until after a public hearing is held on the proposed amendment or repeal. Notice of the hearing shall be published as provided in Iowa Code section 362.3, except that at least seven days' notice must be given and the public hearing shall not be held earlier than the next regularly scheduled City Council meeting following the published notice.

(Ord. 275, Passed June 17, 2002)

3-5-8 FIRE FIGHTER'S ASSOCIATION. Fire fighters may form an association and non-profit corporation to promote the welfare of fire fighters, fire prevention, and other civic and social duties as specified in the corporation's articles of incorporation and bylaws.

(Ord. 275, Passed June 17, 2002)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 6 RESERVED**

## TITLE III COMMUNITY PROTECTION

### CHAPTER 7 LICENSING AND REGULATING PEDDLERS

3-7-1	Definitions	3-7-11	Revocation of License
3-7-2	License Required	3-7-12	Expiration of License
3-7-3	Exemptions	3-7-13	Consumer Protection Law
3-7-4	Religious and Charitable Organizations Exempt	3-7-14	Streets Closed to Solicitation
3-7-5	Application for License	3-7-14A	City Parks Solicitation
3-7-6	Issuance of License	3-7-15	Solicitation Times
3-7-7	Fees	3-7-16	Regulation of Vendor Activity and Related Activities Surrounding Ragbrai
3-7-8	Bond Required		
3-7-9	Display of License		
3-7-10	License Not Transferable		

3-7-1 **DEFINITIONS.** For use in this Chapter, the following terms are defined:

1. **Peddler.** 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.
2. **Solicitor.** Any person who solicits or attempts to solicit from house-to-house or upon public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. **Transient Merchant.** Any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant. The term "transient merchant" does not include mobile food truck.
4. **Mobile Food Unit.** Any type of annually licensed food establishment that is a readily movable vehicle (on wheels), that is self-propelled (driven), or can be pulled or pushed to a location and used for the vending of food or beverage items to the public.
5. **Mobile Food Vendor.** A person engaged in the business of selling food or beverages from a mobile food unit.
6. **Person.** Natural persons, corporations, firms, and organizations of any description, whether acting in person or through agents, employees, or other persons.
7. **Push Cart.** A non-self-propelled mobile food unit that is pushed or pulled by the mobile food vendor to a location and serves a limited offering of food or beverage items.

(Amended during 2019 codification)

3-7-2 LICENSE REQUIRED. Any person engaging in peddling, soliciting, in the business of a transient merchant, or doing business in a mobile food unit in this City without first obtaining a license as herein provided shall be in violation of this Chapter.

(Amended during 2019 codification)

3-7-3 EXEMPTIONS. Newsboys, local Boy Scouts, Girl Scouts, Campfire Girls, Future Farmers of America, 4-H Club members, students of the Bellevue Community School District conducting projects sponsored by their organizations, milk delivery men, persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use and local farmers selling fruits and vegetables which they have produced, are exempt from the regulations of this Chapter.

3-7-4 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious organizations, charitable organizations and non-profit corporations desiring to solicit money or to distribute literature shall be exempt from the operation of Sections 3-7-5 through 3-7-13 of this Chapter.

(Ord. 293, Passed January 5, 2004)

3-7-5 APPLICATION FOR LICENSE. An application in writing shall be filed with the City Clerk for a license under this Ordinance. Such application shall set forth the applicant's name, permanent and local address, business address, if any. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. The applicant shall submit a copy of his or her state issued photo ID or photo driver's license. Receiving approval of a mobile food unit license from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

(Amended during 2019 codification)

3-7-6 ISSUANCE OF LICENSE. If the City Clerk finds the application is made out in conformance with Section 3-7-5 of this Chapter and the facts stated therein are correct, City Clerk shall issue, upon posting of bond as required by Section 3-7-8 of this Chapter, a daily or annual license and charge a fee therefore as determined by Section 3-7-7 of this Chapter.

(Amended during 2019 codification)

3-7-7 FEES. Every licensee shall pay the following fee before a license shall be issued.

1. Peddler/Solicitor:  
Daily: \$100 / Annual: \$300
2. Transient Merchant  
Daily: \$50 / Annual: \$150
3. Mobile Food Unit  
Daily: \$50 / Annual: \$150

Such fee is subject to being waived if the mobile food unit is part of a special public event or in connection with a business' event. Waiving of such fee must be approved by the City Clerk.

(Amended during 2019 codification)

3-7-8 BOND REQUIRED. Before a license under this Chapter shall be issued, each applicant shall post a bond of \$ 1,000.00 with the City Clerk. Such a bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this Ordinance, and shall not be retired until after a lapse of 6 months from the expiration of each license. The bond requirement will not apply to solicitors involved in Interstate Commerce.

3-7-9 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the license provided for in Section 3-7-6 of this Chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly his or her license in their place of business.

3-7-10 LICENSE NOT TRANSFERABLE. Licenses 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.

3-7-11 REVOCATION OF LICENSE. The City Council, after notice and hearing, may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted his or her business in an unlawful manner.

3-7-12 EXPIRATION OF LICENSE. All annual licenses granted under this Ordinance shall expire on December 31 of each year and must be renewed prior to the first event after that date.

(Amended during 2019 codification)

3-7-13 CONSUMER PROTECTION LAW. All shall be informed of, agree to comply with, and comply with the state law requiring a notice of cancellation be given in duplicate, properly filled out, to each buyer to which is sold a product or service and comply with the other requirements of the law.

(Amended during 2019 codification)

3-7-14 STREETS CLOSED TO SOLICITATION. No mobile food unit shall be left unattended or stored on any public street overnight. Peddlers Mobile Food Units shall not sell their goods or wares on the following streets:

West side of Riverview Street between Park Street and Chestnut Street and the East side of Riverview Street between Park Street State Street and Jefferson Street to Chestnut Street: unless prior written consent is received from the property/business owner where such mobile food unit will be parked directly in front of.

Both sides of State Street from Riverview Street to the alley East of Third Street: unless prior written consent is received from the property/business owner where such mobile food unit will be parked directly in front of.

(Amended during 2019 codification)

3-7-14A CITY PARKS SOLICITATION. Peddlers, mobile food units, or transient merchants shall only sell their goods and wares within city parks if permission is granted from the organization utilizing

the City park along with permission from the City. No mobile food unit shall be left unattended or stored on any public park overnight.

(Ord. 293, Passed January 5, 2004)  
(Amended during 2019 codification)

**3-7-15 SOLICITATION TIMES.** No peddlers or solicitors shall be allowed to peddle door to door after 8:00 p.m.

**3-7-16 REGULATION OF VENDOR ACTIVITY AND RELATED ACTIVITIES SURROUNDING RAGBRAI.**

Purpose. This ordinance is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the city of Bellevue when the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) arrives in Bellevue.

Food Vendor - Permit Required. No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Bellevue during RABRAI unless said person or entity shall first obtain a Food Vendor Permit from the City of Bellevue or its designated representative. However, any person or entity which is a resident of Jackson County and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises, or in possession of a current Iowa Retail Sales Tax Permit, shall be exempt from the requirements of this section.

(Amended during 2019 codification)

Food Vendor Fees. The fee for a Bellevue Food Vendor Permit shall be \$200.00. Food Vendor Permits issued to vendors whose residence is outside Jackson County shall be \$750.00.

Food Vendor Location. A food vendor who has been granted a Bellevue Food Vendor Permit shall locate its temporary sale facility at a location to be determined by the official Bellevue RAGBRAI committee.

Health Regulations. Any person or entity issued a Food Vendor Permit pursuant to this ordinance shall comply with the Iowa Department of Health and Jackson County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

Non-Food Vendor - Permit Required. No person, club, group, organization, corporation or entity of any kind which is in business in Bellevue shall sell merchandise to the public during RABRAI at a location other than their regularly established place of business unless said person or entity shall first obtain a Non-Food Vendor Permit from the City of Bellevue or its designated representative. Those Bellevue businesses which operate only from their regularly established locations are exempt from the requirements of this section.

(Amended during 2019 codification)

Non-Food Vendor Fees. The fee for a Bellevue Non-Food Vendor Permit shall be \$100.00. Non-Food Vendor Permits issued to vendors whose residence is outside Jackson County shall be \$500.00.

Non-Food Vendor Location. A non-food vendor who has been granted a Bellevue Non-Food Vendor Permit shall locate its temporary facility at a location to be determined by the official Bellevue RAGBRAI committee.

Glass Containers Prohibited. To promote public safety during RAGBRAI, all beverages sold in Bellevue, Iowa by business, food vendor permittee, restaurant, service station, convenience store, grocery store or other establishment during RAGBRAI shall be sold in non-glass containers only.

(Amended during 2019 codification)

Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Bellevue Food Vendor or Bellevue Non-Food Vendor Permit for RAGBRAI, in violation of the provisions of this ordinance, shall be considered a nuisance as defined in the Bellevue Municipal Code. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to Bellevue Ordinance 3-2-8 is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this ordinance is the offender's failure to obtain the necessary permit, the RAGBRAI committee, in lieu of immediate abatement, may allow the person or organization to immediately purchase the necessary permit as provided in this ordinance.

(Amended during 2019 codification)

Violations – Penalties. Selling or supplying food or merchandise to any person without a Bellevue Food Vendor or Bellevue Non-Food Vendor Permit during RAGBRAI, or any other violation of this ordinance, shall be a simple misdemeanor punishable by a maximum fine of \$500.00. Furthermore, any violation of this ordinance shall constitute a municipal infraction under Title I, Chapter 4 of the Bellevue Municipal Code, and, therefore, any civil penalties may likewise be assessed and enforced as set forth therein.

(Amended during 2019 codification)

Street Closings. During the effective dates of this ordinance and without prior council approval regarding the blocking of any streets, any city of Bellevue police officer, or those at their direction, may place barricades or roadblocks in any city street, alley, or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the city limits of the city of Bellevue.

(Ord. 339, Passed April 18, 2007)

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 8 CIGARETTE LICENSE**

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

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

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

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

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

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

(Code of Iowa, Sec. 453A.47(1))

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

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

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

3-8-6 **REFUNDS.**

1. An unrevoked permit for which the retailer paid the full annual fee may be surrendered during the

first nine months of the year to the officer issuing it, and the city or county granting the permit shall make refunds to the retailer as follows:

a. three-fourths of the annual fee if the surrender is made during July, August, or September

b. one-half of the annual fee if the surrender is made during October, November, or December

c. one-fourth of the annual fee if the surrender is made during January, February, or March

2. An unrevoked permit for which the retailer has paid three-fourths of a full annual fee may be surrendered during the first six months of the period covered by the payment, and the city or county shall make refunds to the retailer as follows:

a. a sum equal to one-half of an annual fee if the surrender is made during October, November, or December

b. a sum equal to one-fourth of an annual fee if the surrender is made during January, February, or March

3. An unrevoked permit for which the retailer has paid one-half of a full annual fee may be surrendered during the first three months of the period covered by the payment, and the city or county shall refund to the retailer a sum equal to one-fourth of an annual fee.

(Code of Iowa, Sec. 453A.47(8))

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 453A.22)  
(Amended during 2001 Codification)  
(Amended during 2006 codification)

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

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

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 9 BEER AND LIQUOR LICENSES**

3-9-1	Purpose	3-9-4	Transfers
3-9-2	Required Obedience to Provisions of this Chapter and State Law	3-9-5	Open Alcoholic Beverage Containers
3-9-3	Action by City Council		

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

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

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.30 Liquor Control Licenses – Classes
5. 123.31 Application Contents
6. 123.34 Expiration - License or Permit
7. 123.35 Simplified Renewal Procedure
8. 123.36 Liquor Fees - Sunday Sales
9. 123.38 Nature of Permit or License - Surrender – Transfer
10. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
11. 123.40 Effect of Revocation
12. 123.44 Gifts of Liquors Prohibited
13. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test – Exoneration
14. 123.49 Miscellaneous Prohibitions

15. 123.50 Criminal and Civil Penalties
16. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
17. 123.52 Prohibited Sale
18. 123.90 Penalties Generally
19. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
20. 123.122 through 123.145 Beer Provisions (Division II)
21. 123.150 Sunday Sales Before New Year's Day
22. 123.171 through 123.182 Wine Provisions (Division V)

3-9-3 ACTION BY CITY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law.

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

3-9-5 OPEN ALCOHOLIC BEVERAGE CONTAINERS. Code of Iowa, section 123.28, second paragraph, is adopted by reference.

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 10 JUNK VEHICLES AND JUNK DEALERS**

3-10-1	Purpose	3-10-13	Abatement by Municipality
3-10-2	Definitions	3-10-14	Collection of Cost of Abatement
3-10-3	Removal of Abandoned Vehicles	3-10-15	Exceptions
3-10-4	Notification of Owners and Lienholders	3-10-16	Interference with Enforcement
3-10-5	Impoundment Fees and Bonds	3-10-17	License Required
3-10-6	Hearing Procedures	3-10-18	Definitions
3-10-7	Auction or Disposal of Abandoned Vehicles	3-10-19	Persons Entitled to be Licensed
3-10-8	Junk Vehicles Declared a Nuisance	3-10-20	License Fee
3-10-9	Authority to Enforce	3-10-21	Power to Investigate and Inspect
3-10-10	Notice to Abate	3-10-22	Revocation of License
3-10-11	Duty of Owner to Remove or Repair	3-10-23	Transfer of License Prohibited
3-10-12	Hearing Procedures-Junk Vehicle	3-10-24	Specific Requirements and Regulations: Location

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

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

1. “Abandoned vehicle” means any of the following:

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

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

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

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

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

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

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

4. A “junk vehicle” means any vehicle, whether licensed or unlicensed, stored within the corporate limits of the City of Bellevue, Iowa, and which has any one of the following characteristics:

- a. Any vehicle with missing or broken windows or headlights, or any other broken glass.
- b. Any vehicle with one or more missing fenders, doors, bumpers, hood, steering wheel, or trunk top.
- c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
- d. Any vehicle if it lacks an engine or two or more wheels or other structural parts which render said vehicle totally inoperable.
- e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health or safety.

(Ord. 263, Passed August 16, 2001)

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

### 3-10-3 REMOVAL OF ABANDONED VEHICLES.

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

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

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

(Amended during 2006 codification)

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

### 3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

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

(Amended during 2006 codification)

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:
  - (1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
  - (2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
  - (3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;
  - (4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or the assessment of fees and charges provided by this Chapter may request a hearing to contest these matters in accordance with the provisions of section 3-10-6.
- f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
- g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by section 3-10-5.

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

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

- a. the identity of the last registered owner cannot be determined, or
- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

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

### 3-10-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this Chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police or Mayor if the Chief of Police is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

(Amended during 2006 codification)

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

2. The amount of the charges specified in ae shall be set by the City Council. The notice charges shall be limited to the actual cost.

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

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

#### 3-10-6 HEARING PROCEDURES.

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

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

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

b. That impoundment is not authorized by law, and if the vehicle has been impounded, that the vehicle will be released to the objector upon compliance with 3-10-5(1) and that all costs of removal, preservation, storage, and notification accruing through the fourth day after the hearing officer's decision are waived and will be paid by the City. All costs accruing thereafter shall be paid prior to recovery of the vehicle. Any bond posted under 3-10-5(3) shall be refunded, less any amounts for outstanding or unsettled traffic violations.

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

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

#### 3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES.

The Chief of Police shall follow the procedures in state law for the auction or disposal of abandoned vehicles.

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

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

3-10-10 NOTICE TO ABATE.

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

(Amended during 2006 codification)

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

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle
- b. describe the location of the vehicle
- c. state that the vehicle constitutes a nuisance under the provisions of this Chapter

d. state that the owner of the property shall remove or repair the said junk vehicle within twenty- one days

e. state that any person ordered to abate a nuisance or condition may request, in writing, within the twenty-one day limit, a hearing to determine whether a nuisance or prohibited condition exists.

f. state that if the nuisance or condition is not abated as directed or if no request for a hearing is made within twenty-one days, the City will abate the nuisance and assess the costs against the property owner.

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

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

1. The owner of the property upon which a junk vehicle is stored in violation of the provisions of 3- 10-8 shall within twenty-one days after receipt of the notice to abate from the Chief of

Police remove the motor vehicle or machinery to a lawful place of storage without the City limits, or repair the defects that cause such motor vehicle or machinery to violate the provisions of this Chapter, including licensing in the case of a motor vehicle not currently licensed.

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

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

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

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

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

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

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

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

5. The decision shall be final.

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

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

(Amended during 2001 Codification)

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

1. A vehicle in an enclosed building.

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

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

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

#### REGULATION OF JUNK DEALERS.

**3-10-17 LICENSE REQUIRED.** It shall be unlawful for any person to engage in the vocation of junk dealer in the City of Bellevue, Iowa, without having a license as herein provided.

**3-10-18 DEFINITIONS.** "Junk dealer" means any person engaged in the business of collecting, storing, buying or selling junk, including the activity known as "auto salvage." "Junk" means old or second hand vehicles, machinery, iron or other materials, rope, rags, glass, fabric, cordage, wood or paper not suitable for sale for the purpose for which the same was originally fabricated, but which is salvageable so as to be used again in some manner.

**3-10-19 PERSONS ENTITLED TO BE LICENSED.** Any person who satisfies the conditions prescribed for a license, and satisfies the City Council that their operation does not and will not endanger the public welfare, order, safety, health or morals, shall be entitled to a license upon filing of proper application and paying the full fee required.

**3-10-20 LICENSE FEE.** The license fee shall be \$500.00 per year, and shall expire one year after date of issue.

(Amended during 2024 codification)

**3-10-21 POWER TO INVESTIGATE AND INSPECT.** The City Administrator shall have the power to inspect and investigate the conduct of the occupation licensed or to be licensed hereunder or to cause such an inspection or investigation to be made by the City Police Chief.

**3-10-22 REVOCATION OF LICENSE.** The City Council, after giving licensee reasonable notice and a fair hearing, may revoke any license issued hereunder for the following reasons:

1. The licensee has made fraudulent statements in licensee's application for the license or in the conduct of licensee's business. The licensee has violated this Ordinance or has otherwise conducted his or her business in an unlawful manner.

2. The licensee has conducted his or her business in a manner endangering the public welfare, health, safety, order or morals.

3. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of hearing and the reasons for the intended revocation.

3-10-23 TRANSFER OF LICENSE PROHIBITED. In no case shall a license issued hereunder be transferable to another person or be used for purposes other than that for which it was issued.

3-10-24 SPECIFIC REQUIREMENTS AND REGULATIONS: LOCATION. Applicants for a license hereunder shall comply with the following requirements and regulations:

1. A junk dealer shall not purchase or receive junk from a minor unless junk dealer first receives the written consent of the parents or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.

2. In order to discover stolen property, peace officers shall be permitted to inspect the junk dealer's yard, store or establishment at all reasonable hours.

3. The health officer shall be permitted at all reasonable times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

4. All junk yards shall be enclosed within a solid fence at least eight feet in height, which fence shall be painted white. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and of equal height.

5. The burning of materials giving off offensive odors or smoke in quantities which are objectionable shall be prohibited, and State air pollution control laws shall be complied with.

6. The business of junk dealer shall be located within the territory bounded as follows: All locations zoned I-2 in the Bellevue Zoning Ordinance.

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 11 MUNICIPAL PARKING LOT**

**3-11-1 Parking Restrictions for Municipal Parking Lot**

3-11-1 PARKING RESTRICTIONS FOR MUNICIPAL PARKING LOT. It shall be unlawful to park any motor vehicle or other personal property more than forty-eight (48) hours, to store boats, to park any motor vehicle or other personal property on ramp or roadway, or to camp overnight in the Municipal Parking lot. The City may remove or cause to be removed any motor vehicle or other personal property which has been unlawfully parked or placed in the parking lot and may place or cause such personal property to be placed in storage until the owner of the same pays a fair and reasonable charge for towing, storage or other expense incurred. The City shall not be liable for damages caused to the personal property by the removal or storage unless the damage is caused willfully or by gross negligence. If the owner of the motor vehicle or other personal property can be determined, the owner shall be notified of the removal by the Chief of Police by certified mail, return receipt requested. If the owner cannot be identified, notice by one publication in a newspaper of general circulation in the Bellevue area is sufficient to meet all notice requirements under this Section. If the personal property has not been reclaimed by the owner within six months after notice has been effected, it may be sold by the City at public or private sale. The net proceeds after deducting the cost of the sale shall be paid to the City Administrator.

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 12 EMERGENCY MANAGEMENT**

3-12-1 Emergency Management Organization

3-12-2 Civil Defense Defined

3-12-3 Authority  
3-12-4 Liability

3-12-1 **EMERGENCY MANAGEMENT ORGANIZATION.** There is hereby created an Emergency Management Organization for carrying out the responsibility of the municipality for emergency management in times of public emergency. The Mayor shall be Executive Director of the Emergency Management Organization and shall be responsible for the direction of all operations for the protection of the health, safety, and welfare of the citizens of the City. Said organization shall function in accordance with an Emergency Management Plan which shall be coordinated with the plans adopted by Jackson County and the State, in accordance with State law.

3-12-2 **CIVIL DEFENSE DEFINED.**

1. “Emergency Management” shall mean the protection of persons and property by all measures available to the municipal government and with such assistance as required and possible from other governmental agencies, together with organized efforts of private persons and agencies to meet public emergencies. It shall encompass pre-planning, prevention, and assistance to those affected by public emergencies.

2. “Public Emergencies” shall mean:

a. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake, or explosion resulting in the death or injury of persons or the destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety and welfare.

b. Any threat to public safety, health and welfare resulting from declared or undeclared war against the United States.

3. “Emergency Management Plan” shall mean an outline of duties and responsibilities and their assignment to persons, officers and agencies as drawn up under the direction of the Mayor, and as approved by resolution of the City Council.

3-12-3 **AUTHORITY.** The Mayor may delegate such portions of the details of operation to an assistant director or emergency management coordinator as will best serve the carrying out of the Emergency Management Plan, but the City Council shall approve the appointment of such an officer. The Mayor shall designate alternates, and order of succession subject to their approval by City Council, to serve in his/her place in the event he/she is unable to act due to absence or disability.

3-12-4 **LIABILITY.** Insofar as permitted by state law, the municipality, when acting in consonance with the Emergency Management Plan, shall not be liable for failure to provide protection or to prevent

damage to persons or property, the purpose of such plan being to ameliorate conditions arising from the emergency by organized effort. The municipality shall carry such insurance on voluntary emergency management workers as deemed advisable by the City Council upon recommendation of the City Attorney.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 13 UNFAIR HOUSING**

3-13-1 Purpose

3-13-2 Discriminatory Practices Defined

3-13-3 Exemptions

3-13-4 Complaints Filed

**3-13-1 PURPOSE.** The purpose of this Ordinance is to provide for the general welfare of the citizens of Bellevue, Iowa, by declaring discriminatory practices in housing to be against public policy, and to provide for proper procedures for the enforcement of this Ordinance.

**3-13-2 DISCRIMINATORY PRACTICES DEFINED.** It shall be unlawful discriminatory housing practice to engage in any of the following acts, if they are based on race, creed, color, age, disability, sex, national origin, religion, or ancestry:

1. Refusing to sell or rent to, deal or negotiate with any person.
2. Discriminating in terms, conditions or privileges for buying, renting, or any transfer of housing.
3. Discriminating by advertising that housing is available only to persons of a certain race, etc.
4. Denying that housing is available for inspection, sale, or rent when in fact it is so available.
5. For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
6. Denying or making different rates, terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies.
7. Making a record of or making available for public knowledge in any way a person's race, etc.
8. Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing.

**3-13-3 EXEMPTIONS.** Nothing in this Section, except for discrimination based on race, shall be construed to apply to:

1. The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses provided:
  - a. A broker is not used.
  - b. Discriminatory advertising is not used.

- c. No more than one house in which the owner was not the most recent resident is sold during any two-year period.
- 2. Rentals of rooms or units in owner-occupied multi-dwellings for two to four families, if discriminatory advertising is not used.
- 3. Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.
- 4. Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than a commercial purpose.

3-13-4 COMPLAINTS FILED. In order to insure that the rights of all parties will adequately be protected, the following procedures are available:

- 1. Any person claiming to be aggrieved by a discriminatory or unfair practice within the City may, by himself or through his attorney, make, sign and file a verified written charge of discriminatory practice with the Equal Opportunity Office of the City of Bellevue, Iowa.
- 2. If the local Equal Opportunity Officer is unable to obtain voluntary compliance, the complainant may also send a notarized complaint to HUD within 180 days of the alleged discriminatory act.
- 3. A person may also take a complaint directly to the U.S. District Court or State or local court within 180 days of the alleged discriminatory act.
- 4. Information about possible discrimination in housing may also be brought to the attention of the Attorney General.

## **TITLE III COMMUNITY PROTECTION**

### **CHAPTER 14 COLE PARK HOURS**

3-14-1 Hours

3-14-2 Procedure for Obtaining Permit

3-14-3 Disturbance

3-14-4 Litter or Damage

3-14-1 HOURS. It shall be unlawful for any person to be or remain within Cole Park, Riverfront Park or Sarge O'Neil Park between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m. the following day without a permit from the Bellevue City Administrator.

(Ord. 225, Passed November 10, 1997)

3-14-2 PROCEDURE FOR OBTAINING PERMIT. Any person desiring to be or remain within any City park during the time periods set forth in Section 1 of this Ordinance shall secure a permit from the Bellevue City Administrator. Such permit must be applied for in writing at least 24 hours prior to the time period for which a permit is requested. The person or persons who apply shall by their application be deemed personally responsible for any disturbance, damage or litter caused by the activity. The City Administrator is only authorized to grant a permit for an organized activity and shall not grant a permit if the activity is likely to result in a disturbance within the park or adjoining neighborhood.

(Ord. 225, Passed November 10, 1997)

3-14-3 DISTURBANCE. If an activity for which a permit has been granted creates a disturbance within the park or adjoining neighborhood, this shall act as an automatic termination of the permit, and the Bellevue Police Department shall be authorized to terminate the activity and require the park to be vacated under Section 1 of this Ordinance.

3-14-4 LITTER OR DAMAGE. If an activity for which a permit has been granted results in damage to public property or litter remains after the activity, the City shall repair the damaged property or clean up the litter, and the person or persons listed on the permit or application shall be billed for any repairs made and/or the cost of collecting and disposing of litter.

(Ord. 225, Passed November 10, 1997)

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 15 FEES FOR POLICE SERVICES**

3-15-1 Fees for Unlocking Vehicles  
3-15-2 Fees for Police Reports  
3-15-3 Fees for Fingerprinting

3-15-4 Fees for Photos or Body Camera Footage

**3-15-1 FEES FOR UNLOCKING VEHICLES.**

1. Any person who requests the assistance of the Bellevue Police Department in unlocking a vehicle shall pay the sum of Twenty Dollars (\$20.00) to the officer prior to the officer rendering assistance. The police officer shall issue a receipt for any money so received and shall account for said funds to the Chief of Police. A police officer shall not render assistance in unlocking a vehicle until this fee is paid.

2. Any person who requests the assistance of the Bellevue Police Department in unlocking a vehicle shall execute a waiver of liability on forms provided by the police officer prior to the officer rendering assistance. A police officer shall not render assistance in unlocking a vehicle until this waiver is signed.

(Ord. 300, Passed April 19, 2004)

**3-15-2 FEES FOR POLICE REPORTS.**

1. Any person who requests a police case report or motor vehicle accident report from the Bellevue Police Department shall pay the sum of five dollars (\$5.00) for the first page and two (\$2.00) for any additional pages plus the cost of postage to the Police Officer providing the report. The Police Officer shall issue a receipt if requested and shall account for said funds to the Chief of Police.

(Ord. 418, Passed November 14, 2016)  
(Ord. 467, Passed January 3, 2022)  
(Ord. 483, Passed December 20, 2023)

2. Any person who requests a police motor vehicle accident report from the Bellevue Police Department shall pay the sum of five dollars (\$5.00) per report plus the cost of postage, The Police Officer shall issue a receipt if requested and shall account for said funds to the Chief of Police

(Ord. 467, Passed January 3, 2022)

**3-15-3 FEES FOR FINGERPRINTING.**

1. Any person that is a non-city citizen requesting the assistance of the Bellevue Police Department for fingerprinting shall pay the sum of twenty dollars (\$20.00) to the officer prior to the officer providing the fingerprinting service. The police officer may issue a receipt for any money received and shall account for said funds to the Chief of Police.

(Ord. 456, Passed March 9, 2021)

**3-15-4 FEES FOR PHOTOS OR BODY CAMERA FOOTAGE.**

1. Any person who requests a photo or body camera footage from the Bellevue Police Department shall pay the sum of \$15.00 per USB (Universal Serial Bus) flash drive supplied by the Bellevue Police Department plus the cost of postage. The Police Officer shall issue a receipt if requested and shall account for said funds to the Chief of Police.

(Ord. 467, Passed January 3, 2022)

(Ord. 483, Passed December 20, 2023)

**TITLE III COMMUNITY PROTECTION**  
**CHAPTER 16 BELLEVUE CITY CEMETERY**

3-16-1 Hours

3-16-2 Trespass

3-16-1 HOURS. It shall be unlawful for any person to be or remain within the Bellevue City Cemetery within the hours of 8:00 p.m. to 8:00 a.m.

3-16-2 TRESPASS. Any person present in the Bellevue City Cemetery during the hours the Bellevue City Cemetery is closed shall be removed and may be prosecuted for criminal trespass.

(Ord. 369, Passed July 7, 2010)

**TITLE III COMMUNITY PROTECTION**

**CHAPTER 17 RESERVED**

## **TITLE IV MENTAL AND PHYSICAL HEALTH**

### **CHAPTER 1 ANIMAL CONTROL**

4-1-1	Definitions	4-1-3	Impounding
4-1-2	Actions of Dogs Constituting a Nuisance	4-1-4	Dangerous Animals
		4-1-5	Keeping a Vicious Animal

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

1. The term "dogs" shall mean animals of the canine species whether altered or not.
2. The term "at large" shall mean an animal found off the premises of the owner or upon the public streets, alleys, public grounds or parks within the City. A dog or cat shall not be deemed to be at large (1) if it is attached to a leash of sufficient strength and not more than ten (10) feet in length if such leash is held by a competent person; or (2) it is accompanied by or at the side of the owner and is obedient to commands of the owner or a competent person.

(Amended during 2001 Codification)  
(Ord. 357, Passed December 3, 2008)

3. The term "owner" shall mean any person owning, keeping, sheltering or harboring a animal, or a person in control of an animal.

(Amended during 2006 codification)  
(Ord. 357, Passed December 3, 2008)

4. The term "cat" or "cats" shall mean animals of the feline species.  
(Ord. 357, Passed December 3, 2008)

**4-1-2 ACTIONS OF DOGS CONSTITUTING A NUISANCE.** The following actions shall constitute a nuisance:

1. A dog or cat running at large.
2. A dog or cat urinating or defecating on private property other than the owner's property, or upon public property, unless such waste is immediately removed and properly disposed of by the owner.
3. A dog or cat causing a disturbance by excessive barking or other noise making, or chasing vehicles, or molesting, attacking or interfering with persons or other domestic animals.
4. A dog or cat attacking or biting a person or domestic animal, or attempting to attack or bite a person or domestic animal.

(Ord. 357, Passed December 3, 2008)

#### 4-1-3 IMPOUNDING.

1. Any dog found at large in violation of Section 4-1-4 of this Chapter may be seized and placed in the custody of the Jackson County Humane Society.

(Amended during 2001 Codification)  
(Ord. 357, Passed December 3, 2008)

2. Any property owner or tenant may seize any cat found at large upon his or her property and transport the animal to the Jackson County Humane Society. The City shall provide a live trap to any property owner for such purpose and shall pay the impound fee to the Jackson County Humane Society.

(Amended during 2001 Codification)  
(Ord. 310 Passed August 1, 2005)  
(Ord. 357, Passed December 3, 2008)

#### 4-1-4 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

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

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

- (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
- (2) Wolves, coyotes, and foxes;
- (3) Badgers, wolverines, weasels, skunks and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters;
- (9) Snakes that are venomous or constrictors;
- (10) Reserved

- c. Any animals declared to be dangerous and/or vicious by the City Council.  
(Amended during 2019 codification)

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

- a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

**4-1-5 KEEPING A VICIOUS ANIMAL.** An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

- 1. An animal is deemed vicious under the following circumstances:
  - a. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.
  - b. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.
  - c. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.
  - d. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.
  - e. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

## **TITLE IV MENTAL AND PHYSICAL HEALTH**

### **CHAPTER 2 REGULATION OF TATTOOING AND TATTOO ESTABLISHMENTS**

4-2-1 Definitions

4-2-2 Tattooing, State Code Adopted

4-2-1 **DEFINITIONS.** For use in this Chapter the following terms are defined as follows:

1. "Tattoo artist" is any person engaged in the practice of tattooing.
2. "Tattoo establishment" is any location where tattooing is practiced.
3. "Tattooing" is to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.

4-2-2 **TATTOOING, STATE CODE ADOPTED.** There is hereby adopted and incorporated by reference Iowa Code chapter 135.37, "tattooing - permit required - penalty," as amended, and Iowa administrative code chapter 641-22, "practice of tattooing", adopted by the Iowa department of public health, revised January 15, 2003, which applies to sanitation and infection control, equipment, procedures, application for permit, the permit process, variances, adverse actions, the appeal process, and procedures for health departments to provide for the inspection and enforcement of such rules.

(Ord. 241, Passed September 27, 1999)

(Ord. 480, Passed June 5, 2023)

(Amended during 2024 codification)

## **TITLE IV MENTAL AND PHYSICAL HEALTH**

### **CHAPTER 3 AMBULANCE SERVICE**

4-3-1	Bellevue Emergency Medical Services Created	4-3-4	Liability Insurance
4-3-2	Volunteer Ambulance Personnel Duties	4-3-5	Emergencies Outside City Limits
4-3-3	Workers Compensation and Hospitalization Insurance	4-3-6	Ambulance Service Capital Fund Created
		4-3-7	Ambulance Volunteer's Association
		4-3-8	Ambulance Rates

**4-3-1 BELLEVUE EMERGENCY MEDICAL SERVICES CREATED.** An ambulance service to be known as Bellevue Emergency Medical Services is hereby created, to be staffed by volunteers as set forth below. This service shall operate as a continuation of the existing ambulance service serving Bellevue, Iowa. The purpose of this organization shall be to provide assistance to sick or distressed persons, and to render emergency care, transportation and assistance in case of accident, sickness or disaster.

**4-3-2 VOLUNTEER AMBULANCE PERSONNEL DUTIES.** Volunteer ambulance personnel shall report for duty immediately when on call as directed by the ranking personnel. They shall be subject to call at any time. They shall obey strictly the commands of ranking personnel. Volunteers shall report in advance if they expect to be absent from the City for twelve (12) hours or more. Ambulance volunteers shall report for training as ordered.

**4-3-3 WORKERS COMPENSATION AND HOSPITALIZATION INSURANCE.** The City Council shall contract to insure the City against liability for workers compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer ambulance personnel injured in the performance of their duties. All ambulance personnel shall be covered by the contract.

**4-3-4 LIABILITY INSURANCE.** The City Council shall contract to insure against liability of the City or volunteers of the ambulance service for injuries, death or property damage arising out of and resulting from the performance of their duties.

**4-3-5 EMERGENCIES OUTSIDE CITY LIMITS.** Bellevue Emergency Medical Services shall respond to calls to medical emergencies outside the City limits per the service's standard operating procedures, contracts, mutual aid agreements and other agreements.

**4-3-6 AMBULANCE SERVICE CAPITAL FUND CREATED.** The City Council hereby creates a fund to be known as the Bellevue Emergency Medical Services Capital Fund. All charitable donations received by the ambulance service shall be deposited into this fund. Expenditures from this fund shall be limited to Bellevue Emergency Medical Services exclusively. This fund shall be shown on the monthly report prepared by the city clerk. The city administrator is authorized to advance up to the sum of \$25,000 per request upon the recommendation of the finance committee of Bellevue Emergency Medical Services for ambulance service capital expenditures. This section shall not be amended or repealed until after a public hearing is held on the proposed amendment or repeal. Notice of the hearing

shall be published as provided in Iowa Code section 362.3, except that at least seven days' notice must be given and the public hearing shall not be held earlier than the next regularly scheduled City Council meeting following the published notice.

4-3-7 AMBULANCE VOLUNTEERS' ASSOCIATION. Volunteers of Bellevue Emergency Medical Services may form an association and non-profit corporation to promote the welfare of ambulance volunteers, promote emergency medical services, educate the public, and for the purpose of other civic and social duties as specified in the corporation's articles of incorporation and bylaws.

(Ord. 280, Passed October 21, 2002)

4-3-8 AMBULANCE RATES. Rates for ambulance service shall be determined from time to time as set forth by memorandum from the City Staff, as approved by resolution of the City Council, and which resolution may, at the Council's sole discretion, be adjusted to take account of rates allowable by Wellmark's Maximum Allowable Fee (MAF). Wellmark's new rates go into effect on July 1st of each year.

(Ord. 243, Passed December 6, 1999)

(Ord. 325, Passed July 24, 2006)

(Ord. 375, Passed September 7, 2011)

(Ord. 436, Passed January 17, 2019)

(Ord. 441, Passed June 3, 2019)

**TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE**  
**CHAPTER 1 LIBRARY SERVICES**

5-1-1	Public Library	5-1-6	Power to Contract with Others for the Use of the Library
5-1-2	Library Trustees	5-1-7	Non-Resident Use of the Library
5-1-3	Qualifications of Trustees	5-1-8	Library Accounts
5-1-4	Organization of the Board	5-1-9	Annual Report
5-1-5	Powers and Duties		

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Bellevue Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Bellevue Public Library, hereinafter referred to as the board, consists of seven members. All board members shall be appointed by the Mayor with the approval of the City Council.

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be at least eighteen (18) years of age. Six members of the Board shall be bona fide citizens and residents of the City of Bellevue, and one member of the Board may be a resident of the rural area served by the Bellevue Public Library.

(Ord. 316, Passed December 19, 2005)  
(Amended during 2019 codification)

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years to stagger the terms.

(Amended during 2019 codification)  
(Ord. 465, Passed November 1, 2021)

2. Vacancies. The position of any trustee shall be declared vacant if said trustee moves permanently from the City or if said trustee is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by appointment of the Mayor, with approval of the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

3. To direct and control all the affairs of the library.

4. To employ a librarian, and such assistants and employees as may be necessary for the proper management of the library and to fix their compensation.

(Ord. 252, Passed December 18, 2000)

5. To remove or discharge the librarian, assistants and employees as deemed necessary and advisable by the board.

(Ord. 252, Passed December 18, 2000)

6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.

9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. To have authority to make agreements with the local county historical associations, where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

#### 5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

**5-1-7 NON-RESIDENT USE OF THE LIBRARY.** The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.

**5-1-8 LIBRARY ACCOUNTS.** All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Administrator.

**5-1-9 ANNUAL REPORT.** The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The City Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1974. (See Section 5-1-5(4), 5-1 -5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

(ECIA Model Code Amended in 2020)

## **TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE**

### **CHAPTER 2 HISTORICAL SOCIETY**

5-2-1	Establishment	5-2-6	Compensation
5-2-2	Trustees	5-2-7	Powers and Duties of the Board
5-2-3	Terms of Office	5-2-8	Administration of Trust Property
5-2-4	Vacancies	5-2-9	Injury to Museum Property - Penalty
5-2-5	Rules and Meeting of the Board		

**5-2-1 ESTABLISHMENT.** There is hereby established the Joe A. Young and Grace Young Antique Institute, Historical Society and Museum whose purpose it shall be to preserve, restore, maintain, and display for the public, items of historical and antique nature which are of special significance to the City of Bellevue, Iowa, and vicinity, and which shall be hereinafter referred to as the "Museum".

**5-2-2 TRUSTEES.** The Mayor, with the approval of the City Council, shall appoint five (5) persons to constitute a Board of Trustees for the said Joe A. and Grace Young Institute, Historical Society and Museum, hereinafter referred to as the "Board". All appointed trustees shall be at least eighteen (18) years of age. Three trustees shall be bona fide citizens and residents of the city of Bellevue, and two members may be either bona fide citizens and residents of the city of Bellevue or residents of the rural area served by the Young Museum.

(Ord. 316, Passed December 19, 2005)

**5-2-3 TERMS OF OFFICE.** All appointments to the Board, including the first board appointed by the Ordinance, shall be for a term of three (3) years.

**5-2-4 VACANCIES.** The position of any trustee shall be vacant if trustee moves permanently from the City, by death, or if trustee is removed by the Mayor with the approval of the City Council for cause. The Mayor, with approval of the City Council, shall fill any vacancy by appointment of a new trustee to fill the unexpired term.

**5-2-5 RULES AND MEETING OF THE BOARD.** The Board shall hold regular monthly meetings at a time and place to be decided by them. All action by the Board shall require a majority vote of the whole number of members appointed to the Board. The ordinary and usual rules of procedure shall govern the conduct of the meetings of the Board.

**5-2-6 COMPENSATION.** Trustees shall receive one hundred dollars (\$100) as compensation for each year of service. In cases of vacancy, the retiring member shall receive the fractional part of the compensation for the actual time served.

**5-2-7 POWERS AND DUTIES OF THE BOARD.** The Board shall have and exercise the following powers and duties:

1. To meet, as directed, and elect from its members a secretary and such other officers as it

deems necessary.

2. To have, charge, control, and supervision of the Museum and its appurtenances, fixtures, items of historical and antique nature, and rooms.

3. To employ, with the approval of the City Council, such attendants as may be necessary for the convenience of the public, and the safeguarding and maintenance of Museum property.

4. To make and send to the City Council on or before the 1st day of February in each year, an estimate of the amount necessary for the improvement, operation, and maintenance of the Museum for the coming fiscal year.

5. To accept gifts, in the name of the Museum of real property, personal property or mixed property, and devices and bequests, including trust funds, provided that all such properties are administered as herein provided.

6. To keep a record of its proceedings.

7. To keep an up to date inventory of all items displayed in the Museum.

8. To keep a record of the number of persons visiting the Museum.

9. To make an annual report to the City Council immediately after the close of each fiscal year. This report shall contain the number of persons visiting the Museum during the year, a catalogue of Museum property, the amount of money expended for the operation and maintenance of the Museum, and any further information required by the City Council.

**5-2-8 ADMINISTRATION OF TRUST PROPERTY.** The funds forming a part of the bequest and which are designed to be used for the operation and maintenance of the Museum shall be administered as follows:

1. The administration, investment, and disbursement of trust funds forming the bequest shall be administered, invested, and disbursed by action of the City Council.

2. The funds, not invested, which are necessary for the current operation of the Museum shall be placed in a special fund called the "Museum Account".

3. Disbursements and withdrawals from the Museum Account shall be made by warrant drawn by the City Clerk-Treasurer, and paid from the Museum Account, after the approval of such disbursements and withdrawals by the City Council. The Board shall not contract for any indebtedness for the Museum for an amount in excess of one hundred dollars (\$100) without the prior approval of the City Council.

**5-2-9 INJURY TO MUSEUM PROPERTY - PENALTY.** Any person who maliciously or wantonly injures, defaces, mutilates, or otherwise destroys, in whole or part, any property of the Museum, or any property on display in the Museum, or on the Museum grounds, shall be deemed guilty of a misdemeanor.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 1 MOBILE HOME REGULATION**

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

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

1. “Factory-built structure” means any structure 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. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8)  
(ECIA Model Code Amended in 2010)

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3)  
(ECIA Model Code Amended in 2010)

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5)

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

(Code of Iowa, Sec. 435.1(6)

5. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures.

(Code of Iowa, Sec. 435.1(7)  
(ECIA Model Code Amended in 2010)

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

6-1-3 SPECIAL PERMITS FOR LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS. The City Council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The City Council shall issue such special permits when it appears that location within local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of 60 days but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

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

6-1-4 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of twenty-four (24) hours shall not constitute a violation of 6-1 -2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

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

6-1-6 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by City officials and the mobile home dealer shall pay an inspection fee of \$25.00. Not additional permits shall be required.

(Code of Iowa, Sec. 322B.3)  
(Amended during 2001 Codification)

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 2 UTILITIES - SANITARY SEWER**

6-2-1	Definitions	6-2-5	Use of Public Sewers
6-2-2	Use of Public Sewers Required	6-2-6	Protection From Damage
6-2-3	Private Sewage Disposal	6-2-7	Powers and Authority of Inspectors
6-2-4	Building Sewers and Connections	6-2-8	Enforcement

6-2-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. **Act** means the Federal Water Pollution Control Act, as amended, 3U. S.C., et seq.
2. **Administrator** means the Administrator of the U.S. Environmental Protection Agency.
3. **Approving Authority** shall mean the City Council of the City of Bellevue, acting by and through the City Administrator being their duly authorized agent or representative.
4. **BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter or parts per million.

(Amended during 2001 Codification)

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

6. **Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

7. **Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.

8. **Compatible Pollutant** means biochemical oxygen demand, suspended solids, ph and fecal coliform bacteria.

9. **Control Manhole** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "Control Manhole" is to provide access for a City representative to sample and/or measure discharges.

10. **Director** means the chief administrative officer of a state water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement is divided among two (2) or more state or interstate agencies, the term "Director" means the administrative officer authorized to perform the particular procedure to which reference is made.

11. Easement shall mean an acquired legal right for the specific use of land owned by others.

12. Federal Grant shall mean the U.S. government participation in the financing of the construction of treatment works as provided by Title II. Grants for Construction of Treatment Works of the Act.

13. Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

14. Garbage shall mean rubbish and solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

15. Incompatible Pollutant means any pollutant which is not a compatible pollutant as defined in subsection 9.

16. Industrial Waste shall mean any solid, liquid or gaseous substance, discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewer.

17. Major Contributing Industry shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of fifty thousand (50,000) gallons or more per average work day; (b) has a flow greater than five percent (5%) of the flow carried by the Municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 3 07(a) of the Act; or (d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

18. User Types:

a. "User Class" shall mean the type of user of wastewater facilities, either "residential or commercial" (non-industrial) or "industrial" as defined herein.

b. "Residential or Commercial" or "Non-Industrial" user, shall mean any user of the wastewater facilities not classified as an industrial user or excluded as an industrial user as provided for in this Section.

c. "Industrial User" shall mean any non-governmental user of publicly owned wastewater facilities identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as the same may now or hereafter be amended and supplemented, under the following divisions:

- (1) Division A — Agriculture, Forestry and Fishing
- (2) Division B — Mining
- (3) Division D — Manufacturing

Services

- (4) Division E — Transportation, Communications, Electric, Gas and Sanitary
- (5) Division I — Services

A user in the divisions listed may be excluded as an industrial user if it is determined by the Director that such user will introduce into the wastewater system primarily segregated domestic wastes or wastes from sanitary convenience rather than industrial wastes.

19. Milligrams Per Liter shall mean a unit of the concentration of water or wastewater constituent. It is one-thousandth (0.001) gram of the constituent in one thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

20. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

21. NPDES Permit means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Act.

22. Person shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

23. PH shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in "Standard Methods".

24. PPM shall mean parts per million by weight.

25. Population Equivalent is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing seventeen-hundredths (0.17) pound of BOD and twenty-hundredths (0.20) pound of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three (3) parameters. Impact on a stream is the higher of the BOD and suspended solids parameter.

26. Pretreatment shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

27. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

28. Public Sewer shall mean a sewer provided by or subject to the jurisdiction of the City of Bellevue. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

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

30. Sanitary Sewer shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

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

32. Sewage Treatment Plant shall mean any arrangement of devices, structures and equipment for treating sewage.

33. Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage as well as the sewage treatment facilities.

34. Sewer shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

35. Sewerage shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

36. Shall is mandatory; "may" is permissible.

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

38. Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Federal of Sewage and Industrial Wastes Association.

39. Storm Sewer shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

40. Stormwater Runoff shall mean that portion of the rainfall that is drained into the sewers.

41. Superintendent shall mean the Chief licensed operator of the Bellevue Waste Treatment System or the Director of Public Works, or authorized representative.

42. Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

43. Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by the discharge to the sanitary sewers and wastewater treatment facilities provided.

44. Wastewater shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquids and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.

45. Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

46. Wastewater Treatment Works shall mean an arrangement of devices and structures for treatment wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

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

48. City shall mean the City of Bellevue and any reference to "within the City" shall mean all territory within the perimeter of the City of Bellevue boundaries.

## 6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. Unlawful Discharge of Wastes: It shall be unlawful to discharge to any natural outlet, watercourse or storm sewer within the City or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the following sections.

2. Unlawful Construction of Sewage Facilities: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sewage.

3. Mandatory Sewer Hook-up: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet

facilities therein, and to connect such facilities directly with the proper public sewer within ninety (90) days after the official notice to do so, provided that said public sewer is within two hundred feet (200') (61 meters) of the property line.

#### 6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a sanitary or combined sewer is not available under the provisions of Section 6-2-2(3) of this Chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

2. Before commencing of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the County and City officers and the Iowa Department of Natural Resources. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

5. After such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6-2-2(3), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned, and filled with suitable material, rather than allowing the improvement or extension of a private sewer system. All private sewers in use prior to the availability of a public sewer shall be allowed to operate, but they shall not be allowed to be repaired or replaced.

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the approving authority.

#### 6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. Permit Required: No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. The application for the permit shall be filed on blanks furnished by the City. The application shall include a legal description of the property, the name of the property owner, the amount and date of any prior assessment for construction of the public sewers, a general description of the materials to be used and the manner of construction, the line of the building sewer and the place of connection, if known, the intended use of the sewer, and the name and address of the person who will do the work. The Superintendent may allow amendments to the application or permit that do not conflict with this Ordinance. The permit shall be issued bearing the time and date of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must begin within six (6) months after it is issued.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial services and (b) for service to establishments producing industrial wastes. In either case, the owner or owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. An inspection fee of twenty-five dollars (\$25.00) shall be paid to the City at the time the application is filed. This inspection fee is in addition to any connection fee or user fees.

An additional fee of twenty-five dollars (\$25.00) will be charged for all inspections required other than during the regular forty (40) hours work week. The Superintendent may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action to the City Council.

A fee of three hundred twenty-five dollars (\$325.00) will be charged for a new connection.

(Amended during 2019 codification)

3. Cost Borne by Owner: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. Prohibited Connections: Every house, store, or other building connected with the public sewer must have a direct connection therewith. In no case shall two (2) or more buildings be allowed to make such connection through one pipe. In no case shall a building be connected to the public sewer through a pipe laid beneath or through property owned by another person unless adequate easements are filed on record in the Jackson County Recorder's office. In no case shall any person be permitted to maintain, without the consent of the approving authority, any sewer connection connecting a building owned by that person to the public sewer across or under the property of another. In no case shall connections be made outside the City limits by the City or by private contractors.

5. Building Sewer, Materials — Construction: The methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State of Iowa Plumbing Code or other applicable rules of the City. Excavations shall be backfilled with sand

or limestone screenings and tamped to provide for minimum settlement, and a minimum of eight (8) inches of 3/4" roadstone as a base to the street or alley.

a. Existing wyes shall be used to connect building sewers to public sanitary or combined sewers. Except for lined concrete sanitary sewers, the Superintendent may approve a sewer tap at a location where no wye was originally installed. The person making the connection shall make an opening in the main sewer similar to the interior diameter of the "Y" branch and then properly cement and attach a saddle in place. The saddle shall have a suitable curvature to conform to the outside diameter of the public sewer. No person shall crack or damage a public sewer by making a connection.

b. Building sewers shall not be less than four inches (4") nor more than six inches (6") in internal diameter of cast iron or hand burned, salt glazed vitrified pipe, equal in quality to the best pipe laid in the public sewers. Where vitrified clay pipe and cast iron is used, it shall have a minimum diameter of inches (4").

c. Building sewers between the public sewer and curb line shall be laid on a grade of not less than one foot to ninety six feet (1 '/96') or one eighth inch to one foot (1/8"/1 ').

d. Whenever the grade from the curb to the house connection is less than one foot to ninety- six feet (1/96), all discharge pipes leading from kitchen sinks, laundry and stationary wash tubs, or any other receptacles likely to contain grease in any form, shall make direct connection with and discharge their contents into receiving basins; and in all cases bath tubs, water closets, hand basins, and other such receptacles shall connect directly with the main drain.

e. Every person using the public sewers of the City shall provide such fixtures as will allow a sufficient quantity of water to flow into the lateral drain or private sewer and shall keep such private sewer at all times unobstructed.

f. All connections with sewers or drains used for the purpose of carrying off refuse from water closets, or slop from kitchens, shall be provided with fixtures allowing for sufficient water flow to properly carry off such matter.

g. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Ordinance.

h. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

i. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

j. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Iowa Plumbing Code or other applicable rules and regulations of the City. Any

deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

k. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or Superintendent's representative.

l. Any person filling in an excavation without first having received the written approval of the Superintendent as provided in this Chapter, shall, in addition to suffering the penalty herein imposed, expose the sewer for inspection by the Superintendent at no cost to the City. In any case where the Superintendent finds the work on any sewer not done in a satisfactory manner as herein provided, Superintendent shall serve a written notice on the person to whom the permit is issued, stating wherein such work is deficient, and ordering said person to remedy such defect within seventy two (72) hours. In the event such person fails to comply therewith, the Superintendent shall cause such defect to be corrected at the expense of the person to whom the permit was issued. The sum of twenty-five dollars (\$25.00) as herein provided shall be paid to the City as a fee for the performance of the Superintendent, and it shall be the duty of the Superintendent to inspect any sewer connection or sewer pipe within the City. It shall also be the duty of said Superintendent to inform the approving authority of any violation of this Section, and to assist in the prosecution of offenders.

m. All excavations for building sewer installation shall be adequately protected with barricades and lights according to City and State regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to its original condition.

n. All building sewer connections to the City's sanitary sewers may be equipped with a check valve of some equivalent type of device which will prevent the backflow of wastewater or drainage water from the public sanitary sewer into the building sewer.

o. Connection Fee: If the property described in the application has not been assessed or is not subject to an assessment of special tax for the payment of the cost of construction of the sewer or portions of the sewer including interceptor sewers, lift stations, cross sewers or lateral sewers to which connection is made, a connection fee shall be collected by the City Clerk before a permit shall be issued.

Editor's Note: Please see section 6-6A-11 SANITARY SEWER – SCHEDULE OF FEES for current fees which were migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

#### 6-2-5 USE OF PUBLIC SEWERS.

1. Storm and Unpolluted Waters Not Allowed: No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Discharge of Storm Waters and Unpolluted Waters: Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a

natural outlet approved by the Superintendent, industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.

3. Prohibited Waste: No person shall discharge or cause to be discharged into any public sewer the following described substances, materials, waters, or wastes:

a. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of five-hundredths milligrams to one (1 .05mg/l) as CN in the wastes as discharged to the public sewer.

c. Any waters or wastes having a pH lower than six and five-tenths (6.5) or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.

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

4. Discharge Prohibited Except by Permit: No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes without a permit from the Superintendent. A permit will not be granted if it appears likely in the opinion of the Superintendent that such discharges can harm either the sewers, sewage treatment process, or equipment, having an adverse life, limb, public property, or constitute a nuisance. The Superintendent's decision may be appealed to the City Council by any aggrieved party. In forming their opinion as to the acceptability of these discharges, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities and the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit, sixty-five degrees (65°) Celsius.

b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) Fahrenheit and one hundred fifty degrees (150°) Fahrenheit or zero degrees (0°) Celsius and sixty five degrees (65°) Celsius.

c. Any garbage that has not been properly shredded.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. The maximum acceptable concentration of certain substances in the waste discharged to the City sewers be as follows:

Waste or Chemical	Concentration -mg/l
Arsenic (total)	0.25
Barium (total)	2.0
Boron	1.0
Cadmium (total)	0.15
Chromium (total hexavalent)	0.3
Chromium (total Trivalent)	1.0
Copper (total)	1.0
Cyanide	0.025
Fluoride (total)	2.5
Iron (total)	2.0
Iron (dissolved)	0.5
Lead (total)	0.1
Manganese (total)	1.0
Mercury (total)	0.0005
Nickel (total)	1.0
Oil (hexane solubles or equivalent)	15.0
Selenium (total)	1.0
Silver	0.1
Zinc	1.0

Any other wastes or substances not enumerated above being similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement of such degree that any such material received in the composite sewage of the sewage treatment works exceeds the requirements of State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters.

The City may also upon notice to any person require the lowering of any chemical contents of any substances discharged into the City sewer which injured the treatment process of the City.

f. The maximum acceptable concentrate of phenols in waste discharged to the City Sewer shall be three-tenths (0.3) mg/l.

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

h. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).

i. Materials which exert or cause:

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

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

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

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amendable to treatment processes employed, or are amenable to treatment only to such degrees that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

k. All exhaust from steam engines and all blow offs from steam boilers shall be first connected with a proper catch basin, and shall not be allowed to connect directly with the public sewers without special permission from the approving authority.

5. Deleterious Waste: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 6-2-5(4) of this Section, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes.

b. Require pretreatment to an acceptable condition for discharge to the public sewers.

c. Require control over the qualities and rates of discharge.

d. Surcharge extra strength discharges to cover the added costs of handling and treating of such discharges not covered by existing taxes of sewer charges.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable Codes, Ordinances and laws.

6. Grease, Oil and Sand Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All

interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Predischarge Facilities Maintenance: Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at owner's expense.

8. Control Manhole: Each industrial user shall be required to install a control manhole, and when required by the Superintendent, the owner of any property serviced by an existing building sewer carrying industrial or commercial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole and equipment shall be installed by the owner at owner's expense, and shall be maintained by owner so as to be safe and accessible at all times.

9. Measurements, Tests, Analyses: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from twenty four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Any person discharging wastes having concentrations greater than the "normal" concentrations as set forth herein shall upon notification by the approving authority install a composite sampler with a compatible pacing (metering) device for monitoring said substances. The placing and sampling devices shall be of a type approved by the Superintendent.

10. Right to Contract For Treatment of Industrial Wastes: No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to approval of the industrial wastes characteristics by the City and subject to any payment therefore by the industrial concern.

#### 6-2-6 PROTECTION FROM DAMAGE.

1. Prohibited Acts: No unauthorized person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

## 6-2-7 POWERS AND AUTHORITY OF INSPECTORS.

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

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

3. Indemnity of User: While performing the necessary work on private properties referred to in this Chapter, the Superintendent or other authorized representative shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the City employees and the City shall indemnify the user against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as any of such as may be caused by negligence of the user, its agents or employees to maintain safe conditions.

## 6-2-8 ENFORCEMENT.

1. Application: This Ordinance shall apply to all replacements of existing sewers as well as to new sewers. The Superintendent may make such regulations as are necessary and that do not conflict with this Chapter.

2. Notice to Correct: Any person found to be violating any provisions of this Chapter except Section 6-2-6 shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice may be given by certified mail or by personal service. If given by certified mail, the notice shall be deemed given when mailed. The offender shall within the period of time stated in such notice, permanently cease all violations specified therein.

3. Violation A Misdemeanor: Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

4. Other Remedies For Violations:

a. Any person violating any of the provisions of this Chapter shall be liable to the City for any damage, loss, cost or expense occasioned by reason of such violation.

b. A violation of any of the provisions of this Chapter shall be deemed to be a nuisance and the City Council, after reasonable notice and opportunity for hearing, may:

(1) Order the Superintendent to take necessary measures to correct and abate such violation, and the Superintendent is authorized to enter on private property to do so.

(2) In the event a violation of the provisions of this Chapter creates an immediate hazard to the wastewater facilities or to the operation thereof, or to the health and safety of any person to the preservation and protection of any property, the Superintendent is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations and may enter on private property to do so.

c. The cost of any corrective measures required or permitted under the provisions of this section shall be a lien on the property served by the wastewater facilities in connection with which such violation has occurred and shall be levied and collected by the City Council as ordinary taxes.

d. In addition to any other remedies provided for in this Chapter, the City may bring suit to collect any sums due it, including user charges and industrial cost recovery charges, from the person or person's incurring the liability for the payment of such charges.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 3 UTILITIES - SEWER DISTRICT AND CHARGES**

6-3-1	Sewer District Created	6-3-5	Reserved
6-3-2	Sewer System Defined	6-3-6	Reserved
6-3-3	Sewer Charges Defined	6-3-7	Reserved
6-3-4	Reserved		

6-3-1 SEWER DISTRICT CREATED. One sewer district is hereby created which includes all of the City of Bellevue, Iowa.

6-3-2 SEWER SYSTEM DEFINED. For use within this Chapter a "sewer system" is composed of main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels, and sewer connections in public streets for private property.

#### **6-3-3 SEWER CHARGES DEFINED.**

1. A "facility charge" shall be a surcharge for sewer usage which shall apply to every residence, mobile home, apartment, or business establishment now or hereafter connected to the City sewer system, whether connected directly or indirectly. For purposes of this Chapter, a facility charge shall be applicable to any residence, mobile home, apartment or business establishment served by a separate electric meter or which has a separate cable tv installation.

2. A "consumption charge" shall be a service charge or rental charge payable by every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City sewer system. This charge shall be applicable to any residence, mobile home, apartment, or business establishment served by a separate water meter.

(Ord. 214, Passed November 27, 1995)

#### **6-3-4 RESERVED.**

Editor's Note: Please see UTILITIES – BILLING CHARGES, section 6-6A-12, CALCULATION OF SEWER CHARGES for current information which was migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

#### **6-3-5 RESERVED.**

Editor's Note: This was previously MANNER OF PAYMENT and is now under UTILITIES - BILLING CHARGES, section 6-6A-12(3), due to the 2014 codification.

#### **6-3-6 RESERVED**

Editor's Note: Please see 6-6A-13, DETERMINATION AND PAYMENT OF RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS for current information which was migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

6-3-7 RESERVED.

Editor's Note: This was previously DENIAL OF BENEFIT OF CITY SERVICES and is now under UTILITIES – BILLING CHARGES, section 6-6A-6 due to the 2014 codification.

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 4 UTILITIES - WATER SYSTEM**

6-4-1	Enforcement	6-4-12	Reserved
6-4-2	Fluoride Equipment	6-4-13	Reserved
6-4-3	Fluoride Equipment Operation	6-4-14	Reserved
6-4-4	Mandatory Connections	6-4-15	Reserved
6-4-5	Permit	6-4-16	Reserved
6-4-6	Fee for Permit	6-4-16A	Reserved
6-4-7	Water Supply Control	6-4-17	Reserved
6-4-8	Making the Connection	6-4-18	Service Extension
6-4-9	Excavations	6-4-19	Private Wells
6-4-10	Inspection and Approval	6-4-20	Geothermal Well Standards
6-4-11	Completion by the City		

6-4-1 ENFORCEMENT. The Water Superintendent shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this Chapter. This Chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council with due consideration of any recommendations of the Municipal Utility Board of Trustees shall make such rules, not in conflict with the provisions of this Chapter, as needed for the detailed operation of the waterworks. In the event of an emergency, the Superintendent may make temporary rules for the protection of the system until due consideration by the Municipal Utility Board of Trustees may be had.

6-4-2 FLUORIDE EQUIPMENT. There shall be installed in the water system of the City of Bellevue, Iowa, the necessary equipment to provide a continuous and controlled addition of fluoride into the public water supply of the City of Bellevue, Iowa.

6-4-3 FLUORIDE EQUIPMENT OPERATION. The Municipal Utility Board of Trustees of the City of Bellevue, Iowa, are directed to install said equipment and to operate the same for the addition and supplementing of fluoride in continuous and controlled amounts to the public water supply of the City of Bellevue, Iowa, subject to inspection by and directions of the Iowa State Department of Health and Iowa Department of Natural Resources.

6-4-4 MANDATORY CONNECTIONS. The owner of all houses, buildings, structures or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located a public water main is hereby required at the property owners expense to connect such facilities to the City's public water system in accordance with the provisions of these Water System chapters within (90) days after the official notice to do so, provided that said public water main is within two hundred feet (200') (61 meters) of the property line.

When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely

watertight. Expenses associated for the abandoned service or new tapping are the property owner's responsibility.

**6-4-5 PERMIT.** Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the Superintendent on blanks furnished by the Superintendent. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Superintendent. The Superintendent shall issue the permit, bearing the Superintendent's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance, and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Superintendent may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped.

Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or conditions of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
2. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.
3. Resale or giving away of water.
4. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same suitable state or repair.
5. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
6. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.
7. Non-payment of bills.

**6-4-6 FEE FOR PERMIT.** Before any permit is issued the person who makes the application shall pay \$200.00 (1 inch or smaller) or \$400.00 plus tapping fee (larger than 1 inch line) to the City Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work.

1. Taps or connections to the water mains shall be made by only authorized City employees of the City of Bellevue, upon request for service by the property owner. The permit fee must accompany each application.

(Amended during 2019 codification)

6-4-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" or "Water" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

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 streamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

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/her household, his/her agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality, and any liability otherwise resulting shall be that of the customer.

Each customer shall grant or convey, or shall cause to be granted or conveyed, to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

Customers installing a water system that could present a significant danger of backflow may be required, at the discretion of the water superintendent, to install a backflow preventer. If a backflow preventer is required, it shall be the sole responsibility of the customer to insure continued maintenance and proper operation.

(Ord. 386, Passed July 21, 2003)

The customer shall install and maintain at his/her expense that portion of the service from the water main to his/her premises, including the necessary tap, fittings, shut-off valve, and a stop and waste cock at the end of the house side of his/her service. The minimum earth cover of the customer's service shall be (5) five feet. The Municipality shall determine the size and kind of service to be installed.

6-4-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Superintendent or the Superintendent's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

1. Service Pipe.

a. No water service pipe or tap for any building shall be less than three-quarter (3/4) inches in diameter. All pipe up to and including one and one-half (1½) inch inside diameter shall be "Type K." All pipe over one and one-half (1½) inches must be "Type K" heavy type copper, cast iron or PVC grade water pipe approved by the Public Works Director. Pipe must be laid to such a depth as to prevent rupture from settling or freezing. PVC pipe must be installed with tracer wire.

b. All water service pipes and their connections to the water system must be inspected and approved by the Superintendent, before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Public Works Director or his/her designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

2. No Connection Between Different Services. When there are two or more buildings on premises, the piping from each service must be kept separate, and no connection made from one to the other.

3. Depth of Service Pipe. Service pipe must be laid at least five and one-half (5 ½) feet below the surface of the ground. When pipes are laid in streets or ground subject to fixed grades where the surface of the ground is higher than the established grades, they shall be laid so that they will be at least five and one-half (5 ½) feet below the established grade.

4. Maintenance of Service Pipes. All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains (except corporation cocks put in during the initial water installation period) shall be installed and maintained at the expense of the owners, and any leaks or other defects in the same shall be promptly repaired by the owner. If not promptly repaired, the water can be turned off until such repairs have been made at the City's discretion; the expense incurred thereby shall be charged against such owner and must be paid before water shall be turned on again. If such repair is not made within three (3) days of notification by the City, the property owner shall be charged the sum of Fifteen dollars (\$15.00) per day for each day after said three (3) day period of grace, during which the said water wastage shall continue. However, when investigating a leak, the City may come across a service pipe or fixture that needs repair. The owner will incur the expense to fix the problem or will reimburse the City for such expense. However, if contact cannot be made prior, then an attempt to notify the owner of the repair might be done after the work and repair has been completed.

(Code of Iowa, Sec. 372.13(4))  
(ECIA Model Code Amended in 2017)  
(Ord. 447, Passed September 23, 2019)

6-4-9 EXCAVATIONS. Excavations to do work under this Ordinance 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. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water-service pipes must be laid so

as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. Before a permit may be issued, the person applying for such permit shall have executed unto the municipality and deposited with the City Clerk, corporate surety in the minimum sum of \$1,000.00 conditioned that he/she will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinance pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his/her part in connection with plumbing waterworks or appurtenances as prescribed in this resolution.

Such bond shall remain in force and must be executed for a period of minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have occurred thereunder prior to such expiration.

**6-4-10 INSPECTION AND APPROVAL.** All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals in his/her office. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

**6-4-11 COMPLETION BY THE CITY.** Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

**6-4-12 RESERVED.** Editor's note: This was previously SHUTTING OFF WATER SUPPLY and is now addressed in section 6-6A-5, DISCONTINUING SERVICES, FEES of the new UTILITIES – BILLING CHARGES chapter.

**6-4-13 RESERVED.** Editor's note: This was previously DISPOSITION OF FEES AND CHARGES and is now addressed under the same name in the UTILITIES - BILLING CHARGES, section 6-6A-3 due to 2014 codification.

6-4-14 RESERVED. Editor's note: This was previously WATER RATES CHARGES and is now addressed under the same name in the UTILITIES - BILLING CHARGES, section 6-6A-9 due to 2014 codification.

6-4-15 RESERVED. Editor's note: This was previously WATER BILLING, PENALTY and is now located in UTILITIES – BILLING CHARGES, Section 6-6A-4 due to 2014 codification.

6-4-16 RESERVED. Editor's note: This was previously DISCONTINUING SERVICE, FEES and is now addressed under the same name in the UTILITIES - BILLING CHARGES, section 6-6A-5 due to 2014 codification.

6-4-16A RESERVED. Editor's note: This was previously DENIAL OF BENEFIT OF CITY SERVICES, and is now addressed under the same name in the UTILITIES - BILLING CHARGES, section 6-6A-6 due to 2014 codification.

6-4-17 RESERVED. Editor's note: This was previously CUSTOMER GUARANTEE DEPOSITS, and is now addressed under the same name in the UTILITIES - BILLING CHARGES, section 6-6A-8 due to 2014 codification.

6-4-18 SERVICE EXTENSION. This section shall apply to extensions of water lines to undeveloped lots within the City's service area to which the Bellevue Subdivision Ordinance does not apply.

The City will construct extensions of its water lines to undeveloped lots within the City's service area, and the costs of such extensions will be apportioned as set forth in this Section.

The owners of the lot or lots to which service is extended shall pay 20% of the cost of extending service as determined by the City. If service is extended to two or more lots with different owners, the owners shall proportionately pay their share of this 20% cost as determined by the City. The owners' cost shall be paid prior to any connections being made to the water line.

The balance of 80% of the cost of extending service shall either be paid by the City, or assessed to the benefited property owners, including the owner or owners who have paid 20% of the cost as set forth above, and others, if any, pursuant to Iowa Code Chapter 384 relating to special assessments. The decision as to how to finance the remaining 80% of the costs of extending service shall be at the sole discretion of the City.

All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extensions shall be the property of the municipality and no other person shall have any right, title or interest therein.

The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities would not permit such service.

6-4-19 PRIVATE WELLS. Private wells within City limits are prohibited except as provided in subsections of this chapter; no new wells shall be established nor constructed within the City limits.

1. It is unlawful for any person, firm or corporation to drill, construct, operate or maintain a well or wells within the city limits for the purposes of bringing to the surface of the ground any subterranean and/or underground water, except under circumstances where the property line is not within two hundred feet (200') (61 meters) of the existing City service.

2. New houses, buildings, structures, or properties are prohibited from hooking up to a private well within the city limits.

3. Connection To Public Water Supply Prohibited: Wells may not be connected directly or indirectly to the public water supply.

4. Existing Wells: This section does not apply to a private well in existence on the date of the adoption of this chapter. Minor repairs and modifications of an existing well is also allowed; however, the capacity of an existing well may not be expanded and major repairs are prohibited, except where the property line is not within two hundred feet (200') (61 meters) of the existing City service.

a. Existing Wells (known):

300 Potters Drive (cooling, Flatted Fifth Blues & BBQ)  
1601 State Street (geothermal, Bellevue Community School District)  
960 N. Riverview Street (geothermal, Riverview Properties LLC)  
4121 N. Riverview Street (irrigation well, Bellevue RV Park)  
1803 N. Riverview Street (residential)  
208 S. Riverview Street (residential, old bait shop)  
139 Riverside Street (residential)  
135 Riverside Street (residential)  
125 Riverside Street (residential)  
124 Riverside Street (residential)  
123 Riverside Street (residential)  
103 S. Second Street (residential)  
1000 Mill Creek Road (in yard, no electric, previously for livestock)  
318 N. 14th Street (residential)  
320 N. 14th Street (residential)

5. Termination of Private Wells and Water Systems: When any private well or water system is no longer being used, either because of the quality of the water or because all individuals have connected to the City water system, the owner of the property on which the well or water system is located shall cause all service mains to be cut off from the well and the well itself abandoned in such a manner as to preclude its use, all according to the standards and guidelines under the laws and regulations of the Iowa Department of Natural Resources. Capping must be completed to hookup to the City water system. Expenses associated with the capping are the property owner's responsibility.

6. Compliance: All procedures and methods for the construction of a private well must comply with 567 Iowa administrative code chapters 82 and 49 for water supplies, design, and operation and with all applicable regulations of the United States environmental protection agency.

7. This chapter shall not apply to closed loop geothermal heating and cooling loop fields.

**6-4-20 GEOTHERMAL WELL STANDARDS.** It is the purpose of this section to protect the health, safety and general welfare of the people of the City of Bellevue by ensuring that groundwater will not be polluted or contaminated. Because of the serious potential of adverse environmental impacts, this section is intended to prohibit all open loop geothermal systems (unless listed in 6-4-4-1.a.). This section allows for closed loop systems subject to the requirements contained in this section for the construction, reconstruction, repair and destruction of geothermal wells. The construction of geothermal wells must use construction standards designed to adequately protect the aquifers in each specific geologic setting encountered and in all other criteria, comply with 567 Iowa administrative code chapter 49. All well services must be performed with an Iowa department of natural resources certified well contractor as required by 567 Iowa administrative code chapter 82. The certified well contractor must be on site and in direct control of all well services being performed.

1. Definitions:

- a. Geothermal System: A mechanism for heat transfer by fluid to air processes and heat transfer by fluid-to-fluid processes which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; and an air distribution system.
- b. Open Loop Geothermal System: Groundwater is pumped from a water well into a heat exchanger located in a surface building and is then pumped back into the aquifer through a different well, the same well, or to the surface of the ground or to a surface body of water, also known as pump and dump.
- c. Closed Vertical Loop or Horizontal Geothermal System: A borehole extends beneath the surface. Pipes are installed with U-bends at the bottom or at the end of the boreholes. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.
- d. Major Geothermal System: A horizontal or vertical closed loop system that is located more than twenty feet (20') below the ground surface.
- e. Minor Geothermal System: A horizontal closed loop system that is placed at or less than twenty feet (20') below the ground surface.

2. Permits Required

- a. Prior to the construction of any well, the well contractor must obtain a private water well construction permit from the Jackson County Health Department and must indicate that a geothermal system is being installed in the building permit application, and where applicable, an Iowa DNR permit as required by 567 IAC chapter 50-52 and Iowa Code Ch. 455B, division III, part 4. Per Iowa Code and Administration Code, any geothermal heat loop borehole (20 feet or greater in depth) or geothermal water supply well or injection well must be permitted as private wells due to definition of "well" or "water well" and follow setbacks as found in chapter 38 and chapter 49.

b. No person may dig, bore, drill, replace, modify, repair or destroy a geothermal well or any other excavation that may intersect groundwater without first applying for and receiving a permit from the Jackson County Health Department and Iowa DNR if applicable.

3. Location of Geothermal Systems: The building permit application must show the property boundaries and easements of record and must detail where the system is located on the property. Location of all loops must be within the property boundaries of the building lot and not encroach on any recorded easements. Major systems may not be located within one thousand feet (1,000') of a current city well or water source. Minor systems may not be located within two hundred feet (200') of a city deep (Jordan/Cambrian-Ordovician) well or within four hundred feet (400') of a city shallow (alluvial aquifer) well. No geothermal system is allowed to be constructed within a five hundred foot (500') radius of an identified leaking underground storage tank (LUST) site.

4. Open Loop Systems Prohibited: Open loop systems are prohibited (unless listed in 6-4-4-1. a.).

5. Abandonment of Geothermal Systems: Abandonment of geothermal systems must be as required in 567 Iowa administrative code section 49.28. The heat transfer fluid must be removed by a displacement with grout and the loop pipes properly capped or sealed by an approved method. The top of the borehole must also be uncovered and properly capped or sealed by an approved method.

6. Regulation Conflict: In the event any of the provisions of this section conflict with any state or federal regulation, the state or federal regulation will control.

7. Compliance: All procedures and methods for construction of geothermal wells must comply with 567 Iowa administrative code chapters 82 and 49 for nonpublic water supply wells and all applicable regulations of the United States environmental protection agency.

(Ord. 444, Passed, August 12, 2019)

(Ord. 482, Passed November 20, 2023)

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 4A WELL HEAD PROTECTION**

6-4A-1 Purpose

6-4A-2 Regulation

**6-4-A-1 PURPOSE.** The purpose of this ordinance is to regulate and restrict potential sources of contamination with 200 feet of public water wells in Bellevue, Iowa, as required by Iowa Administrative Code section 567-43.3(7)(455B).

**6-4-A-2 REGULATION.** No structure or facility of the type enumerated in Iowa Administrative Code Section 567-43.3 (7)(455B) shall be constructed, located or maintained within the distances set forth in Table A from a public water well in Bellevue, Iowa. A copy of Table A as contained in the current Iowa Administrative Code is attached to this ordinance and incorporated by reference herein.

(Ord. 278, Passed September 7, 2002)

**TABLE A: SEPARATION DISTANCES FROM WELLS**

SOURCE OF CONTAMINATION		REQUIRED DISTANCE FROM WELL, IN FEET								
		5	10	25	50	75	100	200	400	1000
<b>WASTEWATER STRUCTURES</b>										
POINT OF DISCHARGE TO GROUND	Well house floor drains	A								
	Water treatment plant				A					
	Sanitary & industrial								A	
SEWERS AND DRAINS	Well house floor drains to	A-	A-WM	A-WM	A-SP					
	Well house floor drains to			A-WM	A-WM	A-SP	A-SP			
	Water plant wastes			A-WM	A-WM	A-SP	A-SP			
	Sanitary & storm sewers,			A-WM	A-WM	A-SP	A-SP			
	Sewer force mains					A-WM	A-WM	A-WM	A-SP	A-SP
LAND DISPOSAL OF WASTES	Land application of solid						D	S		
	Irrigation of wastewater						D	S		
Concrete vaults & septic tanks							D	S		
Mechanical wastewater treatment plants							D	S		
Cesspools & earth pit privies							D	S		
Soil absorption fields							D	S		
Lagoons									D	S
<b>CHEMICALS</b>										
Chemical application to ground surface							D	S		
CHEMICAL AND MINERAL	Above ground						D	S		
	On or under ground							D	S	
<b>ANIMALS</b>										
Animal pasturage					A					
Animal enclosure							D	S		
SOURCE OF CONTAMINATION		REQUIRED DISTANCE FROM WELL, IN FEET								
		5	10	25	50	75	100	200	400	1000
ANIMAL WASTES	Land application of solids						D	S		
	Land application of liquid or						D	S		
	Storage tank						D	S		
	Solids stockpile						D	S		
	Storage basin or lagoon							D	S	
Earthen silage storage trench or pit							D	S		
<b>MISCELLANEOUS</b>										
Basements, pits, sumps			A							
Flowing streams or other surface water bodies					A					
Cisterns						D	S			
Cemeteries								A		
Private wells								D	S	
Solid waste disposal sites									A	

A: All wells

EWM:

Water main pipe specifications encased in 4" of  
Pipe of sewer pipe specifications

D: Deep wells

SP:

**TITLE VI PHYSICAL ENVIRONMENT**

S: Shallow wells

WM: Pipe of water main specifications

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 5 UTILITIES - REFUSE COLLECTION**

6-5-1	Definitions	6-5-13	Private Sanitary Disposal Project
6-5-2	Health Hazard	6-5-14	Collections
6-5-3	Fire Hazard	6-5-15	Reserved
6-5-4	Open Burning Prohibited	6-5-16	Reserved
6-5-5	Waste Storage Containers	6-5-17	Reserved
6-5-6	Storage of Yard Wastes	6-5-18	Reserved
6-5-7	Separation of Yard Wastes Required	6-5-19	Large Items and Bulky Rubbish
6-5-8	Sanitary Disposal Required	6-5-20	Administration
6-5-9	Toxic and Hazardous Wastes	6-5-21	Disposal of Yard and Landscape Waste
6-5-10	Radioactive Materials	6-5-22	Yard Waste Disposal
6-5-11	Prohibited Practices	6-5-23	Brush Disposal
6-5-12	Sanitary Disposal Project Designated		

6-5-1 **DEFINITIONS.** For use in this Chapter, the following terms are defined as follows:

1. “Refuse”. Includes but is not limited to 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.
2. “Garbage”. Shall mean all solid and semi-solid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
3. “Rubbish”. Includes all other refuse not falling within the term “garbage” except those objects too large to be placed in cans.

4. “Container”. Shall mean any object, can, box, barrel, dumpster, or plastic bag which is provided with a handle or means of lifting wherein the contents will not be spilled or scattered, but will stay confined; of a size not to exceed thirty-two (32) gallons in volume or one-eighth (1/8) cubic yard.  
(Ord. 260, Passed March 19, 2001)

5. “Residence”. Shall mean a one-family dwelling, a mobile home, an apartment occupied in an apartment house or in a building or private home by an individual or a family.

6. “Business Establishments”. Shall mean any business establishment whose principal business is to provide a service or product to the public or to a restricted clientele, and shall include home occupations.

(Ord. 260, Passed March 19, 2001)

7. "Toxic and Hazardous Wastes". Shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

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

9. "Yard Wastes". Shall mean grass, clippings, leaves and tree or bush trimmings.

10. "Landscape Waste". Shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

11. "Rubble". Shall mean stone, brick or similar inorganic material.

6-5-2 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

6-5-3 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-5-4 OPEN BURNING PROHIBITED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

2. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

3. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources.

5. Training Fires. Fires set for the purpose of bona fide training of public employees in fire fighting methods, provided that the executive director of the Iowa Department of Natural Resources receives notice in writing at least one week before such action commences.

6. Property Zoned C-2 Highway Commercial. The disposal by open burning of wood pallets, cardboard, and shipping materials on real property within the corporate city limits zoned C-2 Highway Commercial provided that the location of the open burn pit shall not be closer than one hundred fifty (150) feet from any building situated on adjoining land for which the titleholder is a person or entity other than the person or entity conducting the open burn. Any such open burning shall comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources. At such time as the open burning of the above-referenced material is deemed by the appropriate municipal authorities to constitute a nuisance the open burning shall be abated in the manner provided in Title III Community Protection, Chapter 2 Nuisances of the City of Bellevue Code of Ordinances, which abatement may require, among other remedies, relocation of the offending open burn pit or that the open burning cease and desist.

(Ord. 401, Passed October 13, 2014)

7. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the executive director of the Iowa Department of Natural Resources.

**6-5-5 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair, portable containers for refuse in accordance with the following rules:

1. Containers shall not be more than thirty-two (32) gallons in volume, shall be leak proof, waterproof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and shall be of a type originally manufactured for the storage of wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding fifty (50) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable heavy duty plastic bags may also be used, so long as they do not contain more than one-eighth (1/8) cubic yard of garbage or refuse.

2. All containers that fail to meet the specifications of this section shall be tagged by the Sanitation Department notifying the resident that the container is in violation. The resident shall have seven (7) days to replace the container with a container that shall meet the requirements of this Ordinance. If the resident fails to replace the container within that time, the Sanitation Department shall have the right to dispose of it on the seventh day or thereafter.

(Ord. 260, Passed March 19, 2001)

**6-5-6 STORAGE OF YARD WASTES.** All yard wastes shall be stored in containers or constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed 50 pounds.

6-5-7 SEPARATION OF YARD WASTES REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises, and shall be composted on the premises or placed in separate bags, containers, or packages and set out for collection by the City.

6-5-8 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Title 3, Chapter 2, or by initiating proper action in district court.

6-5-9 TOXIC AND HAZARDOUS WASTES. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or their agent, to a place of safe deposit or disposal as prescribed by the Iowa Department of Natural Resources.

6-5-10 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project.

6-5-11 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful use of containers. Deposit refuse in any solid waste containers other than their own without the written consent of the owner of such containers.
2. Interference with collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties.
3. Open dumping prohibited. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the City.
4. Eligibility. No person shall allow accumulation of refuse on the premises other than City residents or business establishments.

6-5-12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Jackson County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

6-5-13 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the City.

6-5-14 COLLECTIONS. All garbage and rubbish shall be taken from dwellings twice per week upon a schedule to be established by the City Administrator, and from public establishments as frequently as the City Administrator may require.

(Ord. 260, Passed March 19, 2001)

6-5-15 RESERVED.

6-5-16 RESERVED.

Editor's Note: Please see section 6-6A-10 REFUSE COLLECTION - SCHEDULE OF FEES for current fees which were migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

6-5-17 RESERVED.

6-5-18 RESERVED.

6-5-19 RESERVED.

Editor's Note: Please see section 6-6A-11, REFUSE COLLECTION - LARGE ITEMS AND BULKY RUBBISH for current rates/fees which were migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

6-5-20 ADMINISTRATION. Administration of this Chapter shall be by the Director of Public Works, or such employee designated by the Director.

6-5-21 DISPOSAL OF YARD AND LANDSCAPE WASTE. Effective upon the date of passage and publication of this Ordinance (No. 148), the City shall no longer collect, transport or dispose of yard waste and landscape waste as defined in this Chapter.

6-5-22 YARD WASTE DISPOSAL. The City shall furnish a yard waste disposal area. Any resident may dispose of grass clippings, leaves and garden waste in this area. Other yard waste, including, but not limited to, sticks, branches, vines, bushes or stalks, will not be accepted. All debris must be removed from yard waste, including garbage, paper or plastic bags, or boxes. The City will publish opening and closing dates and times for disposal. Violators will be subject to prosecution for illegal dumping, and any violation of this Ordinance shall constitute a municipal infraction.

(Ord. 260, Passed March 19, 2001)

6-5-23 BRUSH DISPOSAL. The City shall furnish an area for brush disposal. Any resident may dispose of brush, small branches, evergreen trimmings, prunings, stalks or vines in this separate area. No whole trees shall be disposed of in this area. All debris must be removed, including garbage, paper or plastic bags, or boxes. The City will publish opening and closing dates and times for disposal. Violators will be subject to prosecution for illegal dumping, and any violation of this Ordinance shall constitute a municipal infraction.

(Ord. 260, Passed March 19, 2001)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 6 UTILITIES - FRANCHISES**

#### **NATURAL GAS**

6-6-1	Franchise Granted	6-6-9	Force Majeure
6-6-2	Term of Franchise	6-6-10	Comprehensive Liability Insurance
6-6-3	Franchise Fees	6-6-11	Indemnification
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6-6-5	Construction and Maintenance of Grantee's Facilities	6-6-13	Severability
6-6-6	Extension of Grantee's Facilities	6-6-14	Non Waiver
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6-6-8	Confidential Information	6-6-16	Captions
		6-6-17	Applicable Law
		6-6-18	Effective Date and Acceptance

#### **NATURAL GAS**

##### **6-6-1 FRANCHISE GRANTED.**

The City of Bellevue, Iowa (hereinafter referred to as "Grantor") hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware Limited Liability Corporation (hereinafter referred to as "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and customers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

##### **6-6-2 TERM OF FRANCHISE.**

The rights and privileges granted hereunder shall remain in effect for a period of 25 years from the effective date of this Ordinance.

##### **6-6-3 FRANCHISE FEES.**

Grantor may, during the term of this franchise, in its discretion, and in compliance with and as authorized by state law, pass an ordinance imposing a franchise fee on Grantee's customers located within Grantor's corporate limits. The collection of the franchise fee shall be based upon a percentage

of Grantee's gross receipts of regulated sales or transportation revenues collected from Grantee's customers within Grantor's corporate limits.

#### 6-6-4 GOVERNING RULES AND REGULATIONS.

The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee.

#### 6-6-5 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.

Any pavements, sidewalks or curbing taken up and any and all excavations shall be done as near as may be in a manner resulting in minimal interference with public use of such street, alley or public grounds. Upon completion of such work, Grantee shall promptly replace any pavement or sidewalk removed and shall restore the premises to the condition required by the established policy of the city but, in no event, shall Grantee leave such property in a condition less than as it existed immediately prior to excavation.

Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required to Grantor for the actions conducted by Grantee during the emergency situation.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that effects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given Grantee as soon as practical in advance of the actual commencement of the work, considering seasonal working conditions, to permit Grantee to make any additions, alterations, or repairs to its facilities.

#### 6-6-6 EXTENSION OF GRANTEE'S FACILITIES.

Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

#### 6-6-7 RELOCATION OF GRANTEE'S FACILITIES.

If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities.

If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment.

Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of-way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

#### 6-6-8 CONFIDENTIAL INFORMATION.

Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

#### 6-6-9 FORCE MAJEURE.

It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental action such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and 4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make

reasonable efforts to avoid force majeure and to resolve such event a promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

#### 6-6-10 COMPREHENSIVE LIABILITY INSURANCE.

At all times during the term of this franchise, Grantee will, at Grantee's own expense, maintain in force self-insurance or general comprehensive liability insurance with an insurance company approved by Grantor, the policy or policies to be in form satisfactory to the Grantor. The coverage represented by the policy or policies shall be for the protection of Grantor, members of its boards and commissions, and its officers, agents, and employees against liability for loss or damages for bodily injury, death, and property damage occasioned by the activities of Grantee under the franchise. Minimum liability limits under the policy or policies are to be \$1,000,000 per person for personal injury or death in any one occurrence and an aggregate of \$2,000,000 for personal injury or death occasioned by two or more persons in any one occurrence, and \$1,000,000 for damage to property resulting from any one occurrence. Additional public agencies and their personnel shall be added as insureds, subject to the same terms and conditions, at the request of Grantor.

The self-insurance or policies mentioned in the foregoing paragraph shall each contain a provision that written notice of any cancellation or reduction in coverage of the policies shall be delivered to Grantor ten days in advance of the effective date of any cancellation.

If any insurance is provided by a policy that also covers Grantee or any entity or person other than those named above, then the policy shall contain the standard cross-liability endorsement.

#### 6-6-11 INDEMNIFICATION.

Grantee agrees, to the fullest extent permitted by law, to indemnify and hold harmless Grantor, members of its boards and commissions, and its officers, agents, and employees, against all damages, liabilities, or costs, including attorney fees and defense costs, arising out of Grantee's activities under this franchise; provided, however, that Grantee shall not be obligated to indemnify Grantor for Grantor's own negligence, whether direct or contributory.

#### 6-6-12 SUCCESSORS AND ASSIGNS.

All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

#### 6-6-13 SEVERABILITY.

If any clause, sentence or section of this Ordinance is deemed invalid by any judicial regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

#### 6-6-14 NON WAIVER.

Any waiver of obligations or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

**6-6-15 REPEAL.**

This Ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 212 of the City of Bellevue, Iowa, is hereby repealed as of the effective date hereof.

**6-6-16 CAPTIONS.**

The captions that precede each section of this Ordinance are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this Ordinance.

**6-6-17 APPLICABLE LAW.**

This franchise agreement shall be governed and construed in accordance with the laws of the State of Iowa.

**6-6-18 EFFECTIVE DATE AND ACCEPTANCE.**

This Ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument within thirty (30) days of passage by the City Council, and filing with the Clerk of the City of Bellevue, Iowa. The Clerk of the City of Bellevue, Iowa shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within thirty (30) days following passage of this Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

(Ord. 364, Passed March 22, 2010)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 6A UTILITIES - BILLING CHARGES**

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6-6A-1 **UTILITY AND CITY SERVICES DEFINED.** For use in this chapter, utility is the sanitary sewer, water, refuse collection, storm water management, electric, cable, and internet systems operated by the City.

(Amended during 2019 codification)

6-6A-2 **DISTRICTS.** There shall be one sewer and water district which encompasses all of the City of Bellevue, Iowa.

6-6A-3 **DISPOSITION OF FEES AND CHARGES.** All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-6A-4 **BILLING, PENALTY.** Utility bills shall be due and payable at the business office of the municipality, or to any designated agent, on their date of issue. The past due date shall be the twentieth (20th) day after the date of issue. Bills will be dated and mailed on the first of each month. Past due bills shall have added a penalty of 1.5 percent of the amount of the bill for service. When the past due date falls on Saturday or Sunday the City Clerk shall accept payment on the next office date without penalty.

(Amended during 2019 codification)

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 in writing at the business office of the municipality; 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.

(Code of Iowa, Sec. 384.84(1))

6-6A-5 **DISCONTINUING SERVICE, FEES.**

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The Utility Superintendent, or his or her authorized representative, shall shut off the supply of electricity to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for electricity on or before the twelfth (12th) day after mailing of written notice that the electric supply will be shut off. The Assistant City Clerk shall send such notice within twenty-four (24) hours following the delinquent date, or on the first office day following such first day after the delinquent date. When a Sunday or legal holiday intervenes during the notice period, such days shall not be counted. The Clerk shall notify each delinquent customer that service will be disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be hand-delivered to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to discontinuance.

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

If a hearing is requested, the Mayor or Mayor's designee, shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.

(ECIA Model Code Amended in 2017)  
(Amended during 2019 codification)

b. The Utility Superintendent or the Superintendent's authorized representative shall hand-deliver a disconnect or discontinuance notice: "Customers may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service."

(Amended during 2019 codification)

c. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor, or Mayor's designee, is final.

(Amended during 2019 codification)

2. No turn-on fee or service fee shall be charged for the usual or customary trips resulting from the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed. There will be a \$25.00 administrative charge for hand-delivered shutoff notices. There shall be a \$75.00 reconnect fee for trips made after hours (3:30 PM to 7:00 AM, Monday-Friday, weekends and holidays)

(Code of Iowa, Sec. 384.84(2))  
(ECIA Model Code Amended in 2017)

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

5. If a bill remains unpaid, the City Clerk or the Clerk's authorized representative will exhaust every effort to collect the balance. If the balance still remains unpaid, the City Clerk or the Clerk's authorized representative will use the income offset program to deduct the amount from a tax return or lottery/gambling winnings.

(Amended during 2019 codification)

6. There will be no extension of electric service after the current billing, unless an extension is preapproved due to extenuating circumstances. The City Clerk or the Clerk's authorized representative will determine whether to authorize an extension of time to pay, based on individual circumstances and the customer's payment history. Repeat violators will not be extended past the shutoff date at the discretion of the City.

7. Persons receiving service outside the City limits shall be deemed to have accepted the requirements of the electric service and rules set by the City Council and its authorized representatives.

(ECIA Model Code Amended in 2017)

#### 6-6A-6 DENIAL OF BENEFIT OF CITY SERVICES.

1. The City may deny City services or disconnect City services with appropriate notice and in accordance with Iowa law to any premises if a previous occupant liable for payment of a delinquent bill at the premises continues to occupy that premises.

2. If a delinquent amount is owed by an account holder for one or more City services associated with a prior property or premises, the City may deny City services or disconnect City services with appropriate notice and in accordance with Iowa law to any new property or premises owned or occupied by that account holder.

3. As used in this section, "City services" include, but are not limited to, services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, and solid waste disposal.

(Ord. 276, Passed August 5, 2002)

#### 6-6A-7 RESIDENTIAL RENTAL PROPERTY.

1. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges.

2. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins.

3. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))

(Code of Iowa, Sec. 384.84(3)(e))

(ECIA Model Code Amended in 2012)

(ECIA Model Code Amended in 2020)

6-6A-8 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay electric bills rendered. Such deposit shall be equal to the estimated typical bill for the type of use contracted for, and be set to the nearest one (\$1.00) dollars. Deposits of customers having established acceptable credit records for one (1) year shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

(Code of Iowa, Sec. 384.84(1))

6-6A-9 WATER RATES. The following water rates are adopted:

1. Consumption Rate- The charge for usage of water will be 2.46 cents per cubic foot.

2. Facility Charges - In addition to fees for consumption, a facility charges will be assessed to each user based upon the following conditions.

A. All Customers that are connected to the electric utility will be assessed a water and wastewater facility charge if connected to the service or has access to a City water or sewer main without crossing property not owned by them.

B. If a customer has a commercial electric service, they will be assessed a commercial facility charge. If their electric service is residential, their facility charge will be residential.

C. In the event of a commercial business where the business provides water service to multiple residential electric customers who do not have individual water meters, the residential users will be assessed residential water and sewer facility charges and the commercial business will be assessed a separate commercial facility charge at the base rate.

D. The facility charge will not be assessed to more than one structure on each parcel of property unless the parcel is used for more than one purpose or has more than one user.

The rates for facility charges will be as follows:

Residential Customers	
Single Family	\$15.00

Commercial Customers - Average residential usage is approximately 450 cubic feet of water per month or 5400 cubic feet per year

Usage (Yearly)	
0 C.F. -5400	\$15.00
5401-10,800	\$20.00
10,801-21,600	\$25.00
21,601-100,000	\$30.00
Over 100,000	\$35.00

3. Bulk Water Rate – The charge for bulk water provided by Bellevue Municipal Utility will be 5 cents per gallon. The minimum charge will be \$15.00 for each purchase.

4. Connection Fee – Before any connection to a water main is made, a fee will be paid to the Municipal utility to cover the cost of a corporation valve, a water meter, the cost of issuing the permit and supervising, regulating and inspecting the work. The fee will be as follows:

1 inch or small	\$200.00
Larger than 1 inch line	\$400.00 plus tapping fee

5. Disconnection/Reconnection fees- A Fee of \$15.00 will be charged anytime a line is turned off or turned on.

(Resolution 16-18UB, Passed September 19, 2018)

Water for building or construction purposes will be furnished by meter measurement, only after an applicable building permit has been accurately filled out and furnished to the City and all applicable fees have been paid; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the application, or water service may be discontinued without notice. No water rural rate exists as all water customers must be within city limits or begin the necessary steps for annexation.

(Amended during 2019 codification)

6-6A-10 REFUSE COLLECTION - SCHEDULE OF FEES. The City shall collect the following mandatory fees for collecting garbage and rubbish:

(Ord. 260, Passed March 19, 2001)  
(Ord. 289, Passed July 21, 2003)  
(Ord. 299, Passed April 5, 2004)  
(Ord. 322, Passed June 19, 2006)  
(Ord. 348, Passed March 19, 2008)  
(Ord. 388, Passed October 17, 2012)  
(Ord. 326, Passed August 7, 2006)  
(Ord. 398, Passed April 21, 2014)  
(Ord. 412, Passed March 21, 2016)  
(Ord. 413, Passed October 17, 2016)  
(Ord. 425, Passed July 17, 2017)  
(Ord. 435, Passed December 3, 2018)

1. Residential Rate. Each resident with alley or curb pick-up shall pay the sum of \$27.00 per month. This charge is collectable from a resident whether or not that resident utilizes the garbage or pick-up service the City provides. This base rate shall also help cover a Jackson County Citizen's duty to financially cover the annual cost of the county's closed landfill and entitle a resident to pick-up of one (1) sixty-five (65) gallon container per pickup. Container is owned and supplied by the City. All garbage must be placed in such container and cannot be placed outside such container. A second City owned and supplied container may be requested but will cost an additional \$20.00 per month regardless of the usage of the second container. A resident shall be charged \$3.00 for each additional container or bag.

(Ord. 469, Passed April 20, 2022)

a. In the event that alley or curb pick-up for any residence is not feasible, the City Administrator is hereby empowered to enter into an agreement with such resident for any other location of pick-up that may be agreed upon.

b. Where a resident is hospitalized or in the care of a nursing home, or in other extraordinary situations, the City Administrator shall have discretion as to whether the base charge for residential pick-up shall be assessed.

c. Where other utilities have been shut off, there will be no charge assessed for garbage pick-up.

d. The seasonal rate for refuse collection will be 75% of the normal residential rate established by the City of Bellevue.

e. Rental housing units will not be charged the residential garbage rate if they are vacant and if the utility billing is in the name of the landlord.

f. Any resident whose annual income is below the current poverty level is eligible, upon written application and approval of the City Administrator, to have their base garbage collection rate reduced to one-half of the base residential rate. Income must be substantiated by providing a copy of the resident's most recent federal income tax return. A resident's continuing eligibility may be determined by the City Administrator, who may request a resident to provide updated federal income tax returns.

g. Rural Residential Rate – Any residential customer residing outside the city limits of Bellevue will pay a rate equal to 125% of the residential rate for citizens of Bellevue. The residential rate for citizens of Bellevue at the time of this ordinance is \$27.00. The rural residential rate would be \$33.75 at this time.

h. City of Bellevue garbage can replacement - in the event a resident moves from their residence and/or causes damage to the City owned garbage can, then the resident will be charged \$60.00 to their City of Bellevue utility invoice.

(Ord. 466, Passed January 19, 2022)

2. Commercial Rate. Each commercial establishment shall pay a base commercial rate of \$27.00 per month, plus \$8.10 per cubic yard of waste collected in excess of one (1) cubic yard. This charge is collectable from a business whether or not that business utilizes the garbage or pick-up service the City provides. The Sanitation Department shall conduct an annual volume study and report the result to the City Administrator, who shall determine a commercial establishment's base rate. The City Administrator may increase the base commercial rate for an establishment if its volume substantially increase before an annual review. Any commercial customer may appeal the City Council which may, by majority vote, uphold or deny the City Administrator's decision.

a. Rural Commercial Rate – Any commercial customer residing outside the city limits of Bellevue will pay a rate equal to 125% of the base commercial rate for businesses located in the city limits of Bellevue. The commercial base rate for businesses located in Bellevue at the time of this ordinance is \$27.00. The rural commercial base rate would be \$33.75 at this time plus \$10.12 per cubic yard of waste collected in excess of one (1) cubic yard.

b. Commercial Dumpsters – Commercial Customers have the option of purchasing their dumpsters or paying a monthly dumpster maintenance fee. Two cubic yard dumpsters can be purchased thru the city at cost and the cost will be added to the monthly sanitation charge. If the city provides a dumpster or dumpsters a monthly fee of \$60.00 will be added for each dumpster used by the commercial customer.

(Amended during 2019 codification)

3. Dumpsters. Dumpsters shall be rented to residents or commercial establishments at a rate of \$60.00 per month plus \$30.00 per standard load or \$45.00 per load of demolition waste. A minimum charge of \$30.00 will be assessed for short term rentals.

Seventeen cubic yard dumpsters shall be rented to customers at a rate of \$200.00 per month plus a pull charge of \$100.00 and the tonnage charge assessed by the Jackson County Landfill. A minimum rental charge of \$100.00 and \$50.00 pull charge will be assessed for short term rentals.

The City may, in its complete discretion, require the use of dumpsters in lieu of individual trash cans by the customers at any multifamily or other residential or commercial address where, based on upon the number of residents present at the service address or data concerning the historical usage, a dumpster is deemed by the City to be the most efficient and appropriately sized refuse receptacle for the address being serviced.

4. Commercial or residential customers requesting unscheduled or additional collections of refuse or recyclables outside the normal schedule of collections shall pay, in addition to their monthly charge, an added fee of \$30.00, \$45.00, or \$60.00, depending upon the scheduled fee charge for the type of refuse or recyclables being collected. Said unscheduled or additional collections will be made as soon as practicable, and only during regularly scheduled hours of City employees.

#### 6-6A-11 REFUSE COLLECTION - LARGE ITEMS AND BULKY RUBBISH.

(Ord. 260, Passed March 19, 2001)

(Ord. 388, Passed October 17, 2012)

(Ord. 398, Passed April 21, 2014)

(Ord. 412, Passed March 21, 2016)

1. Large items and bulky rubbish which are too large or heavy to be collected in the normal collection route shall be collected by the City on an as requested basis. Any citizen in need of extra collection services shall call Bellevue City Hall to make arrangements. When possible additional items will be picked up as part of the normal collection schedule. If not possible, arrangements will be made for an additional collection stop. If an additional stop is necessary a \$60.00 charge will be assessed to the customer.

2. Customers requesting the collection of large items or bulky rubbish shall notify the City Clerk's office of their request for service during normal business hours. Notification may be done in person, by mail, or by telephone, and shall include the following:

- a. The name of the customer requesting the large collection service.
- b. The address for which the collection service is requested.
- c. A detailed list of the items to be collected.

3. Schedule of Fees. Each customer requesting large garbage collection service beyond a normal stop shall pay a minimum charge of \$60.00 for up to four (4) cubic yards, plus an additional \$8.10 per cubic yard for any amount over four (4) cubic yards. In addition to this collection service charge, each customer shall pay a disposal fee for each item as follows:

- a. Tires - \$10.00 drop off or \$20.00 pickup per item plus \$0.30 per pound.
- b. Appliances - \$10.00 drop off or \$20.00 pickup per item plus \$0.30 per pound - Including, but not limited to, washers, dryers, dishwaters, stoves, refrigerators, freezers, compactors, televisions, & stereos.
- c. Automotive Batteries - \$10.00 drop off or \$20.00 pickup per item plus \$0.30 per pound.
- d. Electronic Waste - \$10.00 drop off or \$20.00 pickup per item plus \$0.30 per pound - Including but not limited to computer toners, printers, monitors, televisions, copiers and other E-Waste items.
- e. Scrap Metal - \$10.00 drop off or \$20.00 pickup per item plus \$0.30 per pound.

(Ord. 466, Passed January 19, 2022)

4. Manner of Payment – The normal manner of payment shall be the addition of applicable charges to the customer's monthly utility bill. The charges shall be treated as any other monthly service charge and, as such, shall be governed by the same rules, policies and procedures.

5. Ineligible Items – Certain items shall not be eligible for large garbage collection services. These include, but are not limited to:

- a. Any and all forms of lawn waste/landscape waste
- b. Motor oil and/or toxic and hazardous chemicals

6-6A-12 SANITARY SEWER – FEE. A sewer connection fee of \$325.00 shall be paid to the City by every person whose premises will be served by connecting to the City sewer system:

(Amended during 2019 codification)

## 6-6A-13 CALCULATION OF SEWER CHARGES.

1. Every person, firm or corporation whose residence, mobile home, apartment, or business establishment is connected directly or indirectly to the City sewer system shall pay a facility charge of \$15.00 per month.

(Ord. 244, Passed February 21, 2000)

2. Every person, firm or corporation whose residence, mobile home, apartment, or business establishment is connected directly or indirectly to the City sewer system shall pay a consumption charge of 2.91 cents per cubic foot of water used on the premises. Sewer rates and fees shall be set by a resolution of the Utility Board. A copy of such rates and fees will be on file at the office of the City Clerk.

(Amended during 2019 codification)

3. Manner of Payment. The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same conditions as to penalty for late payment, at the office of the City Administrator beginning with the next payment after the enactment of this Ordinance or, if connection has not then been made, after the connection to the sewer system is made.

## 6-6A-14 DETERMINATION AND PAYMENT OF RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS.

Users whose premises have private water systems shall pay rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. Sewer rent shall be payable by the following users at the following rates:

125 Riverside St.	\$28.10
123 Riverside St.	\$28.10
1803 N Riverview St.	\$28.10
139 Riverside St.	\$28.10
124 Riverside St.	\$28.10
135 Riverside St.	\$28.10

(Amended during 2019 codification)

## 6-6A-15 STORMWATER MANAGEMENT - SUR RATE, CHARGES; UTILITY REVENUES.

1. Monthly Service Fee: Except as provided in this Chapter, every contributor owning or occupying a single-family residential property, multi-family residential property, or a non-exempt nonresidential property shall pay to the City, at the same time payment is made for water service, sanitary sewer or refuse, a storm water management fee to be determined and billed as provided in this Chapter. In the event the owner and the occupant of a particular real property are not the same, the liability for payment of the storm water management fee attributable to that real property shall be joint and several as to the owner and lessee or tenant. The storm water management fee shall be a monthly service fee and shall be determined by this Chapter and the SUR rate which is established in this Chapter and from time to time adjusted as provided in this Chapter.

2. Application and Computation: The storm water management fees provided in this Chapter shall be applied and computed for each contributor during the customary billing periods as to all bills mailed by the City, and such charges shall thereafter be paid and collected as provided in this Chapter.

3. Rates Established: Commencing July 1, 2012, the SUR rates shall be as follows:

a. Single Family Residential: The SUR fee to be applied to single family residential property shall be \$5.00 per unit per month.

b. Multi-Family Residential: The SUR fee to be applied to multi-family residential property shall be \$5.00 per unit per month.

c. Commencement of Charge: As to a new single family residential unit or a new multi-family residential unit, the SUR fee attributable to that unit shall commence upon the earlier of the following:

(1) The issuance of a permanent water meter; or

(2) If no water meter is issued for that residential development or if the residential development has halted, on the date that the Storm Water Management Board determines in its reasonable judgment that the residential development is substantially complete or has been halted for at least three (3) months.

d. NonResidential: The SUR fee to be applied to non-exempt nonresidential property shall be \$5.00 per unit per month.

4. Authority to Adjust Rate: If at any time the Storm Water Management Board determines that the SUR rate and/or the budget for the Storm Water Management Utility requires adjustment, the Storm Water Management Board shall report such determination to the city council. The city council may at any time adjust the SUR rate by adoption of an ordinance amending Section 6-6A-15(3), and may at any time adjust the budget for the Storm Water Management Utility by adoption of an appropriate resolution.

5. Policy on Expenditure of Revenues: The city council hereby establishes a formal policy regarding the expenditure of Storm Water Management Utility revenues as follows:

a. The city administrator shall develop and implement a cost accounting system, capable of accurately recording and segregating charges to the Storm Water Management Utility by all departments of the City, to include the cost of personnel, machinery, contract equipment and construction, supplies and any and all miscellaneous expenses and purchases.

b. No revenues generated by the Storm Water Management Utility fee shall be used for any purpose other than the expenses of said Utility.

## 6-6A-16 STORM WATER MANAGEMENT - RATE DETERMINATIONS; COMPLIANCE WITH BOND COVENANTS.

1. Rate Determination: In calculating the SUR rate as provided in section 6-6A-13 of this Chapter, the city administrator shall include in the budgeted expense and revenue amounts sufficient funds as will ensure compliance with any and all rate covenants applicable to any outstanding bonds, notes or other obligations issued in connection with the construction and operation of the Storm Water Management Utility.

2. Issuance Of Additional Bonds: For purposes of complying with any covenant relating to the issuance of additional bonds, notes or other obligations ranking on a parity with outstanding bonds issued in connection with the construction and operation of the Storm Water Management Utility, the Storm Water Management Board shall, prior to city council consideration of the resolution to take additional action for the issuance of such additional bonds, and with such assistance from the City's independent accountants as the Storm Water Management Board deems necessary, calculate the SUR rate necessary to produce revenues sufficient to comply with such covenant and shall certify the rate to the city administrator. The city administrator shall inform the city council of the revised SUR rate at the time that the resolution to take additional action for the issuance of such bonds is submitted to the city council for its review and approval. Upon city council approval of the resolution, the city administrator shall publish the revised SUR rate once in a newspaper of general circulation,

shall give notice thereof to contributors if and as required by applicable state or federal laws, and shall proceed to impose and collect the rate commencing with the next available billing cycle.

6-6A-17 ANNUAL REVIEW OF SUR RATE. Under this Chapter the Storm Water Management Board shall review the SUR rate annually and revise the rate as necessary to ensure that the Utility generates adequate revenues to pay total annual revenue requirements.

6-6A-18 EXPENSES OF COLLECTION OF FEES: The incremental cost of collecting and accounting for all Storm Water Management Fees including: reasonable compensation; maintenance of all books and records; the employment of necessary personnel; the cost of all books, records, materials and supplies; obtaining and maintaining all office and storage space; and all other costs reasonably necessary in connection therewith or incidental thereto, shall be a part of operating the Storm Water Management Utility.

(Ord. 385, Passed June 6, 2012)

6-6A-19 ELECTRIC RATES. The Board of Trustees of the Bellevue Municipal Utilities have set the following rate schedule for electricity:

Residential	Customer Charge \$12.00 First 400 KWL @ 10.94 cents Excess KWH @ 9.51 cents
Rural	Customer Charge \$15.00 First 700 KWH @ 11.53 cents Excess KWH @ 9.72 cents
Commercial	Customer Charge \$12.00 First 500 KWH @ 12.96 cents 1500 KWH @ 11.18 cents Excess KWH @ 10.67 cents (Amended during 2019 codification)

## **LARGE COMMERCIAL**

Demand Charge All KW @ \$9.49 + Customer charge of \$20.00

Energy Charge All KWH @ 6.61 cents  
Minimum Demand Charge 50 KW

Interdepartmental All KWH @ 9.31 cents

For any month that the combined cost of purchased power and fuel burned exceeds 7.0 cents per KWH, the difference times 1.10 may be added to each KWH sold.

(Resolution 08-10UB, Passed September 10, 2010)  
(Resolution 19-18UB, Passed October 10, 2018)

6-6A-20 CABLE FRANCHISE - RATES AND FEES. The following rates and fees are hereby established for telecommunications services:

## **DIGITAL TELEVISION**

Lifeline Basic Rate: \$45.00 per month

Basic Rate:	\$106.00 per month
Enhanced Basic Rate:	\$114.00 per month
Premium Channels:	
HBO	\$20.00 per month
Showtime	\$17.00 per month
Cinemax	\$13.00 per month

Set-Top Box:	
First Box	Free
Additional Boxes	\$ 6.00 per month
DVR Box	\$14.00 per month
Whole Home DVR Rate	\$ 5.00 per month
Remote Control Replacement (New)	\$12.00
Remote Control Replacement (Used)	Free

## INTERNET

Broadband Standard Resident 25 Mb	\$50.00 per month
Broadband Plus Residential 100 Mb	\$70.00 per month
Broadband Ultra Residential 500 Mb	\$100.00 per month
Broadband Gig Residential 1,000 Mb	\$150.00 per month
Broadband Standard Commercial 25 Mb	\$80.00 per month
Broadband Plus Commercial 100 Mb	\$100.00 per month
Broadband Ultra Commercial 500 Mb	\$200.00 per month
Broadband Gig Commercial 1,000 Mb	\$250.00 per month
Wireless Standard Rural Residential 10 Mb	\$55.00 per month
Wireless Plus Rural Residential 15 Mb	\$65.00 per month
Wireless Ultra Rural Residential 20 Mb	\$75.00 per month
Wireless Infinity Rural Residential 25 Mb	\$85.00 per month
Wireless Standard Rural Commercial 10 Mb	\$85.00 per month
Wireless Plus Rural Commercial 15 Mb	\$95.00 per month
Wireless Ultra Rural Commercial 20 Mb	\$105.00 per month
Wireless Infinity Rural Commercial 25 Mb	\$115.00 per month
Static IP Address	\$7.00 per month per address
0-6 Addresses	\$20.00 per month
7 – 12 Addresses	\$40.00 per month

## OTHER CHARGES

Dedicated Fiber Connection	\$125.00 per month
Returned checks or insufficient funds or “no account”	\$15.00

Internet and Digital Cable Package	\$5.00 per month discount
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Seasonal Disconnect Fee	\$15.00
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Nursing Home Rate – Established by separate agreement - \$561.16 monthly

After Hours Cable Repair – No charge if outage is system related or caused by equipment or materials owned by City of Bellevue.

If outage is a result of customer action, \$50.00 will be charged for after hours call or we will work on during normal business hours for No Charge.

New Equipment Installation – At time of initial installation, no charge for connecting televisions.

After initial installation, \$50.00 will be charged for each piece of equipment connected during regular business hours.

Cut Cable repairs - \$50.00 per hour per man plus materials

Buried drop to property – Total customer expense

Checking customers internet inside the residence/business, \$25 will be charged. No charge if outage is system related or caused by equipment or materials owned by City of Bellevue.

(Ord. 266, Passed September 24, 2001)  
(Ord. 281, Passed December 2, 2002)  
(Ord. 298, Passed April 5, 2004)  
(Ord. 308, Passed July 5, 2005)  
(Ord. 317, Passed December 19, 2005)  
(Ord. 330, Passed November 20, 2006)  
(Ord. 336, Passed February 5th, 2007)  
(Ord. 349, Passed March 19th, 2008)  
(Ord. 354, Passed October 15, 2008)  
(Ord. 363, Passed December 16, 2009)  
(Ord. 376, Passed December 7, 2011)  
(Ord. 387, Passed July 25, 2012)  
(Ord. 397, Passed April 21, 2014)  
(Ord. 399, Passed July 7, 2014)  
(Ord. 403, Passed April 6, 2015)  
(Ord. 411, Passed March 21, 2016)  
(Ord. 426, Passed July 17, 2017)  
(Ord. 432, Passed August 20, 2018)  
(Ord. 445, Passed August 26, 2019)  
(Amended during 2019 codification)  
(Ord. 454, Passed June 1, 2020)  
(Ord. 460, Passed April 19, 2021)  
(Ord. 468, Passed February 7, 2022)  
(Ord. 474, Passed February 6, 2023)

Footnote: See Code of Iowa, Sec. 384.38(3) concerning establishing districts and connection fees.

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 7 SUBDIVISION REGULATIONS**

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## GENERAL PROVISIONS

6-7-1 **SHORT TITLE.** This Ordinance shall be known as the “Subdivision Ordinance” of the City of Bellevue, Iowa.

6-7-2 **PURPOSE.** The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Bellevue, Iowa, as authorized by Chapter 354, Code of Iowa.

6-7-3 **APPLICATION.** Every owner who divides any original parcel of land, Forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (April 1, 1970) into two or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building developments within the City or within two (2) miles of the corporate limits of the City, shall cause plats of such area to be made in the form, and containing the information as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Ord. 417, Passed October 17, 2016)

6-7-4 **AMENDMENT.** When necessary to further its purpose, this Ordinance shall be amended in accordance with the text amendment procedure for the Zoning Ordinance by the Planning Commission and the Governing Body.

6-7-5 **RECORDING OF PLAT.** No subdivision plat, resubdivision plat or street dedication within the City of Bellevue, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the Governing Body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

6-7-5A **FEES ESTABLISHED.** A preliminary subdivision plat, a final subdivision plat, or any amendments to preliminary or final subdivision plats previously filed, submitted to the City for review or approval, shall be accompanied by a filing fee of five hundred dollars (\$500.00) for minor subdivisions; one thousand dollars (\$1,000) for major subdivisions. The fee shall be deposited in the general fund of the City. Failure of the City to approve the plat as submitted shall not cause the fee or any portion thereof to be refunded.

(Ord. 268, Passed December 17, 2001)

6-7-6 APPROVAL OF PLATS OF SURVEY AND AUDITOR'S PLATS. No plat of survey as defined by Iowa Code section 354.2(15) or auditor's plat as defined by Iowa Code section 354.2(3) affecting land located within the city limits of Bellevue, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, shall be filed for record with the County Recorder or approved by the County Auditor until such plat of survey or auditor's plat has been reviewed and approved by the Bellevue City Council.

(Ord. 258, Passed February 19, 2001)

(Ord. 313, Passed November 21, 2005)

6-7-7 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this Ordinance, until the plat thereof has been approved by the Governing Body, and recorded as required by law, shall be subject to the City's municipal infraction ordinance and schedule of civil penalties as provided in Title I of the Bellevue Code of Ordinances for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this Ordinance.

6-7-8 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this Ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this Ordinance, and until the improvements required by this Ordinance have been accepted by the City.

#### DEFINITIONS.

6-7-9 TERMS DEFINED. For the purposes of this Ordinance, certain words herein shall be defined as and interpreted as follows. Words used in this present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

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

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

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

4. "Auditor's Plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

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

6. “Building Lines” means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. “City Engineer” means the professional engineer registered in the State of Iowa designated as City Engineer by the Governing Body or other hiring authority.

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

9. “Conveyance” means an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.

10. “Cul-de-Sac” means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. “Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this Chapter.

12. “Easement” means an authorization by a property owner for another to use a designated part of said owner’s property for a specified purpose.

13. “Flood Hazard Area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

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

15. “Forty-Acre Aliquot Part” means one-quarter of one-quarter of a section.

16. “Governing Body” means the City Council of the City of Bellevue, Iowa.

17. “Government Lot” means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

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

19. “Lot” means a tract of land represented and identified by number or letter designation on an official plat.

20. "Lot, Corner". The term "corner lot" means a lot situated at the intersection of two streets.
21. "Lot, Double Frontage". The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.
22. "Lot Line, Front" means the line separating a lot from the street.
23. "Lot Line, Rear" means that lot line which is opposite and most distant from the front lot line. The rear lot line of any irregular, triangular, or gore lot shall, for the purpose of the article, be a line entirely within the lot, ten (10) feet long, and parallel to and most distant from the front lot line.
24. "Maintenance Bond" means a surety bond or cash deposit made out to the City of Bellevue, Iowa, in an amount so as to insure that for a period of one year from acceptance date, the owner and subdivider shall be responsible to maintain such improvements in good repair.
25. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
26. "Official Plat" means either an auditor's plat or a subdivision plat that meets the requirements of this Chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
27. "Original Parcel" means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before April 1, 1970.
28. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
29. "Parcel" means a part of a tract of land.
30. "Performance Bond" means a surety bond or cash deposit made out to the City of Bellevue, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Ordinance.
31. "Permanent Real Estate Index Number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
32. "Planning Commission" means the appointed Commission designated by the Governing Body for the purpose of this Ordinance, and may also be the Zoning Commission, in which case such Commission shall be known as the Planning and Zoning Commission.
33. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

34. “Plat of Survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

35. “Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

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

37. “Street” means public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

38. “Street, Arterial” means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

39. “Street, Collector” means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

40. “Street, Local” means a street primarily designed to provide access to abutting property.

41. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

42. “Subdivision” means a tract of land divided into two or more lots.

(Ord. 352, Passed September 3, 2006)

Any person not in compliance with the provisions of the subdivision definition at the time of its effective date February 17, 1994, shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

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

44. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

45. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

46. “Utilities” means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

47. "Zoning Administrator" means the individual assigned the duty to administer this Ordinance by the Governing Body. The Zoning Administrator shall be the City Administrator.

## IMPROVEMENTS.

6-7-10 IMPROVEMENTS REQUIRED. The subdivider shall, at subdivider's expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

6-7-11 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this Ordinance and the standards and specifications of the City. Inspections may be by City staff, or outside assistance may be used at the City's discretion. The cost of such inspection shall be borne by the subdivider and paid to the City. The cost of inspection shall be the actual cost of the inspection to the City. Inspection scheduling shall be provided to the Planning Commission by the Zoning Administrator in a timely fashion.

6-7-12 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City.

Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.

2. Sanitary Sewer System. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with plans and specifications of the City and at sewer grades established by the City.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area.

The water mains shall, upon inspection, approval, and acceptance by the City, become the property of the City.

5. Other Improvements. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of walkways as necessary; grading, seeding or sodding of all lots; the planting of any required trees in the parking area; and the provision of street lighting. All such improvements shall be constructed and/or installed in accordance with plans and specifications of the City and shall be under the direction of the City Engineer, or director of the electric utility, or other personnel as appropriate.

6. The owner and subdivider of the land being platted shall be responsible for the construction of any storm water management facilities required by the storm water management plan submitted by the developer and approved by the city engineer.

(Ord. 284, Passed March 3, 2003)

7. Sidewalks. Sidewalks shall be required. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer, and comply with the Americans with Disabilities Guidelines (ADAAG). Sidewalk construction shall also follow the provisions in 6-18-10.

(Amended during 2019 codification)

**6-7-13 EASEMENTS REQUIRED.**

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water as approved by the City.

**6-7-14 MAINTENANCE BOND REQUIRED.** The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds satisfactory to the City so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair. Such maintenance bond may be provided with the performance bond or other instrument allowed by the City as a requirement of the final plat.

**6-7-15 ALTERNATIVE SYSTEMS FOR SEWER OR WATER.** Where connection to the City sewer or water system cannot reasonably be made, the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of state, county, or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

**MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS.**

**6-7-16 STANDARDS PRESCRIBED.** The standards set forth in this Ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

**6-7-17 LAND SUITABILITY.** No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City.

If land is found to be unsuitable for subdivision for any of the reasons cited in this Section, the Governing Body shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Governing Body may reaffirm, modify or withdraw its determination regarding such unsuitability.

**6-7-18 LANDS SUBJECT TO FLOODING.** No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City:

1. Included within individual lots in the subdivision, subject to the limitations of this Section.
2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

(Ord. 259, Passed February 19, 2001)

**6-7-18A STORM WATER MANAGEMENT PLAN REQUIRED.** No land shall be subdivided until a storm water management plan is submitted to the City and approved by the city engineer in accordance with the requirements of Title VI Chapter 22 of the Bellevue Municipal Code.

(Ord. 284, Passed March 3, 2003)

**6-7-19 PLAT TO CONFORM TO COMPREHENSIVE PLAN.** The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

**6-7-20 CONSTRUCTION STANDARDS FOR IMPROVEMENTS.** In addition to the Standards set forth in this Ordinance, the City Engineer shall from time to time prepare, and the Governing Body shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Governing Body by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

**6-7-21 STREET STANDARDS.** The following standards shall apply to all streets to be located within the subdivision:

1. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or the Street Plan, the plat shall provide for such street.
2. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
4. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, the Streets Plan, or technical standards for public improvements.
5. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the deduction of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
6. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
7. Street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.
8. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
9. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
10. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet.
11. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 500 feet in length unless a greater length is unavoidable.
12. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as determined by the Planning Commission.

13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Governing Body, be made a requirement of the plat.

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

15. Private streets, not dedicated to the City, shall be avoided. The Governing Body may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

**6-7-22 BLOCK AND LOT STANDARDS.** The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions:

1. No residential block shall be longer than twelve hundred (1,200) feet or shorter than three hundred (300) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

2. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the Zoning Ordinance.

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

4. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.

5. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least eighty (80) feet measured as a straight line between the two front lot corners.

(Ord. 415, Passed October 17, 2016)

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

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

8. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning Ordinance, oriented to either street.

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

10. Residential lots where not served by public water or sewer shall not be less than 100 feet wide or less than twenty thousand (20,000) square feet in area. All residential lots not served by public water or sewer shall be approved by the County Health Department as to minimum lot size and the type of system to be used. All County Health Department fees and charges shall be borne by the developer. The developer shall provide the City with proof of County Health Department approval before the final plat shall be approved by the City.

6-7-23 PARKS AND OPEN SPACE - REPEALED. This section has been repealed per ordinance 279, Passed August 19, 2002.

6-7-24 RESERVED.

#### PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.

6-7-25 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the Plats Officer. The conference should be attended by the Plats Officer and such other City or Utility representative as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

6-7-26 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6-7-27 PRESENTATION TO PLANNING COMMISSION. The subdivider may present the sketch plan to the Planning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

6-7-28 SUBDIVISION CLASSIFIED. A subdivision shall be classified as a minor or major subdivision as set forth in this ordinance.

1. Minor Subdivision. Any subdivision in which no new streets, public or private are proposed, which does not require the construction of any public improvements, where no flood plains or wetlands exist, and which contain four (4) or fewer lots, shall be classified as "minor subdivision".

2. Major subdivision. Any subdivision which is not a minor subdivision shall be classified as a "major subdivision".

(Ord. 352, Passed September 3, 2008)  
(Ord. 415, Passed October 17, 2016)

6-7-28A STAFF REVIEW OF MINOR SUBDIVISIONS. Minor subdivisions shall be reviewed by the City Administrator, City Engineer and City Attorney to determine compliance with the subdivision Ordinance of the City of Bellevue, Iowa, and Iowa law. Review by the Planning and Zoning Commission and City Council shall not be required. The City Administrator may set conditions to provide that the subdivision meets the requirements of all applicable City Codes. A minor subdivision plat shall be a Plat of Survey and no Preliminary Plat or Final Plat shall be required. Plat attachments are not required for a minor subdivision. No plat of a minor subdivision shall be recorded unless the City Administrator has approved the plat.

(Ord. 417, Passed October 17, 2016)

6-7-29 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City, plats and other information as required by this Ordinance. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat.

(Ord. 232, Passed April 27, 1998)

(Ord. 417, Passed October 17, 2016)

6-7-30 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk 10 copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

1. Title, scale, north point and date.
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county. The Zoning Administrator shall verify with the County Auditor that the proposed subdivision name is not duplicating an existing subdivision name in the county.
3. The name and address of the owner and the name, address and profession of the person preparing the plan.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatte land.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.

8. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.

9. The legal description of the area being platted.

10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

11. The layout, numbers and approximate dimensions of proposed lots.

12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

13. The proposed names for all streets in the area being platted. The Plats Officer shall verify that the proposed street names do not duplicate existing street names in the City unless such names are a continuation of an existing street.

14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.

15. Proposed easements, showing locations, widths, purposes and limitations.

16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.

17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

18. Any other pertinent information, as necessary.

19. The fee, as required by this Ordinance.

20. A storm water management plan as required by Title VI Chapter 22 of the Bellevue Municipal Code.

(Ord. 284, Passed March 3, 2003)

#### 6-7-31 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS.

1. The City Clerk, upon receipt of 15 copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward one copy to each of the following: Jackson County Auditor, Jackson County Assessor, City Engineer, City Attorney and each member of the Planning and Zoning Commission.

(Ord. 262, Passed June 18, 2001)

2. Upon receipt of input from the individuals set forth in subsection 1, the City Clerk shall schedule the plat for consideration by the Planning and Zoning Commission.

(Ord 262, Passed June 18, 2001)

3. The Planning Commission shall examine the preliminary plat and the report of the City Engineer if determined necessary by the City, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the Ordinances of the City, conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety and welfare. The Planning Commission shall, within forty- five (45) days of the filing of the plat with the City Clerk, act thereon and may approve, subject to conditions, or disapprove the preliminary plat. Such decision shall be set forth in writing in the official records of the Planning Commission.

4. If such decision is to disapprove or modify the plat, the reasons therefore shall be provided to the subdivider in writing. If the decision is to approve the plat, the Planning Commission shall express its approval as Conditioned Approval. The action of the Planning Commission shall be noted on three copies of the preliminary plat including conditions. One copy shall be returned to the subdivider, one copy to the City Council, and the other retained by the Planning Commission.

5. Conditional Approval of a Preliminary Plat shall not constitute approval of the final plat (Subdivision Plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and the City Council and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any.

6-7-32 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Planning Commission shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the Planning Commission.

6-7-33 RESERVED.

6-7-34 RESERVED.

6-7-35 RESERVED.

6-7-36 REQUIREMENT OF THE FINAL PLAT. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, 10 copies of the final plat and required attachments, as set forth in this Ordinance. Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 1/2" x 11") and shall be of a size acceptable to the County

Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and shall provide the specific information required by Sections 354.6 and 355.8, Code of Iowa, and to include but not be limited to the following:

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale, and a graphic bar scale, north arrow and date on each sheet.
4. Survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, and boundaries of the surveyed lands.
5. Adjoining properties shall be identified, and if the adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the survey is a subdivision of a portion of a previously recorded subdivision plat, sufficient ties shall be shown to controlling lines appearing on such plat to permit a comparison to be made.
6. Street names and clear designation of public alleys.
7. Each lot within the plat shall be assigned a progressive number.
8. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated.
9. Easements necessary for the orderly development of the land within the plat shall be shown and the purpose of the easement shall be clearly stated.
10. Interior excepted parcels shall be clearly indicated and labeled, "not a part of this subdivision".
11. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of practical use or service as determined by the Governing Body.
12. A statement by a registered land surveyor that the plat conforms to Section 355.8 of the Code of Iowa, was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number and seal.

(Ord. 259, Passed February 19, 2001)

13. The subdivider shall post a performance bond or letter of credit from a bank guaranteeing that improvements shall be completed within two (2) years from the date of approval of the final plat. Improvements will be accepted only after their construction has been completed. The City may, at its discretion, accept a cash security payment equal to a percentage of the cost of improvements in lieu of a performance bond or letter of credit, to be held by the City until such improvements are completed.

The percentage of the security payment shall be determined by the City. The required one (1) year maintenance bond for improvements may be included in the performance bond instrument.

6-7-37 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Governing Body.

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12, Code of Iowa, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the Governing Body or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

4. A certified resolution by each governing body outside the City of Bellevue having jurisdiction over the subdivision as required by Section 354.8, Code of Iowa, either approving the subdivision or waiving the right to review.

5. A certificate of the Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12, Code of Iowa

A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the documents listed in Section 6-7-3 7, subsections 1, 2, 3, and 4 of this Ordinance, and a certificate of the Treasurer that the land is free from certified taxes other than certified special assessments.

6. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

7. A resolution and certificate for approval by the City Council and for signatures of the Mayor and City Clerk.

6-7-38 PROCEDURES FOR THE REVIEW OF FINAL PLATS.

1. The City Clerk, upon receipt of 10 copies of the final plat, shall file one copy in the records of the City, shall retain one copy for the public inspection, and shall forward the remaining copies to the Zoning Administrator.

2. The Zoning Administrator shall provide copies of the plat to the City Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Governing Body.

3. The Zoning Administrator and the City Engineer shall examine the plat as to its compliance with Section 354.8 of the Code of Iowa, the Ordinances and standards of the City, its conformance with the preliminary plat; and the agreements between the subdivider and the City; and shall forward their findings in writing to the Planning Commission and Governing Body. A copy of the findings shall be provided to the subdivider.

4. The final plat shall be referred to the Planning Commission for review, prior to review by the Governing Body. The Planning Commission shall review the plat and shall forward a written recommendation thereon for approval, modification or disapproval to the Governing Body within forty-five (45) days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

5. Upon receipt of the final plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the Ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Governing Body shall approve the plat by resolution and shall cause its approval to be entered on the plat as required by law.

6. Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of filing of the plat with the City Clerk. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decision shall be provided to the subdivider.

## OTHER PROVISIONS.

### 6-7-39 VARIANCES.

1. Where, in the case of a particular proposed minor subdivision or major subdivision, it can be shown that strict compliance with the requirements of the Subdivision Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Planning Commission may recommend and the City Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of the Subdivision Ordinance. In no case shall any variance or modification be more than minimum easing of the requirements of the Subdivision Ordinance as may be necessary to eliminate the hardship. In so granting a variance, the City Council may impose such additional conditions as are necessary to

secure substantially the objectives of the requirements of the Subdivision Ordinance so varied, modified or waived.

2. Where, in the case of a particular proposed simple subdivision, it can be shown that strict compliance with the requirements of the Subdivision Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Administrator, after review with the City Engineer and City Attorney, may vary, modify or waive the requirements of the Subdivision Ordinance so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of the Subdivision Ordinance. In no case shall any variance or modification be more than minimum easing of the requirements of the Subdivision Ordinance as may be necessary to eliminate the hardship. In so granting a variance, the City Administrator may impose such additional conditions as are necessary to secure substantially the objectives of the requirements of the Subdivision Ordinance so varied, modified, or waived and to provide that the subdivision meets the requirements of all applicable City codes and ordinances.

(Ord. 374, Passed February 2, 2011)

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 8 EXCAVATION REGULATION**

6-8-1	Short Title	6-8-18	Breaking Through Concrete Pavement
6-8-2	Definitions	6-8-19	Tunnels
6-8-3	Excavation Permit	6-8-20	Back-Filling
6-8-4	Application	6-8-21	Back-Fill Material
6-8-5	Excavation Permit Fees	6-8-22	Back-Filling at the Surface
6-8-6	Cash Deposit	6-8-23	Restoration of Surface
6-8-7	Routing of Traffic	6-8-24	City's Right to Restore Surface
6-8-8	Clearance for Fire Equipment	6-8-25	Prompt Completion of Work
6-8-9	Protection of Traffic	6-8-26	Urgent Work
6-8-10	Removal and Protection of Utilities	6-8-27	Emergency Action
6-8-11	Protection of Adjoining Property	6-8-28	Preservation of Monuments
6-8-12	Protective Measures	6-8-29	Ordinance Not Applicable to City Work
6-8-13	Care of Excavated Material	6-8-30	Insurance
6-8-14	Damage to Existing Improvements	6-8-31	Liability of City
6-8-15	Property Lines and Easements	6-8-32	Penalties
6-8-16	Clean-up		
6-8-17	Protection of Water Courses		

6-8-1 **SHORT TITLE.** This Ordinance shall be known and may be cited as the "Street Excavation Ordinance of the City of Bellevue, Iowa."

6-8-2 **DEFINITIONS.** For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Applicant" is any person making written application to the Director of Public Works for an excavation permit hereunder.
2. "City" is the City of Bellevue.
3. "City Council" or "Council" is the City Council of the City of Bellevue.
4. "Director of Public Works" is the Director of Public Works of the City of Bellevue.
5. "Excavation Work" is the excavation and other work permitted under an excavation permit and required to be performed under this Ordinance.
6. "Permittee" is any person who has been granted and has in full force and effect an excavation permit issued hereunder.

7. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

8. "Street" is any street, highway, sidewalk, alley, avenue, or other public way or public grounds in the City.

**6-8-3 EXCAVATION PERMIT.** It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefore from the City as herein provided. No permit to dig or excavate in the improved streets, highway, avenue, or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve inches (12") or more, unless in case of extreme emergency.

**6-8-4 APPLICATION.** No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Director of Public Works. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may be reasonably required by the Director of Public Works. The application shall be in the form prescribed by the City, and shall also state that such person will allow the City to recover the cost and expense incurred by that person in any back filling such excavation and restoring the street, highway, avenue or alley at the place which the excavation was made to its condition prior to such excavation.

**6-8-5 EXCAVATION PERMIT FEES.** A permit fee shall be charged by the City for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The excavation permit fee shall be in the amount of \$ 100.00 per block.

(Ord. 328, Passed August 21, 2006)

(Ord. 479, Passed April 19, 2023)

**6-8-6 CASH DEPOSIT.** The application for an excavation permit to perform excavation work under this Ordinance shall be accompanied with a \$250.00 deposit per block made to the Assistant Clerk-Treasurer for deposit in the City's account. The deposit shall be cash or a certified check. No deposit shall be required from a contractor that has filed a bond with the City in the amount of at least \$10,000.00 to work on the City streets.

Any deposit made hereunder shall serve as security for the repair and performance of work necessary to restore the street to as good a condition as that existing prior to the excavation. Upon the permittee's completion of work covered by such permit in conformity with this Ordinance and applicable City standards as determined by the Director of Public Works, the City shall refund the deposit. Should the City find the repairs unacceptable, the City will use the deposit to make the necessary repairs. In the event the \$250 per block deposit is not sufficient to cover the repair costs, the City will bill the permittee for any additional costs incurred and reserves the right to pursue collection using any legal means.

If requested by the permittee, the City will provide services to saw cut concrete curb or street surfaces, or to replace street surfaces damaged or removed during excavation. Charges for such service will be determined on a time and materials basis and paid by the permittee.

(Ord. 479, Passed April 19, 2023)

**6-8-7 ROUTING OF TRAFFIC.** The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Director of Public Works may permit the closing of streets to all traffic for a period of time prescribed by Director if in Director's opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the City Police Department. The following steps shall be taken before any street may be closed or restricted to traffic:

1. The permittee must receive the approval of the City Street Department and Police Department therefore;

2. Where flagman and barricades are deemed necessary by the Director of Public Works they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Director of Public Works will designate detours. The permittee will be responsible for any unnecessary damage caused to any streets by the operation of its equipment.

**6-8-8 CLEARANCE FOR FIRE EQUIPMENT.** The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire escapes or fire fighting equipment shall remain accessible by pedestrians and vehicles during the construction period.

**6-8-9 PROTECTION OF TRAFFIC.** The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon streets as little as possible.

**6-8-10 REMOVAL AND PROTECTION OF UTILITIES.** The permittee shall not interfere with any existing utility without the written consent of the Director of Public Works and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the City shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect in a safe manner all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and permittee's or its deposit shall be liable therefore. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

**6-8-11 PROTECTION OF ADJOINING PROPERTY.** The permittee shall at all times and at permittee's or its own expense preserve and protect from injury and adjoining property by providing proper foundations and taking other measures suitable for the purpose.

6-8-12 PROTECTIVE MEASURES. The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the City Street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

6-8-13 CARE OF EXCAVATED MATERIAL. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working the trench, pedestrians or users or the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Director of Public Works shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of back-filling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites. No person excavating earth or stone in any public street, highway, avenue or alley belonging to the City, or any other public place, under contract, without permit from the City, shall sell, or in any other way dispose of the stone and earth so excavated, and any person violating this provision shall pay the City three (3) times the value of such property to be recovered by action of debt in favor of the City.

6-8-14 DAMAGE TO EXISTING IMPROVEMENTS. All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform with the requirements of any applicable Code or Ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the Director of Public Works shall have the authority to cause said necessary labor and materials to be furnished by the City and the cost shall be charged against the permittee, and the permittee shall also be liable on permittee's or its deposit therefore.

6-8-15 PROPERTY LINES AND EASEMENTS. Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit, and it shall be the permittee's responsibility to confine excavation work within these limits.

6-8-16 CLEAN-UP. As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director of Public Works. From time to time, as may be ordered by the Director of Public Works, and in any event immediately after completion of said work, the permittee shall, at permittee's or its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work and, upon failure to do so, within 24 hours after having been notified to do so by the Director of Public Works, said work may be done by the Director of Public Works and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the deposit provided hereunder.

6-8-17 PROTECTION OF WATER COURSES. The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the Director of Public Works may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

6-8-18 BREAKING THROUGH CONCRETE PAVEMENT. Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be 4 feet or over in depth, the pavement in the base shall be removed to at least 6 inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and a 6-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

6-8-19 BACK-FILLING. The permittee shall give the Director of Public Works notice before commencing any backfilling at an excavation site. If any back-filling is commenced prior to the time the Director of Public Works is notified and given an opportunity to inspect the site, the permittee may be required to remove any or all of said back-filling if the Director of Public Works so requires permittee to do so. When construction permits are obtained from other regulatory agencies, the Director of Public Works shall enforce the prescribed specification stipulated as part of conditions for such permit in addition to the provisions of this Ordinance. In case of conflict between technical specifications, the Director of Public Works' decisions shall be final. Back-filling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tappers or vibrators, or by rolling in layers.

Back-filling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Layers that are hand tamped shall not exceed 6 inches in thickness. The same requirements shall apply to the remainder of the back-filling. Back-filling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in three inch layers, with each layer thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be tamped as specified above to a depth of 18 inches above the top of the pipe before any additional back-filling is placed thereon.

6-8-21 BACK-FILL MATERIAL. Excavations shall be back-filled with sand or limestone screenings, unless an exception is granted by the Director of Public Works. There shall be a minimum of eight (8) inches of 3/4" roadstone as a base to the street or alley. Broken pavement, large stones, and debris shall not be used in the back-fill.

6-8-22 BACK-FILLING AT THE SURFACE. Back-filling shall be completed by placing the backfill material well up and over the top of the trench. For back-filling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least five tons until the surface is unyielding. The surface shall then be graded as required.

6-8-23 RESTORATION OF SURFACE. The permittee shall restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the Director of Public Works.

Permanent restoration of the street shall be made by the permittee in strict accordance with the specification prescribed by the Director of Public Works to restore the street to its original and proper condition, or as near as may be.

Acceptance or approval of any excavation work by the Director of Public Works shall not prevent the City from asserting a claim against the permittee and permittee's deposit required hereunder for incomplete or defective work if discovered within 12 months from the completion of the excavation work. The Director of Public Work's presence during the performance of any excavation work shall not relieve the permittee of its responsibility hereunder.

6-8-24 CITY'S RIGHT TO RESTORE SURFACE. If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the Director of Public Works, if Director deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25% of such cost in addition for general overhead and administrative expenses. The City shall have a cause of action for all fees, expenses, and amounts paid out and due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for one year after restoring it to its original condition.

6-8-25 PROMPT COMPLETION OF WORK. The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefore.

6-8-26 URGENT WORK. If in his/her judgment of traffic conditions the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Director of Public Works shall have full power to order, at the time the permit is granted, that a crew of people and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

6-8-27 EMERGENCY ACTION. In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such persons owning or controlling such facility shall apply for an excavation permit not later than the end of the next

succeeding day during which the City Administrator's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

6-8-28 PRESERVATION OF MONUMENTS. The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Director of Public Works.

6-8-29 ORDINANCE NOT APPLICABLE TO CITY WORK. The provisions of this Ordinance shall not be applicable to any excavation work under the direction of competent City authorities by employees of the City or by any contractor of the City performing work for and in behalf of the City necessitating openings or excavations in streets.

6-8-30 INSURANCE. A permittee, prior to the commencement of excavation work hereunder, shall furnish the satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than \$100,000.00 for any one person and \$300,000.00 for any one accident and property damage insurance of not less than \$100,000.00 duly issued by an insurance company authorized to do business in this State.

6-8-31 LIABILITY OF CITY. This Ordinance shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit or the approval of any excavation work.

6-8-32 PENALTIES. Every person convicted of a violation of any provisions of this Ordinance shall be guilty of a simple misdemeanor.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 9 FIRE LIMITS**

6-9-1	Purpose	6-9-5	Adoption of 2006 IBC Including Appendix D
6-9-2	Fire Limits	6-9-6	Moving Buildings
6-9-3	Certification	6-9-7	Burning of Refuse
6-9-4	Permits and Inspections		

**6-9-1 PURPOSE.** The purpose of this Ordinance is to create and establish a fire limit district for the protection of life, limb, property, health, safety and welfare.

**6-9-2 FIRE LIMITS.** The Fire Limits are established to include all territory within the following described limits: beginning at a point where Park Street in the City of Bellevue intersects the alley East of Third Street, thence South on said alley to the intersection of the said alley and Jefferson Street, thence East on Jefferson Street to the corporate limits, North to Park Street, thence West on Park Street to the place of beginning.

The fire zone limits are illustrated, outlined and designated on a certain plat on file in the office of the City Clerk, being marked and is hereby adopted as the Fire Zoning Map of the City of Bellevue.

**6-9-3 CERTIFICATION.** A copy of this Ordinance and a plat of the fire limits hereby established shall be certified by the City Clerk to the County Recorder for recording as required by State law. The City Clerk is hereby authorized to pay the necessary recording fee.

**6-9-4 PERMITS AND INSPECTIONS.** It shall be unlawful to construct, add to, alter, or to commence the construction, addition or alteration of any structure within the fire limits without first filing with the City Zoning Officer any application in writing and obtaining a formal permit. The City Zoning Officer shall require a plan of the proposed work together with a statement of materials to be used and any necessary computations.

The City Zoning Officer shall inspect all buildings or structures during construction to see that the provisions of the law are met. Whenever, in Zoning Officer's opinion, by reason of work in violation of a provision of this Code the continuance of a building operation is contrary to public welfare, Zoning Officer may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

**6-9-5 ADOPTION OF 2006 IBC INCLUDING APPENDIX D.** A certain document, three copies of which are on file in the office of the City Administrator of Bellevue, Iowa, being marked and designated as the International Building Code, 2006 Edition, including Appendix Chapter D, as published by the International Code Council, be and is hereby adopted to govern the construction of all new buildings or structures, and any additions, alterations or modifications to any existing buildings or structures, within the fire zone limits established in section 6-9-2; and each and all of the regulations, provisions, penalties, conditions and terms of said document on file in the office of the City Administrator of the City of Bellevue, Iowa, are hereby referred to, adopted, and made a part hereof, as if fully set out at

length in this ordinance, except to the extent that any such regulation, provision or penalty is inconsistent with the laws of the State of Iowa.

(Ord. 337, Passed February 20, 2007)

**6-9-6 MOVING BUILDINGS.** No building or structure prohibited by section titled “Construction Restrictions” shall be moved from without to within the fire limits or from one lot to another within the fire limits.

**6-9-7 BURNING OF REFUSE.** It shall be unlawful to allow open burning of any substance in the Fire Limits as specified in Section 2.

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 10 REGULATION OF ELECTRICAL DEVICES**

6-10-1 Purpose

6-10-2 Definitions

6-10-3 Scope of Ordinance

6-10-4 Exceptions

6-10-5 Superintendent of Utilities

6-10-6 Complaints

6-10-1 PURPOSE. The purpose of this Ordinance is to eliminate unreasonable interference by electrical devices with television and radio reception in this City.

6-10-2 DEFINITIONS. For use within this Ordinance, the following are defined:

1. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

2. "Electrical devices" includes all types of electrical appliances, electrical motors, electrical wiring, electrical machines, radio transmitters and radio and television receivers.

3. "Receivers of good engineering design" are radio and television receivers that are free from radiations (oscillations), that are selective enough to separate the stations desired, that are properly shielded and filtered, and that are without design or constructural imperfections.

6-10-3 SCOPE OF ORDINANCE. Operation or use by any person, within the corporate limits of this City, of any electrical device that causes interferences with radio or television reception is prohibited; provided that the radio or television receiver interfered with is of good engineering design, and that the interfering electrical device is capable of interference elimination by reasonable repairs, adjustments or alterations.

6-10-4 EXCEPTIONS. This Ordinance shall not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

6-10-5 SUPERINTENDENT OF UTILITIES. It shall be the duty of the Superintendent of Utilities or authorized representatives to investigate all complaints of interference with radio and television reception, to determine the sources of such interference and inspect all interfering electrical devices. Superintendent shall issue to the owners of electrical devices causing interference a written order requiring such owners to make reasonable repairs, adjustments or alterations necessary to eliminate the complained of interference. If such written orders are not complied with by the owners of interfering electrical devices within seven days of issuance thereof, the failure to comply shall constitute a violation of this Ordinance.

The City Superintendent of Utilities or authorized representatives, in the discharge of their duties under the provisions of this Ordinance, shall have the right of access to any building or premise, at any reasonable time. It shall be unlawful for any person to hinder or interfere with the Superintendent of Utilities or authorized representatives in the discharge of their duties as provided herein.

6-10-6 COMPLAINTS. Complaint of radio and television reception interference shall be made by the owner of such receiver to the Superintendent of Utilities in writing. The complaint shall include the name and address of the complainant, a statement that the owner's receiver is of good engineering design, the nature of interference, a request for inspection by the Superintendent of Utilities and the times when the receiver will be available for inspection.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 11 STREET NAMES**

6-11-1	Change Name to Riverview Street	6-11-6	Naming Ensign Road
6-11-2	Change Name to Pine Drive	6-11-7	Naming the Streets in Gammel's Addition
6-11-3	Naming Riverside Street	6-11-8	Naming Dorchester Street
6-11-4	Changing the Name of Fifth Avenue to Seventh Street	6-11-9	Naming Kieffer Drive
6-11-5	Naming Maple Street	6-11-10	Naming Potter's Drive

**6-11-1 CHANGE NAME TO RIVERVIEW STREET.** The purpose of this Section is to change the name of a platted street as shown on the United States Survey and Official Plat of the City of Bellevue, Iowa, as filed on 23rd day of June, 1923, and recorded in Book "Y" Page 246 of the Official Records of the Recorder's Office of Jackson County, Iowa, from Water Street to Riverview Street.

The platted street designated on the United States Survey and Official Plat of the City of Bellevue, Iowa, which is located and running along the easterly edge of said town from the most northerly limits to the most southerly limits of said town as shown on the plat recorded in the Recorder's Office of Jackson County, Iowa, in Book "Y" Page 246 and shown and named as Water Street be and the same is hereby changed to Riverview Street.

**6-11-2 CHANGE NAME TO PINE DRIVE.** The purpose of this Section is to change the name of a platted alley in Brinker's Second Addition to the Town of Bellevue, Iowa, to "Pine Drive."

The "alley" designated on the official plat of Brinker's Second Addition to the City of Bellevue, Iowa, which is located on said plat between Spring Street and Sylvan Street in said City, be and the same is hereby changed to "Pine Drive."

**6-11-3 NAMING RIVERSIDE STREET.** The purpose of this section is to name the Street in the Platted Riverside Addition of the City of Bellevue, Iowa, "Riverside." The Street designated on the official plat of Riverside Addition of the City of Bellevue, Iowa, which is located East of Riverview Street (Highway 52) and runs parallel to the same, be named "RIVERSIDE." (Ordinance NO. 8)

**6-11-4 CHANGING THE NAME OF FIFTH AVENUE TO SEVENTH STREET.** The purpose of this Section is to change the name of a portion of a platted street presently known as Fifth Avenue in the City of Bellevue, Iowa, to Seventh Street.

The Street, which begins at the corner of Spring and Seventh Streets and runs in a Northerly direction, is hereby changed to Seventh Street.

**6-11-5 NAMING MAPLE STREET.** The purpose of this section is to name the Street in the platted Dunn's Addition of the City of Bellevue, Iowa, "Maple Street." The Street designated on the official plat of Dunn's Addition of the City of Bellevue, Iowa, which is located between North Seventh Street and Broadway Street, be named "Maple Street." (Ordinance NO. 10)

6-11-6 NAMING ENSIGN ROAD. The purpose of this Section is to name the street in the platted Dempewolf Addition of the City of Bellevue, Iowa, "Ensign Road."

The Street designated on the official plat of Dempewolf Addition of the City of Bellevue, Iowa, which is located between Jefferson Avenue and Mulberry Street, and runs parallel to the Industrial Subdivision, be named "Ensign Road."

6-11-7 NAMING THE STREETS IN GAMMEL' S ADDITION. The purpose of this Section is to name the streets in the platted Gammel's Addition of the City of Bellevue, Iowa, as follows:

The Street bordered by lots 12, 13 and 30 of Gammel's Addition on the Easterly side and by lots 11, 14, 29 and 31 of Gammel's Addition on the Westerly side shall be named Ninth Street.

The street bordered by lots 1 A, 10, 15, 28, 32 and 40 of Gammel's Addition on the Easterly side and by lots 19, 16, 27, 33 and 44 of Gammel's Addition on the Westerly side shall be named Tenth Street.

The street bordered by lots 1, 8, 17, 26, 34 and 43 of Gammel's Addition on the Easterly side and by lots 2, 7, 18, 25, 35 and 42 of Gammel's Addition on the Westerly side shall be named Eleventh Street.

The Street bordered by lots 2, 6, 19, 24, 36 and 41 of Gammel's Addition on the Easterly side and 3, 5, 20, 23, 37 and 40 of Gammel's Addition on the Westerly side shall be named Twelfth Street.

6-11-8 NAMING DORCHESTER STREET. The purpose of this section is to name a Street in the Water Lot 6 B in the Town of Bellevue, Iowa, to be used for street purposes is comprised and made up and located as shown on the City plat and is a strip of ground 30 feet wide and extends from the right of way line of the State of Iowa in a northeasterly direction to the easterly end of Water Lot 1 of Lot 6 and by metes and bounds is described as follows: beginning at the Southwest corner of Lot 2 of Lot 7 in the original Town of Bellevue, Iowa, thence northeasterly in a straight line along the southerly line of said Lot 2 of Lot 7, Water Lot 6A, Water Lot 2 of Lot 6 and thru Water Lot 1 of Lot 6 to easterly end of said Water Lot 1 of Lot 6, thence southerly along the easterly line of said Water Lot 1 of Lot 6 to a point, thence southwesterly in a straight line and parallel and 30 feet distance from the aforesaid beginning line and across Water Lot 7, across vacated Front Street, across Lot 1 of Lot 7 and across Lot 8 in the original town of Bellevue, Iowa, thence northwesterly along the easterly right of way line of the State of Iowa to the point of beginning shall be named "DORCHESTER STREET."

6-11-9 NAMING KIEFFER DRIVE. The purpose of this Section is to change the name of the Street commonly referred to as Dutell Lane of the City of Bellevue, Iowa, to "Kieffer Drive." Kieffer Drive shall be the name of the roadway described as follows:

Commencing at the Northeast corner of Section 13, T86N, R4E of the 5th Principal Meridian in Jackson County, Iowa;

Thence S 1 22' W, 1477.3 feet;

Thence N 88 38' W, 369.6 feet to the point of beginning, being the Southwest corner of Lot 1 of Dunn's Addition in Bellevue, Iowa;

Thence N 1 22' E, 264.00 feet;

Thence N 1 22' E, 127.77 feet;

Thence N 88 57' 29" W, 50.00 feet;

Thence S 1 22W, 128.45 feet;  
Thence S 0 49' 55" E. 264.78 feet;  
Thence S 88 25' 45" E, 40.04 feet to the point of beginning;

6-11-10 NAMING POTTER'S DRIVE. Potter's Drive shall be the name of the roadway in the City of Bellevue, Iowa, located between Highway 52 and curving to Elm Street.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 12 VACATED STREETS**

6-12-1	Vacate High Street	6-12-10	Vacate Market Street
6-12-2	Vacate Jefferson Street	6-12-11	Vacate Alley Between High and Mott Streets and Between Highway No. 52 and the C. M., St. P & P Railroad
6-12-3	Vacate Alley	6-12-12	Vacate That Portion of 5th Street Located Between Franklin Street and Park Street
6-12-4	Vacate a Part of Second Street		
6-12-5	Vacate a Part of Market Street		
6-12-6	Vacate a Part of Market Street		
6-12-7	Vacate Market Street		
6-12-8	Vacate Eleventh Street		
6-12-9	Vacate Water Street		

**6-12-1 VACATE HIGH STREET.** The street and portions of the street hereinafter described be vacated; and that the street previously known as High Street and contained within the following described property to-wit:

That portion of High Street that lies South of Lot 36 Foray's Addition to the Town of Bellevue, Iowa, and North of Lot 460 of the Town of Bellevue, Iowa, according to the U.S. Survey thereof being further described as follows:

Commencing at the Southeast corner of Lot 36 Fory's Addition to the Town of Bellevue, Iowa, thence Southerly and as an extension of the East line of said lot to the North line of lot 460 of the Town of Bellevue, Iowa, thence Westerly along the North line of Lot 460 to the Westerly limits of High Street as platted, thence Northerly to a point opposite and Westerly of the Southwest corner of Lot 36 Fory's Addition, thence Easterly to the Southwest corner of Lot 36 Fory's Addition to the Town of Bellevue, Iowa be and same is hereby vacated, provided that the City retains the right to maintain, operate, repair, and replace any poles, pipes, conduits, sewer mains, water mains or any other facility or equipment for the maintenance or operation of any utility now located in the street or portion thereof vacated by this Ordinance.

**6-12-2 VACATE JEFFERSON STREET.** A portion of Jefferson Street more particularly described as follows:

All that portion of Jefferson Street in the Town of Bellevue, Iowa, according to the U.S. Survey and official plat of said town found in Book Y, Page 246 of the records of the Jackson County Recorder; beginning at the Southeasterly corner of Lot Four Hundred Eighty Seven (487); thence Westerly along the Southerly line of said lot to a point 30 feet Easterly of the Southwesterly corner of the Southeasterly quarter of said lot; thence at a right angle Southerly a distance of 60 feet to the Southerly line of Jefferson Street, being also the Northerly line of Lot Four Hundred Eighty Six (486); thence Easterly along the Northerly line of Lot 486 to the Westerly line of Seventh Street; thence Northerly along the Westerly line of Seventh Street a distance of 60 feet to the point of beginning, all being in the City of Bellevue, Jackson County, Iowa, is hereby declared vacated except as provided below.

The City of Bellevue, Iowa, retains a perpetual easement over the above-described property allowing the City to construct, maintain, operate, repair and replace any poles, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility, whether now located on the above-described premises or that is constructed on the above-described premises in the future. This easement shall be binding upon all owners of record of the above-described premises, their heirs and assigns.

6-12-3 VACATE ALLEY. It is to the best interests of the City of Bellevue, Iowa, that the alley and portions of the alley hereinafter described be vacated; and that the alley beginning at the Northwesterly corner of Lot 17 of the original Town of Bellevue:

thence Southeasterly along the Westerly line of Lots 17, 16 & 15 of the original Town of Bellevue, to the Southwesterly corner of Lot 15;

thence at right angles Westerly a distance of 24 feet to the Southeasterly corner of Lot 149 of the original Town of Bellevue;

thence Northwesterly along the Easterly line of lots 149, 148 & 147 of the original Town of Bellevue to the Northeasterly corner of said Lot 147;

thence Northeasterly along the Northerly line extended of said Lot 147 to the point of beginning.

The City Council of the City of Bellevue, Iowa, shall retain a utility easement over the portion of said alley described as follows:

Beginning at the Northeasterly corner of Lot 147 of the original Town of Bellevue:

thence Southeasterly along the Easterly line of Lots 147, 148 & 149 of the original Town of Bellevue to the Southeasterly corner of Lot 149;

thence at a right angle Easterly a distance of 20 feet;

thence Northwesterly running parallel to the Westerly line of Lots 15, 16 and 17 of the original Town of Bellevue to the Southerly line of Elm Street;

thence Southwesterly along the Southerly line of Elm Street to the point of beginning.

Be and the same is hereby vacated, provided that the City shall at all times have the right of free ingress and egress to and from said utility easement to survey, erect, construct, maintain, inspect and repair said utilities, together with the right to replace, relocate and remove all of said installation.

6-12-4 VACATE A PART OF SECOND STREET. A portion of Second Street more particularly described as follows:

A tract of land being a part of Second Street as defined in the Plat of the original Town of Bellevue, Iowa. Said Part of Second Street is also a Parcel in the Southeast Quarter of Section 18, Township 86 North, Range 5 East of the 5th P.M. in Jackson County, Iowa. This Parcel is more particularly described as follows:

Beginning at a Point at the Northeasterly Corner of Lot 152 of the original Town of Bellevue; thence Southeasterly along a 280 foot radius curve concave Northeasterly to a point at the Southwesterly corner of Lot 151 of the original Town of Bellevue; thence Westerly on the South line of the Southeast Quarter of said Section 18, and along the South boundary of the original Town of Bellevue to a point at the Southeast corner of said Lot 152; thence Northwesterly along the Easterly line of said Lot 152 to the point of beginning. Containing 0.1 acres more or less.

6-12-5 VACATE A PART OF MARKET STREET. A portion of Market Street more particularly described as follows:

That portion of Market Street in the City of Bellevue, Jackson County, Iowa, shall be vacated by the City Council. The portion of Market Street shall be more particularly defined as follows:

Beginning at the southwest corner of Lot 12, of Gammel's Addition to the Town of Bellevue, Iowa; thence northeasterly along the southerly line of said Lot 12 to the southeast corner of said Lot 12 and a point on the east line of the southeast quarter of Section 13, township 86 north, range 5 east of the 5 P.M.; thence southerly along the east line of the southeast quarter of said Section 13 to the northeast corner of Lot 13 of said Gammel's Addition; thence southwesterly along the north line of said Lot 13 to the northwest corner of said Lot 13; thence northwesterly 60 feet to the point of beginning.

6-12-6 VACATE A PART OF MARKET STREET. A portion of Market Street more particularly described as follows:

That portion of Market Street in the City of Bellevue, Jackson County, Iowa, shall be vacated by the City Council. The portion of Market Street shall be more particularly defined as follows:

Beginning at the southeast corner of Lot 11 of Gammel's Addition to the Town of Bellevue, Iowa; thence southeasterly 60 feet to the northeast corner of Lot 14 of said Gammel's Addition; thence southwesterly 264 feet more or less along the northerly line of Lots 14 and 16 of Gammel's Addition to the northwest corner of said Lot 15; thence northwesterly 60 feet to the southwest corner of Lot 10 of said Gammel's Addition; thence northeasterly 264 feet more or less along the southerly line of Lots 11 and 10 to the point of beginning, containing 0.4 acres more or less.

6-12-7 VACATE MARKET STREET. A portion of Market Street more particularly described as follows:

Beginning at the Northeast corner of 12th and Market Streets:

Thence North 72 degrees 11 minutes 45 seconds East 248.54 feet along the northerly right-of-way line of Market Street to a point of curvature;

Thence South 32 degrees 16 minutes 15 seconds East 61.97 feet on a chord of a 50-foot radius curve having an arc distance of 66.83 feet to the Southeast corner of Market Street and 11th Street; Thence South 72 degrees 45 minutes 13 seconds West 60.00 feet to the point of beginning.

6-12-8 VACATE ELEVENTH STREET. A portion of Eleventh Street more particularly described as follows:

Beginning at the Southeast Corner of Park Street and 11th Street:

Thence South 17 degrees 46 minutes 55 seconds East 244.23 feet along the easterly right-of-way of 11th Street to a point of curvature;

Thence South 72 degrees 05 minutes 21 seconds West 60.23 feet along a chord of a 50.00 foot radius curve having an arc distance of 64.64 feet;

Thence North 17 degrees 21 minutes 01 seconds West 100.12 feet along the westerly right-of-way line of 11th Street;

Thence North 18 degrees 02 minutes 00 seconds West 144.46 feet along the westerly right-of-way line of 11th Street to the southerly right-of-way line of Park Street;

Thence North 72 degrees 25 minutes 00 seconds East 60.10 feet along said right-of-way to the point of beginning.

6-12-9 VACATE WATER STREET. A portion of Water Street more particularly described as follows:

A parcel of land 60 feet wide and 66 feet long, being a portion of Water Street in the original Town of Bellevue, Iowa, and being more particularly described as follows:

Bounded on the east by the west line of Water Lot 1; bounded on the north by the westerly extension of the north line of said Water Lot 1; bounded on the west by the east line of Lot 1; and bounded on the south by the extended north right-of-way line of Spruce Street (40-feet wide).

Containing 3960 square feet, more or less.

6-12-10 VACATE MARKET STREET. A portion of Market Street more particularly described as follows:

A parcel of land 60 feet in width and 77 feet in depth, being a part of Market in the City of Bellevue, Iowa, described as follows:

Beginning at the Northeast corner of Market Street and Riverview (Water) Street being the southwest corner of Water Lot 54;

Thence East 77 feet; Thence South 60 feet;

Thence West 77 feet to the Northwest corner of Water Lot 53; Thence North 60 feet to the point of beginning.

6-12-11 VACATE ALLEY BETWEEN HIGH AND MOTT STREETS AND BETWEEN HIGH-WAY NO. 52 AND THE C.M., ST. P RAILROAD. The following portions of the alley are hereby declared vacated.

Parcel "A" – Schladetzky

Commencing at the northwest corner of Lot 2 of Howey—Bellevue Place in the City of Bellevue, Iowa; Thence North 22 degrees 30 minutes 00 seconds West, 833.21 feet to the point of beginning;

Thence North 22 degrees 30 minutes 00 seconds West, 142.00 feet to the southerly line of Mott Street; Thence South 67 degrees 04 minutes 30 seconds West, 24.00 feet along said street line;

Thence South 22 degrees 30 minutes 00 seconds East, 142.00 feet;

Thence North 67 degrees 04 minutes 30 seconds East, 24.00 feet to the point of beginning and being a part of Lot 2 of Willard Felderman Place in the City of Bellevue, Iowa;

Parcel "B" – Felderman

Commencing at the northwest corner of Lot 2 of Howey—Bellevue Place in the City of Bellevue, Iowa; Thence North 22 degrees 30 minutes 00 seconds West, 691.21 feet to the point of beginning;

Thence North 22 degrees 30 minutes 00 seconds West, 142.00 feet;

Thence South 67 degrees 04 minutes 30 seconds West, 24.00 feet;

Thence South 22 degrees 30 minutes 00 seconds East, 142.00 feet;

Thence North 67 degrees 04 minutes 30 seconds East, 24.00 feet to the point of beginning and being a part of Lot 1 of Willard Felderman Place in the City of Bellevue;

Parcel "C" – Jackson

Beginning at the northwest corner of Lot 2 of Howey—Bellevue Place in the City of Bellevue, Iowa; Thence North 22 degrees 30 minutes 00 seconds West, 691.21 feet; Thence South 67 degrees 04 minutes 30 seconds West, 24.00 feet;

Thence South 22 degrees 30 minutes 00 seconds East, 691.11 feet;

Thence North 67 degrees 18 minutes 25 seconds East, 24.00 feet to the point of beginning; Parcel "D" - City of Bellevue

Beginning at the northwest corner of Howey—Bellevue Place in the City of Bellevue, Iowa;

Thence South 22 degrees 53 minutes 10 seconds East, 268.25 feet to the northerly line of High Street; Thence South 89 degrees 09 minutes 25 seconds West, 25.89 feet along said street line;

Thence North 22 degrees 53 minutes 10 seconds West, 258.61 feet;

Thence North 67 degrees 18 minutes 25 seconds East, 24.00 feet to the point of beginning; the plat of which is attached hereto and made a part of this certificate.

6-12-12 The City Council of the City of Bellevue, Iowa finds that the portion of the public street and right-of-way dedicated as 5<sup>th</sup> Street as it is presently located between Franklin Street and Park Street in the City of Bellevue, Iowa is not necessary for public use and convenience nor is it sufficiently traveled to justify continued maintenance at public expense.

The City Council of the City of Bellevue, Iowa hereby vacates that portion of public street and right-of-way in the city of Bellevue, Iowa, described as follows:

Commencing at the Southeast corner of Lot 451 in the Town of Bellevue, Jackson County, Iowa; thence North 18 degrees 58 minutes 35 seconds West, a distance of 266.89 feet; thence North 70 degrees 38 minutes 45 seconds East, a distance of 60 feet; thence South 18 degrees 58 minutes 35 seconds East, a distance of 266.93 feet; thence South 70 degrees 41 minutes 10 seconds West, a distance of 60 feet to the point of beginning.

(Ord. 400, Passed July 21, 2014)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 13 TREE BOARD AND REGULATIONS**

6-13-1 Definition  
6-13-2 Tree Board  
6-13-3 Duties  
6-13-4 Variances  
6-13-5 Operation

6-13-6 Appeals  
6-13-7 Regulation of Street Trees  
6-13-8 Public Tree Care  
6-13-9 Private Tree Maintenance  
6-13-10 Penalty

#### **6-13-1 DEFINITIONS.**

1. “Street trees” are defined as trees, shrubs, bushes and all other woody vegetation on land lying outside the lot and property lines and inside the curb lines upon the public streets within the City. This includes boulevards.

2. “Park trees” are defined as trees, shrubs, bushes and all other woody vegetation located within public parks owned by the City.

3. “Topping” is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

**6-13-2 TREE BOARD.** There is hereby created and established a tree board for the City of Bellevue, Iowa, which shall consist of five (5) members. Members shall be citizens and residents of this City, appointed by the Mayor with approval of the City Council. Members of the board shall serve without compensation. The term of the tree board shall be three years, except that the term of two members to the first board shall be only one year and the term for two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

**6-13-3 DUTIES.** It shall be the responsibility of the tree board to study, investigate, counsel and develop and/or update as needed a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas. Such plan shall be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive City tree plan for the City of Bellevue, Iowa. The tree board, when requested by the City, shall consider, investigate and make recommendations upon any special matter or question coming within the scope of its work. The tree board shall act in an advisory capacity only and the City Council shall have no obligation to consult with the tree board or follow its recommendations.

**6-13-4 VARIANCES.** The tree board may grant variances from the requirements of section 6-13-7 of this Ordinance by majority vote, except that the requirements of section 6-13-7(1) shall not be waived or varied. In addition, variances may be granted by the Street Superintendent, Park Superintendent, Electric Superintendent, or City Administrator.

6-13-5 OPERATION. The tree board shall choose its own officers and shall keep minutes of its proceedings. A majority of the members present shall be a quorum for the transactions of business.

6-13-6 APPEALS. Any person aggrieved by any decision of the tree board may appeal to the City Council. Such an appeal must be in writing and must be filed with the City Administrator within ten (10) days of the decision of the tree board which is appealed from. Failure to file an appeal as set forth above shall be a waiver of the right to appeal. Upon receipt of a timely appeal, the City Council shall hold a hearing at which time any interested party shall be allowed to address the City Council. A simple majority of the City Council may uphold or overrule any decision made the tree board. The City Council's decision shall be final.

#### 6-13-7 REGULATION OF STREET TREES.

1. A permit to plant a street tree is required. Permits will be issued by a member of the tree board following a personal inspection of the site. Permits shall be displayed by ten (10) days after planting. Planters must make an Iowa-1 Call prior to the inspection to insure that all utility locations are marked prior to inspection.

2. The tree board member shall only approve the planting of a street tree from an approved list at City Hall. No other variety of tree shall be planted other than a tree from the approved list. Notwithstanding the foregoing, no street tree shall be planted along Riverview Street (Hwy 52) and State Street (Hwy 62).

3. The spacing of street trees shall be in accordance with species size classes listed at City Hall. No trees shall be planted closer together than the following: small trees — 30 feet; medium trees — 40 feet. Special plantings designed or approved by a landscape architect are exempt from these spacing requirements.

4. No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet from any fire hydrant.

5. No street trees shall be planted within five (5) lateral feet of any underground water line, sewer line, transmission line or other underground utility. No street trees other than small trees as listed in City Hall shall be planted under or within ten (10) feet of any overhead utility wire or cable.

6. The City and Bellevue Municipal Utilities shall have the right to plant, prune, maintain and remove street trees as may be necessary to insure public safety.

7. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be clear space of eight (8) feet above the surface of the street or sidewalk. A property owner shall not be required to remove diseased street trees or dead wood on street trees.

8. If an abutting property owner requests a street tree be removed due to the tree being a hazard to sightlines or similar safety issue, or if a sidewalk becomes disturbed due to the root system of a tree, and if the City or Bellevue Municipal Utilities concurs with the concerns of the abutting

property owner, but the tree is not dead or diseased, then the City or Bellevue Municipal Utilities will remove such tree at the City's expense. However, the property owner will be required to remove the stump at the property owner's expense. The property owner shall be permitted one year from the time the tree is removed to remove the stump and will acknowledge said responsibility, prior to the removal of said tree by signing a written Tree Stump Agreement. If the stump is not removed, then the City reserves the right to have the stump removed and the expense applied to the property owner's utility bill for repayment, which will be acknowledged and outlined in the signed agreement that such property owner will sign before the tree is taken down. In the alternative, the City may lien the cost against the abutting owner's property.

(Ord. 458, Passed May 17, 2021)

#### 6-13-8 PUBLIC TREE CARE.

1. The City and Bellevue Municipal Utilities shall retain the right to plant, prune, maintain and remove park trees as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds. Nothing in this Ordinance shall be construed to deprive the City or Bellevue Municipal Utilities of this power and authority.

2. It shall be unlawful as a normal practice for any person or firm to top or chemically treat any street tree, park tree or other tree on public property without prior approval from the City or BMU. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are exempted from this Ordinance. Tree trimming and topping conducted by employees of this City, the Park Superintendent, or Bellevue Municipal Utilities shall be exempt from this section. The City is not responsible for trimming public trees that are obstructing a person's property. Such person may trim the public tree at their expense but must first obtain prior approval from the City or BMU.

(Amended during 2019 codification)

#### 6-13-9 PRIVATE TREE MAINTENANCE.

1. It shall be unlawful as a normal practice for any person or firm to top and street tree, park tree or other tree on public property without prior approval from the City or Bellevue Municipal Utilities. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are exempted from this Ordinance. Tree trimming and topping conducted by employees of the City or Bellevue Municipal Utilities shall be exempt from this section. The City is not responsible for trimming public trees that are obstructing a person's property. Such person may trim the public tree at their own expense but must obtain prior approval from the City or Bellevue Municipal Utilities.

2. The City shall have the right to cause the removal of any dead or diseased tree(s) on private property within the City when such tree(s) constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees or property within the City. The City shall notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such tree(s) and receive full reimbursement from the property owner or charge such expense on the owner's property tax notice.

(Ord. 235, Passed March 15, 1999)

(Ord. 448, Passed October 7, 2019)

6-13-10 PENALTY. Any person violating this Ordinance shall be guilty of a simple misdemeanor. In the alternative, any violation may be prosecuted as a municipal infraction.

(Ord. 235, Passed March 15, 1999)

## TITLE VI PHYSICAL ENVIRONMENT

### CHAPTER 14 STREET GRADES AND SIDEWALK GRADES

STREET GRADES			
6-14-1	Set Grade For Twelfth Street	6-14-7	North Riverview Drive-State St. to Market St.
6-14-2	Set Grade for Park Street	6-14-8	North Riverview-Market St. to Park St.
6-14-3	Set Grade for Kieffer Drive	6-14-9	Court St.-South Side
SIDEWALK GRADES		6-14-10	Court St.-North Side
6-14-4	North Riverview Dr.-East Side	6-14-11	State St.-South Side
6-14-5	South Riverview Dr.-Jefferson St. to State St.	6-14-12	State St.-North Side
6-14-6	South Riverview Drive-Court St. to State St.	6-14-13	Market St.-South Side
		6-14-14	Market St.-North Side
		6-14-15	Benchmarks
		6-14-16	Grades Hereby Established

#### STREET GRADES

6-14-1 SET GRADE FOR TWELFTH STREET. The grades of Twelfth Street are as shown on plans prepared by Shive-Hattery & Associates, Drawings No. 080149-10 and 080149-11 which are now on file in the office of the City Clerk.

Bench Mark: Elevation 642.64, etched square in Southeast corner of concrete base for light in Medical Associates Clinic parking lot.

Beginning on the easterly curb line of Twelfth Street at elevation 635.33 and Station 7 + 30 being the end of radius (E.O.R.) of a 20' radius approach to the northerly curb of State Street (Iowa Highway 62); thence northerly on the easterly curb of Twelfth Street to vertical point of intersection (V.P.I.) elevation 636.50 at Station 7 + 00, vertical curb length 60 feet, middle ordinate 0.22 feet; thence northerly on the easterly curb to elevation 642.60 at E.O.R. Station 1 + 34.5.

Beginning on the westerly curb line of Twelfth Street at elevation 635.58 at Station 7 + 30 being the E.O.R. of a 20' radius approach to the northerly curb of State Street (Iowa Highway 62); thence northerly on the westerly curb of Twelfth Street to V.P.I. elevation 636.50 at Station 7 + 00, vertical curve length 60', middle ordinate 0.16 feet; thence northerly on the westerly curb of Twelfth Street to elevation 642.10 at E.O.R. Station 1 + 40.0.

Beginning at the E.O.R. for both curbs on Twelfth Street, northerly of Park Street, at Station 1 + 40 and elevation 642.17; thence northerly on both curbs to elevation 641.56 at station 1 + 90; thence northerly on both curbs to elevation 643.62 at Station 5 + 00 and to the northerly end of the curb improvements for Twelfth Street. 6-14-2 SET GRADE FOR PARK STREET. The grades of Park Street are as shown on plans prepared by Shive-Hattery & Associates, Drawing No. 080149-9 which is now on file in the Office of the City Clerk.

Bench Mark: Elevation 642.64, etched square in Southeast corner of concrete base for light in Medical Associates Clinic parking lot.

Beginning at the end of radius (E.O.R.) for both curbs on Park Street easterly of Twelfth Street, at Station 1 + 38 and elevation 642.50; thence easterly on both curbs to elevation 640.53 at V.P.I. Station 3 + 35, vertical curve length 180 feet, middle ordinate 2.02 feet; thence easterly on both curbs to elevation 621.53 at V.P.I. Station 5 + 25, vertical curve length 200 feet, middle ordinate 2.25 feet; thence easterly on both curbs through a vertical curve to elevation 620.53 at Station 6 + 25 and to the end of the improvements controlled by this Ordinance.

6-14-3 SET ASIDE FOR KIEFFER DRIVE. The horizontal and vertical alignment is hereby established to follow the described lines:

VERTICAL POSITION: Beginning at an end of radius (E.O.R.) at station 0 + 31 near the intersection of Dunn Street which top of curb elevation is 643.47; thence Northerly at a slope of 0.75% to station 3 + 50 which top of curb elevation shall be 645.88; thence Northerly at a slope of 2.25% to station 4 + 91 (West E.O.R.) at elevation 649.05; thence continuing Northerly at a slope of 2.25% to station 5 + 57 (East E.O.R.) at elevation 650.54 and to the end of the improvement.

A bench mark shall be the top of curb at station 0 + 31 of Kieffer Drive at elevation 643.47.

This Ordinance shall further relate to the proposed position of the 48" diameter concrete reinforced pipe storm sewer in Kieffer Drive, which pipe will be set as follows:

VERTICAL POSITION: Beginning at station 0 + 27 at a manhole on the 48" storm sewer with a flowline elevation at 637.9; thence Northerly 448 feet at a grade of 0.90% to a proposed manhole at flowline elevation 641.94; thence Northwesterly 94 feet more or less to a proposed manhole at a Southerly end of an existing 48" corrugated metal pipe at flowline elevation 645.36.

HORIZONTAL POSITION as shown on the plan prepared by Stephen Harmon and Warner Wright for Mary Kieffer titled "Street Grade Deutel (sic) Lane" revised dated 5/17/84, which plan is on file at the Office of the City Clerk.

#### SIDEWALK GRADES

#### 6-14-4 NORTH RIVERVIEW DR.-EAST SIDE

100+00 619.40	101+50 620.70
100+25 620.00	101+75 620.91
100+50 620.09	102+00 621.08
100+75 620.27	102+25 620.46
101+00 620.28	102+50 620.43
101+25 620.31	102+75 620.40

#### 6-14-5 SOUTH RIVERVIEW DR.-JEFFERSON ST. TO STATE ST.

200+50 622.45	201+75 621.99
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200+75 622.20	202+00 622.51
201+00 622.16	202+25 622.54
201+25 622.08	202+50 622.57
201+50 622.00	202+75 622.06

#### 6-14-6 SOUTH RIVERVIEW DR.-COURT ST. TO STATE ST.

203+50 621.33	205+00 621.55
203+75 621.66	205+25 621.00
204+00 621.44	205+50 621.02
204+25 621.36	205+75 620.84
204+50 621.40	206+00 621.12
204+75 621.65	

#### 6-14-7 NORTH RIVERVIEW DR.-STATE ST. TO MARKET ST.

207+00 620.74	208+25 621.52
207+25 620.84	208+50 621.30
207+50 620.95	208+75 621.47
207+75 621.73	209+00 621.70
208+00 621.15	209+25 621.68

#### 6-14-8 NORTH RIVERVIEW DR.-MARKET ST. TO PARK ST

210+25 621.10	211+50 620.00
210+50 620.54	211+75 619.83
210+75 620.47	212+00 619.64
211+00 620.17	212+25 619.50
211+25 620.13	212+50 619.37

#### 6-14-9 COURT ST.-SOUTH SIDE

10+25	621.63	11+00	620.34
10+50	621.53	11+25	619.71
10+75	621.15		

#### 6-14-9 COURT ST.-NORTH SIDE

20+50	623.48	21+00	622.03
20+75	623.34	21+25	621.04

#### 6-14-10 STATE ST.-NORTH SIDE

40+50	619.92	41+00	619.67
40+75	619.76	41+25	619.89

#### 6-14-11 MARKET ST.-SOUTH SIDE

50+25	620.51	51+00	620.04
50+50	620.04	51+25	620.56
50+75	619.56		

6-14-11 MARKET ST.-NORTH SIDE

60+25	618.80	60+75	620.87
60+50	620.22	61+00	620.10

6-14-12 BENCHMARKS. Benchmarks used are as follows:

Cut "X" on Northwest corner of Court Street and  
alley 6' off back of curb in middle of return      Elevation      618.73

Mag nail in A/C lot at SW Corner of Subway  
East side Riverview      Elevation      620.44

Mag nail Northwest corner Court St./Hwy. 52      Elevation      620.85

All benchmarks are referenced from USGS datam.

6-14-13 GRADES HEREBY ESTABLISHED. Grades hereby established are in conformity with  
the assessment plat on the Walkways for Life Sidewalk 2008 Project as submitted and on file with the  
City Clerk of the city of Bellevue.

(Ordinance 353, Passed October 15, 2008)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 15 SNOW REMOVAL PLAN**

6-15-1 Purpose  
6-15-2 City Equipment  
6-15-3 City Manpower  
6-15-4 Stand by Manpower

6-15-5 Snow Removal Priorities  
6-15-6 Snow Storage/Disposal Area  
6-15-7 Guidelines

**6-15-1 PURPOSE.** The severity of each snowstorm depends upon the amount of snow, the type of snow, wind and temperature. It is difficult to write a set of guidelines that would apply to every snowfall. So, it is necessary that some discretion be given to the Director of Public Works so that adjustments can be implemented. It shall be the responsibility of the Mayor to declare a snow emergency.

**6-15-2 CITY EQUIPMENT.** A list of City equipment for snow removal will be kept in the City Administrator's office.

**6-15-3 CITY MANPOWER.**

Street Superintendent  
Street Laborer(s)

**6-15-4 STAND BY MANPOWER.**

Sanitation Driver  
Sanitation Collector(s) Wastewater Operator

**6-15-5 SNOW REMOVAL PRIORITIES.**

1. Emergency Vehicle Access
2. Central Business District
3. Residential Streets
4. City Parking Areas
5. Alleys

**6-15-6 SNOW STORAGE/DISPOSAL AREA.** The primary snow storage areas include the Municipal Parking Lot, Felderman Park, and/or to the south of the Wastewater Treatment Plant.

(Amended during 2019 codification)

**6-15-7 GUIDELINES.**

1. Snow removal operations will commence upon the accumulation of two (2) inches or more of snow, or upon any accumulation of ice.
2. The Police Department will monitor the weather forecast and is authorized to notify the Director of Public Works of the need to begin snow removal operations.
3. In consideration of the fact it takes approximately one day to clear all City streets, it is not necessary to designate snow routes. However, in the case of extremely heavy snowfall, a greater priority will be given to through streets.
4. Snowplow trucks will concentrate on pushing snow to the curb, especially the side designated as no parking as per odd/even parking regulations for snow emergencies.
5. Early in the morning, such as 4:00 a.m., the central business district and emergency vehicle access will be cleaned. When snow accumulates to a depth of approximately 18 inches along the curb in the business district, it will be loaded into trucks and hauled to the storage area.
6. Operations will continue by plowing residential streets and clearing intersections during the daytime hours.
7. Exceptions to removal operations:
  - a. Unique weather conditions may make it necessary to begin snow removal operations before the accumulation of two (2) inches of snow. For example, excessive wind speeds causing blowing and drifting, ice storms, freezing rain and sleet, etc.
  - b. Equipment failures and availability of personnel may interfere with removal operations. When such a condition exists, the removal operations will begin as soon as reasonably possible.
  - c. This policy can be superseded by a joint decision between the Mayor, Chairperson of the Public Works Committee and Street Superintendent.
8. When icy or snow packed conditions exist, a mixture of sand and salt will be applied to Second Street, all intersections, streets with a steep grade and any other hazardous streets.
9. When snow accumulates to a depth of four (4) feet or more along the curb (edge of roadway) and it impedes traffic, the snow will be removed and hauled to a disposal area.
10. All City alleys will be plowed after the streets have been cleared.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 16 DRAINAGE SWALES**

#### **6-16-1 Seventh-Eighth Street Swale**

6-16-1 SEVENTH-EIGHTH STREET SWALE. That a grade and horizontal alignment is hereby established and adopted for a drainage swale between Seventh Street and Eighth Street with the upstream and near the intersection of the extension of Market Street and the westerly line of the southwest quarter of Section 1 8-T86N-R5E of the 5th Principal Meridian, and the downstream end approximately 1,370 feet southerly therefrom.

The general horizontal location is referenced on an Exhibit A dated February 23, 1982 and the vertical location is established from the following bench marks:

1. The swale flowline shall be at the upstream elevation of 61 1.40 of the north end of an existing box culvert under Highway 62 (State Street) and proceed northerly at 0.45%.
2. The swale flowline shall be at the downstream elevation of 61 0.76 of the south end of an existing box culvert under Highway 62 (State Street) and continue southerly at 0.45%.

No changes shall be made to the alignment either horizontally or vertically of this swale unless first approved by the City Council of Bellevue, Iowa.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 17 FLOOD PLAIN MANAGEMENT ORDINANCE**

6-17-1	Definitions	6-17-5	Flood Plain Management Standards
6-17-2	Statutory Authority, Findings of Fact and Purpose	6-17-6	Variance Procedures
6-17-3	General Provisions	6-17-7	Nonconforming Uses
6-17-4	Administration	6-17-8	Penalties for Violation
		6-17-9	Amendments

**6-17-1 DEFINITIONS.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. **APPURTENANT STRUCTURE** - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. **BASE FLOOD** -The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the "100-year flood").

3. **BASE FLOOD ELEVATION (BFE)** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. **BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

5. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. **ENCLOSED AREA BELOW LOWEST FLOOR** - The floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of (6-17-5(1)(D)(l) of this Ordinance, and

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

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

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

7. EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

8. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

9. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. FACTORY-BUILT HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

12. FIVE HUNDRED (500) YEAR FLOOD - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. FLOOD INSURANCE STUDY (FIS) - A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

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

17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. FLOOD WAY - 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 flood way area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. FLOOD WAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.

21. HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. HISTORIC STRUCTURE - Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

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

23. LOWEST FLOOR- The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

24. MAXIMUM DAMAGE POTENTIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage

facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

26. NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES - Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. SPECIAL FLOOD HAZARD AREA (SFHA) - The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

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

32. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

33. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.)

34. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

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

## 6-17-2 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

### 2. Findings of Fact

a. The flood hazard areas of the City of Bellevue are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

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

c. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources (DNR).

3. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Bellevue 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 6-17-2 (2)(a) of this Ordinance with provisions designed to:

a. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

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

- c. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- d. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- e. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### 6-17-3 GENERAL PROVISIONS.

1. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Jackson County and Incorporated Areas, City of Bellevue, Panels 19097C0189E, 0193E, 0200E, dated January 28, 2022, which were prepared as part of the Jackson County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Flood Insurance Study for Jackson County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the City Administrator shall make the necessary interpretation. The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Administrator in the enforcement or administration of this Ordinance.

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

4. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Bellevue or any officer or employee thereof

for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

7. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### 6-17-4 ADMINISTRATION.

##### 1. Appointment, Duties and Responsibilities of Local Official.

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

b. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

(6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

(7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustments of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

A. Development placed within the floodway results in any of the following:

i. An increase in the Base Flood Elevations, or

ii. Alteration to the floodway boundary

B. Development placed in Zones A, AE, AH, and Al-30 that does not include a designated flood way that will cause a rise of more than one foot in the base elevation; or

C. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this Ordinance.

(11) Forward all requests for Variances to the Board of Adjustments for consideration, Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustments.

## 2. Floodplain Development Permit.

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

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

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Location and dimensions of all structures and additions.

(4) Indication of the use or occupancy for which the proposed work is intended.

(5) Elevation of the base flood.

(6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

(7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

(9) Other permits required, DNR, Corps of Engineers, etc.

c. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustments.

d. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

#### 6-17-5 FLOODPLAIN MANAGEMENT STANDARDS.

1. General Floodplain Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the flood way or floodway fringe and (ii) the base flood elevation. Until a regulatory flood way is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

a. All development within the special flood hazard areas shall:

(1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

b. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 5 67-7 5 .2 (3), Iowa Administrative Code.

c. 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 flood proofed 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.

d. All new and substantially improved structures:

(1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

A. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.)

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

C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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

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

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally flood proofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

e. Factory-built homes:

(1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

f. Utility and Sanitary Systems:

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

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-

site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

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

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

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

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

j. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.

k. Accessory Structures to Residential Uses

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

A. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

B. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

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

D. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

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

F. The structure's walls shall include openings that satisfy the provisions of (6-17-5(l)(d)(l) of this Ordinance.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

1. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of 6-17-5 (1)(e)(1) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

A. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

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

(2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 6-17-5 (1)(e)(1) of this Ordinance regarding anchoring and elevation of factory-built homes.

m. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

n. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

2. Special Floodway Provisions. In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

a. No development shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

b. All development within the floodway shall:

- (1) Be consistent with the need to minimize flood damage.
- (2) Use construction methods and practices that will minimize flood damage.
- (3) Use construction materials and utility equipment that are resistant to flood damage.

c. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

d. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

e. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

g. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

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

i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

#### 6-17-6 VARIANCE PROCEDURES.

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

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

e. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Factors Upon Which the Decision of the Board of Adjustments Shall be Based – In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

#### 6-17-7 NONCONFORMING USES.

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

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

c. 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.

2. Except as provided in (6-17-7 (1)(b), any use which has been permitted as a Variance shall be considered a conforming use.

6-17-8 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 Bellevue from taking such other lawful action as is necessary to prevent or remedy violation.

(Amended during 2024 codification)

6-17-9 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.

(Ord. 373, Passed November 3, 2010)

(Ord. 463, October 18, 2021)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 18 SIDEWALKS**

6-18-1	Duty of Abutting Owner to Remove	6-18-6	Duty to Replace Sidewalk
6-18-2	Removal By City Upon Owner's Failure to Remove; Assessment of Costs	6-18-7	Notice to Owner to Repair or Reconstruct
6-18-3	Collection of Costs by City	6-18-8	Collection of Costs of Repair by City
6-18-4	Liability of Owner for Failure to Remove	6-18-9	Installments
6-18-5	Duty of Owner to Repair; Liability for Failure to Repair	6-18-10	Duty to Construct Sidewalks

**6-18-1 DUTY OF ABUTTING OWNER TO REMOVE.** The owner of any lot or parcel thereof abutting upon any sidewalk on the city streets in the City shall promptly remove, or cause to be removed, accumulations of snow, ice or slush from such sidewalks.

**6-18-2 REMOVAL BY CITY UPON OWNER'S FAILURE TO REMOVE; ASSESSMENT OF COSTS.** In the event accumulations as described in Section 6-18-1 are permitted to remain on sidewalks for more than a reasonable length of time, then the City Administrator, when the City Administrator deems it necessary in the interests of public safety, shall cause the same to be removed, and the cost of such removal shall be assessed against the abutting property in the manner set forth in Section 6-18-3.

**6-18-3 COLLECTION OF COSTS BY CITY.** When the City Administrator, pursuant to Section 6-18-2, has caused accumulations of snow, ice or slush to be removed from any sidewalk, the City Administrator shall promptly ascertain the actual cost thereof, including the cost of supervision, inspection and accounting, and shall certify such actual cost to the County Treasurer, and it shall then be collected with and in the same manner as general property taxes in accordance with the provisions of law.

**6-18-4 LIABILITY OF OWNER FOR FAILURE TO REMOVE.** The owner of any lot or parcel who fails to promptly remove, or cause to be removed, accumulations of snow, ice or slush from sidewalks as required by Section 6-18-1 shall be liable to any person injured as a result of such failure to remove, and shall further save, defend, indemnify and hold harmless the City of Bellevue from and against any claim arising out of the failure to remove accumulations of snow, ice or slush from said sidewalk.

**6-18-5 DUTY OF OWNER TO REPAIR; LIABILITY FOR FAILURE TO REPAIR.** The owner of any lot or parcel thereof abutting upon any sidewalk on the City streets in the City shall maintain said sidewalk in a state of good repair, free from cracks, holes and unevenness so that the sidewalk does not constitute a safety hazard, and such state of disrepair is hereby declared a public nuisance. The owner of any lot or parcel who fails to so maintain said sidewalk shall be liable to any person injured as a result of such failure to maintain said sidewalk and shall further save, defend, indemnify and hold

harmless the City of Bellevue from and against any claim arising out of the failure to maintain said sidewalk.

**6-18-6 DUTY TO REPLACE SIDEWALK.** The owner of any lot or parcel thereof abutting upon any sidewalk on the City streets in the City shall cause to be replaced any such sidewalk removed by the owner or owner's agent or employee. Any sidewalk so replaced shall connect to the adjoining, existing sidewalk which was not replaced and shall be built to specifications adopted by the City Council by resolution.

**6-18-7 NOTICE TO OWNER TO REPAIR OR RECONSTRUCT.** Whenever the City Administrator shall, upon complaint, determine that the state of disrepair of any sidewalk as described in Section 6-18-5 exists, or that there has been a failure to replace sidewalk that was removed as required by Section 6-18-6, the City Administrator shall serve notice by certified mail on the abutting property owner, as shown by the records of the County Auditor, requiring the abutting property owner to repair, replace or reconstruct the sidewalk.

**6-18-8 COLLECTION OF COSTS OF REPAIR BY CITY.** If the abutting property owner who has been notified pursuant to Section 6-18-7 to repair, replace, or reconstruct the sidewalk, shall fail to repair, replace or reconstruct such sidewalk within thirty (30) days after the mailing of such notice, the City Administrator may cause the required action to be performed and assess the costs against the abutting property for collection in the same manner as a property tax.

**6-18-9 INSTALLMENTS.** If the amount assessed against property under Section 6-18-7 exceeds one hundred dollars (\$100.00), the assessment may be paid in five (5) annual installments.

**6-18-10 DUTY TO CONSTRUCT SIDEWALKS.**

1. Whenever any owner of a platted lot within the city constructs a new home on the lot and no sidewalk exists, said property owner shall construct a new sidewalk on the lot. Permanent electric service will not be supplied until the sidewalk is completed. Any sidewalk so constructed shall connect to the adjoining, existing sidewalk and shall be built to specifications adopted by the city council by resolution. If there are no adjoining sidewalks, the new sidewalk shall be constructed from lot boundary to lot boundary in a location to be directed by the city.

(Ord. 414, Passed October 17, 2016)

2. When a property owner fails to construct a sidewalk as required by this Ordinance, the City Administrator shall serve notice by certified mail on the property owner, as shown by the records of the County Auditor, requiring the property owner to construct a sidewalk. If the property owner who has been notified to construct a sidewalk fails to do so within thirty (30) days after the mailing of such notice, the City Administrator may cause the required action to be performed and assess the costs against the property owner for collection in the same manner as a property tax. If the amount assessed exceeds \$500.00, the assessment may be paid in five (5) annual installments.

(Ord. 234, Passed January 18, 1999)  
(Amended during 2019 codification)

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 19 GROUND FLOOR DWELLINGS**

**6-19-1 Definitions**

**6-19-2 Ground Floor Dwellings Prohibited**

**6-19-1 DEFINITIONS.** For use within this Chapter, the following terms shall have the meanings set forth herein:

1. “Dwelling” shall be defined as a building or portion of a building which is arranged, occupied or intended to be occupied for residential purposes.
2. “Ground floor dwelling” shall be defined as any dwelling located at street level or on the first floor of a commercial building.
3. “Commercial building” shall be defined as a building utilized for retail sale of goods or other business purposes on the effective date of this Ordinance.
4. “Business district” shall be defined as follows:

West Side of Riverview Street from Court Street to Market Street; and The North and South sides of State Street from Riverview Street to Second Street.

(Ord. 294, Passed March 15, 2004)

**6-19-2 GROUND FLOOR DWELLINGS PROHIBITED.** It shall be unlawful to construct, rent, lease or occupy a ground floor dwelling in a commercial building within the business district, and ground floor dwellings in commercial buildings are prohibited within the business district.

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 20 TAX INCREMENT FINANCING**

6-20-1	Purpose	Levied on Taxable Property in the
6-20-2	Definitions	Urban Renewal Areas Amendments
6-20-3	Provisions For Division of Taxes	6-20-10 Purpose
	Levied on Taxable Property in the	6-20-11 Definitions
	Urban Renewal Areas	6-20-12 Provisions for Division of Taxes
6-20-4	Purpose	Levied on Taxable Property in the
6-20-5	Definitions	2019 Amendment Area.
6-20-6	Provisions For Division of Taxes	6-20-13
	Levied on Taxable Property in the	6-20-14
	Urban Renewal Areas	6-20-15
6-20-7	Purpose	
6-20-8	Definitions	
6-20-9	Provisions For Division of Taxes	

6-20-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Bellevue, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of an interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Bellevue to finance projects in such areas.

6-20-2 DEFINITIONS. For use within this Ordinance, the following terms shall have the following meanings:

“City” shall mean the City of Bellevue, Iowa.

“County” shall mean the County of Jackson, Iowa.

“Urban Renewal Area” shall mean the “Bellevue Economic Development District”, the boundary of which is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on April 14, 1997.

**BELLEVUE BETA INDUSTRIAL PARK**

A tract of land located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 86 North, Range 4 East of the 5th Principal Meridian, Jackson County, Iowa, and in the Southwest Quarter of the Southeast Quarter of said Section 13, commencing at a Concrete Monument at the South Quarter Corner of said Section 13, thence North 410.26 feet along the north-south Quarter Section line of said Section 13 to the point of beginning of the tract of land herein being described: thence North 74 degrees 05' East, 589.76 feet, thence North 17 degrees 08 1/2' West, 592.08 feet to the centerline of the 30 feet wide concrete pavement of State Highway No. 62, thence South 68 degrees 28' West, 1255.63 feet

along said centerline to the longitudinal and transverse centerline of a concrete bridge over Mill Creek, thence Southeasterly along the centerline of said Mill Creek to a point 299.00 feet, South 74 degrees 05' West of the point of beginning (said centerline of Mill Creek being located as shown on the plat of Lot 1 of "Marvin Michels Place" dated January 26, 1976 as being the distances southwest and off the dimension line as shown on said plat) thence North 74 degrees 05' East, 299.00 feet to the point of beginning, containing 13.887 acres and subject to the right-of-way acquired by the State of Iowa for State Highway No. 62.

All in City of Bellevue, Jackson County, Iowa.

**6-20-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS.** After the effective date of this Ordinance, the taxes levied on the taxable property in an Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in an Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and, when collected, be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in an Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of this Section, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon have been paid, all money thereafter received from taxes upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in Subsection (2) of this Section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of

Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in an Urban Renewal Area.

4. As used in this Section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

## BELLEVUE ECONOMIC DEVELOPMENT DISTRICT

6-20-4 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in Urban Renewal Areas of the City of Bellevue, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, money advanced to or indebtedness, including bonds proposed to be issued by the City of Bellevue to finance projects in such areas.

6-20-5 DEFINITIONS. For use within this Ordinance, the following terms shall have the following meanings:

"City" shall mean the City of Bellevue, Iowa. "County" shall mean the County of Jackson.

"Urban Renewal Area" shall mean the "Bellevue Economic Development District", the boundary of which is set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on April 14, 1997.

A parcel of land in part of Sections 7 and 18, Township 86 North, Range 5 East, and in parts of Sections 12 and 13, Township 86 North, Range 4 East of the Fifth Principal Meridian in Jackson County, Iowa more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence northerly along the East Line of the Southeast Quarter of said Section 13 to the Southeast Corner of Lot 46 of Gammel's Addition to the City of Bellevue, and to the POINT OF BEGINNING;

thence southwesterly along the southerly line of Lots 3 9-46 of Gammel's Addition to the Southwest Corner of Lot 39 of Gammel's Addition;

thence northwesterly along the westerly line of Lots 39 & 38 of Gammel's Addition to the Southwest Corner of Lot 38 of Gammel's Addition;

thence northwesterly on a straight line to a point on the southerly Right-Of-Way line of State Street (Hwy. 62); which point is 75 feet westerly of the Northwest Corner of Lot 22 of Gammel's Addition;

thence northeasterly along the southerly Right-Of-Way Line of State Street a distance of 75 feet to the Northwest Corner of Lot 22 of Gammel's Addition;

thence northwesterly, 60 feet to the Southwest Corner of Lot 21 of Gammel's Addition;

thence southwesterly along the northerly Right-Of-Way Line of State Street to a point of intersection with the extension of the easterly line of the Bellevue Community School District property;

thence northwesterly along the extension of the easterly line of the Bellevue Community School District property to a point of intersection with the West Line of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence northerly along the West line of said Southeast Quarter to the Northwest Corner of the Southeast Quarter of Section 13;

thence westerly along the South Line of the Northwest Quarter of Section 13 to the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section 13;

thence northerly along the West Line of the Southeast Quarter of the Northwest Quarter of said Section 13 to a point of intersection with the centerline of County Highway D 57;

thence easterly along the centerline of County Highway D 57 to point "A";

Point "A" being described as follows; "Commencing at the Southwest Corner of the Northwest Quarter of Section 13, Township 86 North, Range 4 East; thence East along the South Line of the Northwest Quarter and the South Line of the Northeast Quarter of said Section 13, a distance of 3191.8 feet to a point; thence North  $0^{\circ} 21'$  West, 845.5 feet to Point "A";

thence continuing North  $0^{\circ} 21'$  West to a point of intersection with a line being the westerly extension of the North Line of Kieffer Addition Number 2 to the City of Bellevue, Iowa;

thence easterly along the extension of North Line of Kieffer Addition Number 2 to a point of intersection with the westerly line of Dunn's Addition to the City of Bellevue, Iowa;

thence northwesterly along the westerly line of Dunn's Addition to the North Line of the Northeast Quarter of Section 13;

thence easterly along the North Line of the Northeast Quarter of Section 13 to the Northeast Corner of the Northeast Quarter of Section 13, which point is also the Southeast Corner of the Southeast Quarter of Section 12, Township 86 North, Range 4 East;

thence northerly along the East Line of the Southeast Quarter of Section 12 to the Northwest Corner of Lot 2 of Bellevue Industrial Subdivision;

thence Westerly along the South line of the North Half of the Northeast Quarter of the Southeast Quarter, and the South Line of the North Half of the Northwest Quarter of the Southeast Quarter of said Section 12, to the West Line of the Southeast Quarter of said Section 12;

thence northerly along the West Line of the Southeast Quarter of said Section 12 to the Center of Section 12;

thence easterly along the South Line of the Northeast Quarter of said Section 12 to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 12;

thence North along the West line of the Southeast Quarter of the Northeast Quarter of said Section 12 to the North Line of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 12, which line is also the South Line of Schulte Place Addition to Jackson County;

thence easterly along the southerly line of Schulte Place, and along the North Line of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 12, and along a part of the North Line of the South Half of the Southwest Quarter of the Northwest Quarter of Section 7, Township 86 North, Range 5 East to a point on the westerly Right-Of-Way line of the CP Rail Systems Railroad;

thence southeasterly along the westerly Right-Of-Way line of said railroad to a point on the extension of the southerly line of the Bellevue Industrial Subdivision;

thence westerly along the southerly line of the Bellevue Industrial Subdivision to a point of intersection with the westerly Right-Of-Way line of Mulberry Street;

thence southeasterly along the westerly R.O.W. of Mulberry Street to the Southeast Corner of Lot 1 of Fory's Addition to the City of Bellevue, Iowa;

thence southerly to the Northwest Corner of Lot 34 of Fory's Addition to the City of Bellevue, Iowa;

thence southeasterly along the westerly line of Lot 34, 35, and 36 of Fory's Addition and the extension of this line to a point on the South Line of the Southwest Quarter of Section 7, Township 86 North, Range 5 East;

thence westerly along the South Line of the Southwest Quarter of said Section 7 to a point of intersection with the westerly R.O.W. Line of 5th Street;

thence southeasterly along the westerly R.O.W. Line of 5th Street to the Centerline of Sylvan Street;

thence southwesterly along the centerline of Sylvan Street to a point of intersection with the East Line of the Northeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Northeast Quarter of said Section 13 to a point of intersection with the southerly R.O.W. Line of County Highway D 57 (being also the northerly line of Hingtgen Subdivision to Bellevue, Iowa);

thence southeasterly along the northerly line of Hingtgen Subdivision to a point of intersection with the northerly R.O.W. Line of Park Street;

thence southwesterly along the northerly R.O.W. Line of Park Street to a point of intersection with the East Line of the Northeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Northeast Quarter and Southeast Quarter of Section 13 to a point on the South R.O.W. Line of Park Street;

thence northeasterly along the South R.O.W. Line of Park Street to the West R.O.W. Line of Seventh Street;

thence southeasterly along the West R.O.W. Line of Seventh Street to the North R.O.W. Line of State Street (Hwy. 62);

thence southwesterly along the North R.O.W. Line of State Street (Hwy. 62) to the Centerline extended of Eighth Street;

thence southeasterly along the Centerline extended of Eighth Street to the North R.O.W. Line of Jefferson Street;

thence southwesterly along the North R.O.W. Line of Jefferson Street to a point on the East Line of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Southeast Quarter of Section 13 to the POINT OF BEGINNING.

**6-20-6 PROVISIONS OF DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREAS.** After the effective date of this Ordinance, the taxes levied on the taxable property in an Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which an Urban Renewal area is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, referred to in paragraph 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of this Ordinance shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. that portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1); Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in an Urban Renewal Area, and to provide assistance for low and moderate income family housing as provided in Section 403.22, of the Code of Iowa, except that taxes for the payments of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in an Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in Section 3(1) of this Ordinance, all of the taxes levied and collected upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing district as taxes by or for said taxing district in the same manner as all other property taxes. When such loans, advances, indebtedness and bonds, if

any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in an Urban Renewal Area shall be paid into the funds for the respective taxing district in the same manner as taxes on all other property.

3. the portion of taxes mentioned in Section 3(2) of this Ordinance and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in an Urban Renewal Area.

4. as used in this Ordinance, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 221, Passed April 14, 1997)

**6-20-7 PURPOSE.** The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2007 Addition to the Bellevue Urban Renewal Area of the City of Bellevue, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts After the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Bellevue to finance projects in the such area.

**6-20-8 DEFINITIONS.** For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the city of Bellevue, Iowa. "County" shall mean Jackson County, Iowa.

"Urban Renewal Area Amendment" shall mean the 2007 Addition to the Bellevue Urban Renewal Area of the City of Bellevue, Iowa, the boundaries of which are set out below, approved by the City Council by resolution adopted on the 2nd day of July, 2007.

**Southerly Parcel:**

A parcel of land in part of section 13, Township 86 North, range 4 East of the fifth principal meridian in Jackson County, Iowa, described as follows:

Commencing at the Southeast corner of the Southeast quarter of section 13, Township 86 North, range 4 East;

thence Northerly along the East line of the Southeast quarter of said section 13 to the Southeast corner of lot 46 of Gammel's addition to the city of Bellevue;

Thence Southwesterly along the Southerly line of lots 39-46 of Gammel's addition to the Southwest corner of lot 39 of Gammel's addition;

thence Northwesterly along the Westerly line of lots 39 & 38 of Gammel's addition to the Southwest corner of lot 38 of Gammel's addition and the point of beginning;

thence Northwesterly approximately 271 feet to the Southeast corner of lot 2 of Marvin Michels place no. 2 to the city of Bellevue, Iowa;

thence Westerly 219.2 feet along the Southerly line of said lot 2 to the Easterly line of tract "a" shown on the plat of survey recorded at book 1 -f, page 151, Jackson County Recorder's Office;

thence Southerly 59.9 feet along said Easterly line to the Southeast corner of said tract "a";

thence Westerly 205.0 feet along the Southerly line of said tract "a" to the Northeast corner of tract "b" shown on the plat of survey recorded at book 1 -f, page 151, Jackson County Recorder's Office;

thence Southerly 198.2 feet along the Easterly line of said tract "b" to the Southeast corner of said tract "b";

thence Westerly 441.0 feet along the Southerly line of said tract "b" to the Southwest corner of said tract "b", said Southwest corner being on the Easterly line of lot 1 of Marvin Michels place no. 3 in the city of Bellevue, Iowa;

thence Southerly 52.1 feet along said Easterly line to the Southeast corner of said lot 1;

thence Southwesterly 324.4 feet along the Southeasterly line of said lot 1 to the Southwest corner of said lot 1, said corner being the Southeast corner of lot 5 of Mill Creek development in the city of Bellevue, Iowa;

thence Southwesterly and Northwesterly 1183.9 feet along the Southeasterly line of lot 5, the Southwesterly lines of lot 3 and 2 in said Mill Creek development, to the Northwest corner of said lot 2, said corner being the intersection of the centerline of Iowa Highway 62 with the centerline of Mill Creek;

thence Southwesterly approximately 30 feet along the centerline of Iowa Highway 62 to a point on the Westerly bank of Mill Creek, said point being on the Southerly extension of the Easterly line of the real estate described in the warranty deed filed February 2, 1987 in book 149, page 4, Jackson County Recorder's Office;

thence Northerly approximately 270 feet along said Easterly line and the extension thereof to the Southeast corner of the parcel of real estate described in the plat of survey filed May 22, 1984 in book 1-f, page 57, Jackson County Recorder's Office;

thence Northerly approximately 161 feet along the Easterly line of said parcel to the Southeast corner of the parcel of real estate described in the plat of survey filed May 8, 1990 in book 1-g, page 43, Jackson County Recorder's Office; thence Northerly approximately 155 feet along the Easterly line of said parcel to the Northeast corner of said parcel;

thence Southwesterly approximately 183 feet along the Northerly line and the Westerly extension thereof of said parcel to the former centerline of County Road D-61 as shown on the plat of survey of parcel "g" filed February 25, 2004 in book 1-O, page 37, Jackson County Recorder's Office;

thence Northwesterly approximately 176 feet along the said former centerline to the West line of the East half of the Southwest quarter of said section 13 ;

thence Northerly approximately 1,446 feet along said West line to the Southwest corner of the Southeast quarter of the Northwest quarter of section 13, Township 86 North, range 4 East;

thence Easterly along the South line of the Southeast quarter of the Northwest quarter of section 13 to the Northwest corner of the Southeast quarter of said section 13;

thence Southerly along the West line of the Southeast quarter of said section 13 to a point on the Easterly line of the Bellevue Community School District property;

thence Southeasterly along said Easterly line to a point on the Northerly right-of-way line of State Street;

thence Northeasterly along said Northerly right-of-way line to the Southwest corner of lot 21 of Gammel's addition;

thence Southeasterly 60 feet to the Northwest corner of lot 22 of Gammel's addition;

thence Southwesterly along the Southerly right-of-way line of State Street a distance of 75 feet;

thence Southeasterly to the Southwest corner of lot 38 of Gammel's addition and the point of beginning, Middle Parcel:

A parcel of land in part of section 12, Township 86 North, range 4 East of the fifth principal meridian in Jackson County, Iowa, described as follows:

beginning at the Southeast corner of the Southeast quarter of section 12, Township 86 North, range 4 East;

thence Westerly along the South line of said Southeast quarter and the South line of Ruff addition to the Northwest corner of Dunn's addition;

thence continuing Westerly approximately 284.5 feet along the South line of lots 1, 2 and 3 of said Ruff addition to the Southeast corner of lot 1 of Michels addition in the city of Bellevue, Iowa;

thence 280.6 feet along the Southerly and Westerly lines of said lot 1 to the Northwest corner of said lot 1, said point being on the Southerly line of the real estate described in the warranty deed filed in book 1 3 1, page 460, Jackson County Recorder's Office;

thence North 75 degrees 03 minutes 20 seconds West (record bearing) 84.9 feet along the Southerly line of said real estate to the Southwest corner of said real estate;

thence North 06 degrees 13 minutes 30 seconds East 248.4 feet along the Westerly line of said real estate to the Northwest corner of said real estate;

thence South 73 degrees 25 minutes 00 seconds East 1 33.2 feet along the Northerly line of said real estate to the Northwest corner of the real estate described in the warranty deed filed in book 1 61, page 723, Jackson County Recorder's Office;

thence South 73 degrees 55 minutes 00 seconds East, 1 00.0 feet along the Northerly line of said real estate to the West line of the Southeast quarter of the Southeast quarter of section 12, Township 86 North, range 4 East;

thence Northerly 916.2 feet along said West line to the Northwest corner of the Southeast quarter of the Southeast quarter of said section 12,

thence Westerly approximately 1 327 feet along the North line of the Southwest quarter of the Southeast quarter of said section 12 to the West line of the Southeast quarter of said section 12;

thence Northerly approximately 660 feet along the West line of the Southeast quarter of said section 12 to the Southwest corner of the North half of the Northwest quarter of the Southeast quarter of said section 12;

thence Easterly along the South line of the North half of the Northwest quarter of the Southeast quarter and the South line of the North half of the Northeast quarter of the Southeast quarter of section 12, to the Northwest corner of lot 2 of Bellevue Industrial Subdivision;

thence Southerly along the West line of Bellevue Industrial Subdivision, and the East line of the Southeast quarter of said section 12, to the Southeast corner of the Southeast quarter of said section 12 and the point of beginning.

Northerly parcel:

A parcel of land in part of sections 1 and 12, Township 86 North, range 4 East, and in parts of sections 6 and 7, Township 86 North, range 5 East of the fifth principal meridian in Jackson County, Iowa, described as follows:

Commencing at the Southwest corner of the Northwest quarter of section 7, Township 86 North, range 5 East;

thence Northerly approximately 660 feet along the West line of said Northwest quarter to the North line of the South half of the Southwest quarter of the Northwest quarter of said section 7;

thence Easterly along said North line to a point on the Westerly right-of-way line of the IC & E Railroad (formerly the CP Rail Systems Railroad), said point also being the point of beginning;

thence continuing Easterly along the North line of the South half of the Southwest quarter of the Northwest quarter of said section 7 to a point on the Westerly right-of-way line of U.S. Highway 52;

thence Northerly along the Westerly right-of-way line of U.S. Highway 52 to the North line of section 1, Township 86 North, range 4 East;

thence Easterly along the North line of said section 1 to the Westerly bank of the Mississippi River;

thence Southerly (downstream) along said Westerly bank to a point on the Easterly extension of the Southerly line of Bellevue industrial subdivision in the city of Bellevue, Iowa;

thence Westerly along the Easterly extension of the Southerly line of said Bellevue industrial subdivision to the Westerly right-of-way line of the IC & E Railroad (formerly the CP Rail Systems Railroad);

thence Northwesterly along said Westerly right-of-way line to North line of the South half of the Southwest quarter of the Northwest quarter of said section 7 and the point of beginning.

**6-20-9 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA AMENDMENT.** Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by, the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

4. as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**6-20-10 PURPOSE.** The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the 2019 Amendment to the urban renewal plan for the Bellevue Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts, after the effective date of this ordinance, in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Bellevue to finance projects in the Bellevue Urban Renewal Area.

**6-20-11 DEFINITIONS.** For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Bellevue, Iowa.

“County” shall mean Jackson County, Iowa.

“2019 Amendment Area” shall mean certain taxable property identified in the 2019 Amendment to the urban renewal plan for the Bellevue Urban Renewal Area, the legal description of which property is set out below:

#### **2019-1 PROPERTY DESCRIPTION**

A parcel of land in part of Sections 7 and 18, Township 86 North, Range 5 East, and in parts of Sections 12 and 13, Township 86 North, Range 4 East of the Fifth Principal Meridian in Jackson County, Iowa more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence northerly along the East Line of the Southeast Quarter of said Section 13 to the Southeast Corner of Lot 46 of Gammel's Addition to the City of Bellevue, and to the POINT OF BEGINNING;

thence southwesterly along the southerly line of Lots 39-46 of Gammel's Addition to the Southwest Corner of Lot 39 of Gammel's Addition;

thence northwesterly along the westerly line of Lots 39 & 38 of Gammel's Addition to the Southwest Corner of Lot 38 of Gammel's Addition;

thence northwesterly on a straight line to a point on the southerly Right-Of-Way line of State Street (Hwy. 62), which point is 75 feet westerly of the Northwest Corner of Lot 22 of Gammel's Addition;

thence northeasterly along the southerly Right-Of-Way Line of State Street a distance of 75 feet to the Northwest Corner of Lot 22 of Gammel's Addition;

thence northwesterly, 60 feet to the Southwest Corner of Lot 21 of Gammel's Addition;

thence southwesterly along the northerly Right-Of-Way Line of State Street to a point of intersection with the extension of the easterly line of the Bellevue Community School District property;

thence northwesterly along the extension of the easterly line of the Bellevue Community School District property to a point of intersection with the West Line of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence northerly along the West Line of said Southeast Quarter to the Northwest Corner of the Southeast Quarter of Section 13; thence westerly along the South Line of the Northwest Quarter of Section 13 to the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section 13;

hence northerly along the West Line of the Southeast Quarter of the Northwest Quarter of said Section 13 to a point of intersection with the centerline of County Highway D 57;

thence easterly along the centerline of County Highway D 57 to point "A";

Point "A" being described as follows; "Commencing at the Southwest Corner of the Northwest Quarter of Section 13, Township 86 North, Range 4 East; thence East along the South Line of the Northwest Quarter and the South Line of the Northeast Quarter of said Section 13, a distance of 3191.8 feet to a point; thence North  $0^{\circ}21'$  West, 845.5 feet to Point A";

thence continuing North  $0^{\circ}21'$  West to a point of intersection with a line being the westerly extension of the North Line of Kieffer Addition Number 2 to the City of Bellevue, Iowa;

thence easterly along the extension of the North Line of Kieffer Addition Number 2 to a point of intersection with the westerly line of Dunn's Addition to the City of Bellevue, Iowa;

thence northwesterly along the westerly line of Dunn's Addition to the North Line of the Northeast Quarter of Section 13;

thence easterly along the North Line of the Northeast Quarter of Section 13 to the Northeast Corner of the Northeast Quarter of Section 13, which point is also the Southeast Corner of the Southeast Quarter of Section 12, Township 86 North, Range 4 East;

thence northerly along the East Line of the Southeast Quarter of Section 12 to the Northwest Corner of Lot 2 of Bellevue Industrial Subdivision;

thence Westerly along the South line of the North Half of the Northeast Quarter of the Southeast Quarter, and the South Line of the North Half of the Northwest Quarter of the Southeast Quarter of said Section 12, to the West Line of the Southeast Quarter of said Section 12;

thence northerly along the West Line of the Southeast Quarter of said Section 12 to the Center of Section 12;

thence easterly along the South Line of the Northeast Quarter of said Section 12 to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 12;

thence North along the West Line of the Southeast Quarter of the Northeast Quarter of said Section 12 to the North Line of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 12, which line is also the South Line of Schulte Place Addition to Jackson County;

thence easterly along the southerly line of Schulte Place, and along the North Line of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 12, and along a part of the North Line of the South Half of the Southwest Quarter of the Northwest Quarter of Section 7, Township 86 North, Range 5 East to a point on the westerly Right-Of-Way line of the CP Rail Systems Railroad;

thence southeasterly along the westerly Right-Of-Way line of said railroad to a point on the extension of the southerly line of the Bellevue Industrial Subdivision;

thence westerly along the southerly line of the Bellevue Industrial Subdivision to a point of intersection with the westerly Right-Of-Way line of Mulberry Street;

thence southeasterly along the westerly R.O.W. of Mulberry Street to the Southeast Corner of Lot 1 of Fory's Addition to the City of Bellevue, Iowa;

thence southerly to the Northwest Corner of Lot 34 of Fory's Addition to the City of Bellevue, Iowa;

thence southeasterly along the westerly line of Lot 34, 35, and 36 of Fory's Addition and the extension of this line to a point on the South Line of the Southwest Quarter of Section 7, Township 86 North, Range 5 East;

thence westerly along the South Line of the Southwest Quarter of said Section 7 to a point of intersection with the westerly R.O.W. Line of 5th Street;

thence southeasterly along the westerly R.O.W. Line of 5th Street to the Centerline of Sylvan Street;

thence southwesterly along the centerline of Sylvan Street to a point of intersection with the East Line of the Northeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Northeast Quarter of said Section 13 to a point of intersection with the southerly R.O.W. Line of County Highway D 57 (being also the northerly line of Hingtgen Subdivision to Bellevue, Iowa);

thence southeasterly along the northerly line of Hingtgen Subdivision to a point of intersection with the northerly R.O.W. Line of Park Street;

thence southwesterly along the northerly R.O.W. Line of Park Street to a point of intersection with the East Line of the Northeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Northeast Quarter and Southeast Quarter of Section 13 to a point on the South R.O.W. Line of Park Street;

thence northeasterly along the South R.O.W. Line of Park Street to the West R.O.W. Line of Seventh Street;

thence southeasterly along the West R.O.W. Line of Seventh Street to the North R.O.W. Line of State Street '(Hwy. 62);

thence southwesterly along the North R.O.W. Line of State Street (Hwy. 62) to the Centerline extended of Eighth Street;

thence southeasterly along the Centerline extended of Eighth Street to the North R.O.W. Line of Jefferson Street;

thence southwesterly along the North R.O.W. Line of Jefferson Street to a point on the East Line of the Southeast Quarter of Section 13, Township 86 North, Range 4 East;

thence southerly along the East Line of the Southeast Quarter of Section 13 to the point of beginning.

Beginning at the northeast corner of the intersection of the north right-of-way line of Chestnut Street with the east right-of-way line of the 24-foot alley between Second Street & Third Street at the southwest corner of lot 176 in the original town of Bellevue, Jackson County, Iowa;

Thence northerly along said east right-of-way line of the 24-foot alley to the intersection of the north right-of-way line of Court Street at the southwest corner of lot 184 in said original town;

Thence westerly along said north right-of-way line of Court Street to the intersection of the east right-of-way line of Fourth Street at the southwest corner of lot 337 in said original town;

Thence northerly along said east right-of-way line of Fourth Street to the intersection of the south right-of-way line of State Street at the northwest corner of lot 334 in said original town;

Thence easterly along said south right-of-way line of State street to the intersection of the east right-of-way line of the 24-foot alley between Second Street & Third Street at the northwest corner of lot 187 in said original town;

Thence northerly along said east right-of-way line of the 24-foot alley to the intersection of the south right-of-way line of Park Street at the northwest corner of lot 195 in said original town;

Thence easterly along said south right-of-way line of Park Street and its easterly extension to the intersection of the west line of the Mississippi River;

Thence southerly along said west line of the Mississippi River to the intersection of the north right-of-way line of Chestnut Street and its easterly extension;

Thence westerly along said north right-of-way line of Chestnut Street and its easterly extension to the point of beginning.

Containing 28.4 acres, more or less, and subject to easements, reservations, restrictions. And right-of-way record and not of record.

Part of the northeast quarter and the southeast quarter of section 19; part of the southwest quarter of section 20; and part of the northwest quarter of section 29; all in township 86 north, range 5 east of the 5<sup>th</sup> p.m., Jackson County, Iowa, described as follows;

Beginning at the intersection of the north line of the northeast quarter of said section 19 with the westerly right-of-way line of U.S. Highway 52, Jackson County, Iowa;

Thence southerly along said westerly right of-way line to the intersection with the west line of the southwest quarter of said section 20, said intersection also being the northern most corner of lot 17 of stamp's subdivision, according to the plat filed in book 1-b, page 71, Jackson County recorder's office, Maquoketa, Iowa;

Thence southerly along the west line of said southwest quarter and the west line of said lot 17 a record distance of 1321.0 feet to the northwest corner of said section 29;

Thence southerly along the west line of the northwest quarter of said section 29 and the westerly line of said lot 17 a record distance of 305.42 feet to the northernmost corner of parcel c located in said section 29, and shown on the plat filed in book 1-u, page 81, Jackson County recorder's office Maquoketa, Iowa;

Thence southeasterly along the northeasterly line of said parcel c a record distance of 1497.49 feet to southerly line of lot 17 in said Stamp's subdivision;

Thence easterly along said southerly line a record distance of 85.11 feet;

Thence easterly along said southerly line a record distance of 303.07 feet to the easterly line of said lot 17;

Thence northerly along said easterly line a record distance of 126.20 feet to the westernmost corner of Chantos Place, according to the plat filed in book 1-t, page 89, Jackson County recorder's office, Maquoketa, Iowa;

Thence northeasterly along the northwesterly line of said Chantos Place to the northernmost corner of said Chantos place;

Thence continuing notheasterly along the extension of the northwesterly line of said Chantos Place to the intersection with the northeasterly right-of-way line of U.S. Highway 52, Jackson County, Iowa;

Thence northwesterly and northerly along said right-of-way line to the north line of the northeast quarter of said section 19;

Thence westerly along said north line to the point of beginning

6-20-12 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2019 AMENDMENT AREA. After the effective date of this ordinance, the taxes levied on the taxable property in the 2019 Amendment Area each year by and for the benefit of the State of Iowa,

the City, the County and any school district or other taxing district in which the 2019 Amendment Area is located, shall be divided as follows:

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2019 Amendment Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2019 Amendment Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Bellevue Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Bellevue Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2019 Amendment Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2019 Amendment Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 2019 Amendment Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Bellevue Urban Renewal Area.

4. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 437, Passed February 4, 2019)

6-20-13 PURPOSE. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Bellevue Urban Renewal Area on which an aquatic center is located, each year by and for the benefit of the state, city, county, school districts or other taxing districts, after the effective date of this ordinance, in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Bellevue to finance projects in the Bellevue Urban Renewal Area.

6-20-14 DEFINITIONS. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Bellevue Iowa.

"County" shall mean Jackson County, Iowa.

"Aquatic Center Property" shall mean the taxable property located in the Bellevue Urban Renewal Area, on which an aquatic center is located, the legal description of which property is as follows:

Parcel 110-2020, being part of Lot 5 of Off Shore in the City of Bellevue, Iowa, as shown in Plat Book 1-V, page 79, Document No. 13-1130 of the Jackson County Recorder's Office

6-20-15 PROVISIONS FOR DIVISION OF TAXES LEVIED ON AQUATIC CENTER PROPERTY. After the effective date of this ordinance, the taxes levied on the Aquatic Center Property each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Aquatic Center Property is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the Aquatic Center Property, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Aquatic Center Property on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Bellevue Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Bellevue Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extend authorized by Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19

of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the Aquatic Center Property exceeds the total assessed value of such property as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the Aquatic Center Property shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the Aquatic Center Property shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Bellevue Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 461, Passed April 19, 2021)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 21 BELLEVUE MUNICIPAL CABLE**

6-21-1 Establishment	6-21-7 Subscription Agreement
6-21-2 Definition	6-21-8 Reserved
6-21-3 Construction	6-21-9 Cable Operator
6-21-4 Management	6-21-10 Finances
6-21-5 Editorial Control	6-21-11 Property
6-21-6 Rules and Regulations	

**6-21-1 ESTABLISHMENT.** There is hereby established a municipally owned cable television system in Bellevue, Iowa, to be known as "Bellevue Municipal Cable."

**6-21-2 DEFINITION.** "Cable television system" is defined as a system of antennas, cables, amplifiers, towers, microwave links, waveguides, laser beams, satellites or any other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, amplifying, storing, processing or distributing audio, video, digital or other forms of electric or electrical signals.

**6-21-3 CONSTRUCTION.** The City of Bellevue and Bellevue Municipal Cable shall construct a municipal cable television system. This construction and the subsequent operation of the cable television system shall include all areas within the City limits of Bellevue, Iowa, and may also include such additional areas outside the City limits as are designed by resolution of the City Council.

**6-21-4 MANAGEMENT.** Bellevue Municipal Cable shall be administered and managed by the City Council. The City Council shall exercise every power which is reasonable, necessary, and convenient for the design, establishment, construction, operation, management and control of the cable television system and related facilities, and this Ordinance shall be liberally construed to further design, establishment, construction, operation, management and control of Bellevue Municipal Cable.

**6-21-5 EDITORIAL CONTROL.** Other provisions of this Ordinance notwithstanding, the City Council shall be prohibited from exercising editorial control regarding the content of the cable service offered by Bellevue Municipal Cable other than programming on any channel designated for education or governmental use. Such editorial control shall be exercised by the Bellevue Cable Communications Program Commission established by separate Ordinance.

**6-21-6 RULES AND REGULATIONS.** The City Council shall establish by resolution a form of application for subscription to be utilized by subscribers to Bellevue Municipal Cable. All subscribers shall execute this application form. The City Council shall also establish by resolution an operating code and regulations for Bellevue Municipal Cable. This operating code and regulations may be amended from time to time by resolution of the City Council.

**6-21-7 SUBSCRIPTION AGREEMENT.** The City Administrator shall, on behalf of the City, solicit, receive and accept applications for subscription to Bellevue Municipal Cable. Each subscriber to Bellevue Municipal Cable shall be bound by the terms of a subscription agreement, which agreement shall consist of an application for subscription and the operating code and regulations for Bellevue

Municipal Cable as amended from time to time by the City Council. The penalty for a violation of the subscription agreement by a subscriber shall be the termination of the subscription agreement and the forfeiture of all deposits by the violator. Each subscriber shall be provided a copy of the then-current operating code and regulations at the time of application. Any subscriber shall be entitled to a copy of the current operating code and regulations by request to the City Administrator.

#### 6-21-8 RESERVED

Editor's Note: Please see section 6-6A-20, CABLE FRANCHISE – RATES AND FEES, for current rates/fees which were migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

6-21-9 CABLE OPERATOR. There is hereby created the position of Cable Operator and the City Council shall hire an individual to serve in this capacity at the will of the City Council. The Cable Operator shall report to the City Administrator. The duties of the Cable Operator shall include, but not be limited to, supervision of the installation of the cable television system, supervision of all connections thereto, maintenance of the system, and enforcement of the operating code and regulations.

6-21-10 FINANCES. The City Administrator shall be the Treasurer and the City Clerk shall be the Assistant Treasurer of Bellevue Municipal Cable. These officers shall establish a separate fund for all receipts and expenditures by Bellevue Municipal Cable and are directed to separately account for all transfers received from other funds of the City. Adequate reserves shall be maintained to ensure the financial stability of the Bellevue Municipal Cable. Thereafter, upon vote of the City Council, any surplus funds may be transferred to the general fund to be used for community projects as determined by the City Council.

(Amended during 2014 codification)

6-21-11 PROPERTY. Any and all property, whether real, personal or mixed, acquired for the use of Bellevue Municipal Cable, shall be held in the name and on behalf of the City.

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 22 STORM WATER MANAGEMENT**

6-22-1 Purpose and General Objectives	6-22-5 Storm Water Management
6-22-2 Definitions	Requirements
6-22-3 Exemptions	6-22-6 Fees Established
6-22-4 Application	

**6-22-1 PURPOSE AND GENERAL OBJECTIVES.**

1. It is the purpose of the Chapter to establish policies to comprehensively manage and control storm water runoff in a safe and economical manner in developing areas for the purpose of promoting the health, safety and general welfare of the population, and for the protection of property.
2. It is also the intent of this Chapter to provide for storm water storage within the city where detention basin facilities have been determined to be beneficial in reducing the peak runoff to subservient lands.
3. Requirements shall be established by this Chapter in an effort to manage storm water runoff from development sites. Except as exempted in this chapter, a storm water management plan, as set forth herein, will be required as part of proposed development activities.
4. It is a further purpose of this Chapter to adopt engineering methods and techniques for estimating storm water runoff which can be updated as technology improves, and to systematically monitor the effectiveness of the storm water management program.

**6-22-2 DEFINITIONS.** Whenever used in this Chapter and printed with an initial capital letter, the terms listed below will have the meanings indicated. Words using the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; the masculine gender shall include the feminine. The term "shall" is always mandatory, and the term "may" is permissive.

1. Capacity of a Storm Water Facility. The maximum volume or rate of conveyance available in a Storm Water Management Facility, including freeboard, to store or convey storm water without damage to public or private property.
2. City. The City of Bellevue, Iowa.
3. City Administrator. The city administrator of Bellevue, Iowa.
4. City Council. The City Council of Bellevue, Iowa.
5. City Engineer. The engineer designated by the City Council to review a Storm Water Management Plan. Civil Engineer. A professional engineer licensed in the State of Iowa to practice in the field of civil works.

6. Control Structure. That part of a Storm Water Management Facility designated to regulate the Storm Water Runoff Release Rate.

7. Detention Basin. A Storm Water Management Facility designed, constructed or modified to provide short term storage of Storm Water Runoff, which reduces the peak outflow to a rate less than the peak inflow.

8. Development. Either the subdivision of real estate as defined in section 679(42) or any improvement or development of a site one acre or larger.

9. Drainage Area. An area of land contributing to Storm Water Runoff.

10. Site. A lot, parcel, or tract of land, or portion thereof, where development is occurring or has occurred.

11. Storm Sewer System. Facilities for the conveyance of Storm Water Runoff, typically a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters and swales.

12. Storm Water Management Facilities. Any buildings, structures, Detention Basins or other facilities for the management of Storm Water Runoff as required by a Storm Water Management Plan.

13. Storm Water Management Plan. A site plan, certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased storm water runoff from a Site.

14. Storm Water Runoff. The flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.

15. Storm Water Runoff Release Rate. The amount of Storm Water Runoff discharged from dominant land to servient land. Elevation shall determine which land is dominant and which is servient.

6-22-3 EXEMPTIONS. The following are exempt from the requirements of this Chapter:

1. Agricultural use of land.

2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.

3. Land within flood plain areas as designated in the Federal Emergency Management Agency maps in effect at the time of development, or determined to be in a flood plain by the City Engineer at the time of development.

4. Areas deemed appropriate by the City Engineer.

6-22-4 APPLICATION.

1. The requirements of this Chapter shall apply to all Development within the City.

2. Storm Water Detention Basins intended to serve single family residential development shall be constructed by a developer, but shall be publically owned and maintained following their inspection and acceptance by the City, unless otherwise approved by the City.

3. Storm Water Detention Basins intended to serve commercial development shall be constructed by a developer and shall be privately owned and maintained unless otherwise approved by the City.

#### 6-22-5 STORM WATER MANAGEMENT REQUIREMENTS.

1. For purposes of obtaining approval of a Storm Water Management Plan, a plan for the site shall be submitted to the City Administrator for review and approval by the City Engineer. All design criteria and plan details shall be in conformance with generally recognized engineering principles and the Bellevue Storm Water Management Policy.

2. Construction of Storm Water Management Facilities shall be in conformance with the approved Storm Water Management Plan for the site.

3. The Storm Water Management Plan, including onsite water detention facilities, shall be reviewed and approved by the city Engineer prior to the issuance of building permits for the site. The improvements shall be constructed prior to occupancy. The requirements of this paragraph may be deferred at the discretion of the City.

4. For sites on which privately owned and maintained storm water detention and/or conveyance facilities are located, the property owner shall be responsible for the following:

a. All future grading, repairs, and maintenance.

b. Maintenance of the minimum storm water detention volume, as approved by the City Engineer.

c. Maintenance of the Detention Basin control structure(s) and discharge pipe(s) to insure the maximum theoretical Storm Water Runoff Release Rate, as approved by the City Engineer, is not increased.

5. The City Council may require the formation of a property owner's association to assume responsibility for Storm Water Management Facilities.

6. The property owner shall place no fill material, nor erect any buildings, obstructions, or other improvements on the area reserved for storm water detention purposes, unless approved otherwise by the City Engineer.

7. The City Council may, in its discretion, require the property owner to dedicate to the City of Bellevue, Iowa, by instrument or final platting, any property on which public Storm Water Detention Basins will be located. Ingressegress easements for maintenance of public facilities shall be provided prior to final plat approval.

8. The City Engineer may inspect the Site at any time to determine compliance with these regulations. If deemed necessary by the City Engineer, the property owner shall provide certification by a Civil Engineer verifying the minimum storm water detention volume and the maximum theoretical Storm Water Runoff Release Rate, as required by section 6225(4), are in conformance with the approved design.

9. Upon determination that a site is not in compliance with these regulations, the City Administrator may issue an order to comply. The order shall describe the problem and specify a date by which compliance must be achieved. The City may pursue all legal and equitable remedies available in the event of noncompliance by the deadline contained in such a notice, which remedies may include, but not be limited to, a municipal infraction. The City's remedies may be cumulative.

10. Except as provided in this Chapter, no person shall engage in construction of Storm Water Management Facilities unless a Storm Water Management Plan has been reviewed and approved by the City Engineer.

#### 6-22-6 FEES ESTABLISHED.

1. For residential development, a storm water plan fee shall be charged by the City, payable by the owner or developer, in the sum of \$ 100 per lot or \$500, whichever is greater. This fee shall include any lots which are reserved for future development.

2. For commercial development, a storm water plan fee shall be charged which shall be calculated to reimburse the city for all costs associated with the review and approval of the developer's Storm Water Management Plan, including, but not limited to, expenses for the City Engineer, City Attorney and the reasonable cost of city staff time devoted to review and approval of the Storm Water Management Plan and construction of the required Storm Water Management Facilities.

(Ord. 285, Passed March 3, 2003)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 23 STORM WATER MANAGEMENT UTILITY**

6-23-1 Purpose	6-23-6 Organization
6-23-2 Findings	6-23-7 Reserved
6-23-3 Scope and Responsibility for Storm Water Management Utility	6-23-8 Reserved
6-23-4 Definitions	6-23-9 Reserved
6-23-5 Powers, Duties, Responsibilities	6-23-10 Reserved
	6-23-11 Reserved

**6-23-1 PURPOSE.** The purpose of this chapter is to establish a storm water management utility which shall be responsible for storm water management within the corporate boundaries of the City of Bellevue, Iowa, and shall provide for the management protection, control, regulation, use and enhancement of storm water management systems and facilities.

**6-23-2 FINDINGS.** The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria and obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System ("MS4"). The City of Bellevue, Iowa is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at City Hall and is available for public inspection during regular business hours.

#### **6-23-3 SCOPE AND RESPONSIBILITY FOR STORM WATER MANAGEMENT UTILITY.**

1. **Storm Water Utility District Established:** The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the City and its residents that a storm water utility district be established within the City. Consequently, pursuant to Iowa Code Section 384.84(6), a storm water utility district to be known as the Bellevue Storm Water Utility District, is established, and it is ordained and declared that the geographic area within the confines of the corporate city limits of Bellevue, Iowa shall constitute the Bellevue Storm Water Utility District (hereinafter the "District").

2. **Storm Water Management Utility Established:** The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the City and its residents that a storm water management utility be established within the City. Consequently, pursuant to Iowa Code Section 384.81, a storm water management utility to be known as the Bellevue Storm Water Management Utility (the "Utility") is established and the Utility shall comprise and include elements of the City's storm water drainage and flood protection systems which provide for the collection, treatment and disposal of storm water, surface water and ground water.

3. **Scope of Utility.** It is further found, determined, and declared that the elements of the Utility are of benefit and provide services to all real property situated within the incorporated city limits of Bellevue, Iowa, including real property not directly served by the storm water drainage system, and that such benefits and services may include, but are not limited to, the provision of adequate systems

of collection, conveyance, detention, treatment and release of storm water; the reduction of hazard to property and life resulting from storm water runoff and flooding; improvement in general health and welfare through reduction of undesirable storm water conditions and flooding; and improvement to the water quality in the storm water and surface water system and its receiving waters.

4. **Levy and Collection of Charges:** It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the City and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the City storm water drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of storm water drainage and flood protection improvements comprising the Utility.

#### 6-23-4 DEFINITIONS.

For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the use of the future tense shall include the past and present tenses. The word "shall" is mandatory, while the word "may" is permissive. The singular number shall include the plural number and the plural number shall include the singular number.

1. **BONDS:** Revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

2. **CONTRIBUTOR OR USER:** Any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges storm water or surface or subsurface waters to any portion of the storm water management system, including direct or indirect discharges to the City's storm water drainage system, or which is directly or indirectly protected by the City's flood protection system or storm water drainage system. The term "contributor" or "user" means any person responsible for the direct or indirect discharge of storm water or surface or subsurface waters to the City's storm water drainage system.

3. **COSTS OF CONSTRUCTION:** Costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including, but not limited to, the costs of the following:

a. Acquisition of all property, real or personal, and all interests in connection therewith including all rights of way and easements therefor;

b. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;

c. Architectural, engineering, legal and other professional services;

d. Insurance premiums during construction, to the extent not paid for by a contractor for construction and installation;

e. Any taxes or other charges which become due during construction;

f. Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;

g. Principal and interest on any bonds; and

h. Miscellaneous expenses incidental thereto.

4. DEBT SERVICE: The amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing debt.

5. DEVELOPED PROPERTY: Real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.

6. DWELLING UNIT: A singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

7. EXEMPT PROPERTY: Public rights of way including public streets, alleys, sidewalks, municipal facilities and public drainage facilities.

8. EXTENSION AND REPLACEMENT: Costs of extensions, additions and capital improvements to or the renewal and replacement of capital assets of or purchasing and installing new equipment for the system or land acquisition for the system and any related costs thereto or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

9. FISCAL YEAR: A twelve (12) month period commencing on July 1, and ending on June 30 of the succeeding year.

10. IMPERVIOUS AREA: The number of square feet of hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, concrete/asphalt pavement, gravel surfaces and athletic courts.

11. MULTI - FAMILY RESIDENTIAL PROPERTY: A residential structure designed with two (2) or more dwelling units to accommodate two (2) or more families or groups of individuals living separately and not sharing the same living space.

12. MULTI-FAMILY RESIDENTIAL UNIT RATE: The dollar value periodically determined and assigned to each multi-family residential property unit as a fee for storm water management services, and expressed as \$X.XX per SUR.

13. NONOPERATING REVENUES: Refers to revenues derived from activities other than the basic operations of the storm water management system, but excluding interest income on bond proceeds and on contributed capital.

14. NONRESIDENTIAL PROPERTY: Any property developed for commercial, governmental, or institutional use, including churches, and including multiuse properties incorporating residential uses, but excluding undeveloped real property and real property used exclusively for agricultural purposes.

15. NONRESIDENTIAL UNIT RATE. The dollar value periodically determined and assigned to each nonresidential property unit, except those nonresidential properties which are exempt under this Chapter, as a fee for storm water management services, and expressed as \$X.XX per SUR.

16. OPERATING BUDGET: The annual operating budget for the Storm Water Management Utility adopted by the city council for the succeeding fiscal year.

17. OPERATIONS AND MAINTENANCE EXPENSE: The current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including record keeping, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

18. REVENUES: All rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

19. SINGLE FAMILY UNIT RATE: The dollar value periodically determined and assigned to each single family residential unit as a fee for storm water management services, and expressed as \$X.XX per SUR.

20. SINGLE FAMILY RESIDENTIAL PROPERTY: A detached residential structure designed as a single dwelling unit to accommodate one family or group of individuals living together and sharing the same living space, but excluding multiclass (i.e., commercial, residential, industrial, institutional, etc.) properties which include single-family residential uses.

21. STORM WATER DRAINAGE SYSTEM: The system of publicly or privately owned or operated rivers, creeks, ditches, drainage channels, pipes, basins, and street gutters within the city through which or into which storm water runoff, surface water, or subsurface water is conveyed or deposited.

22. STORM WATER MANAGEMENT FEE: The fee authorized by state law and this Chapter which is established to pay operations and maintenance, extension, replacement and debt service of the storm water drainage system.

23. STORM WATER MANAGEMENT UTILITY OR UTILITY: The City Utility created by this Chapter to operate, maintain and improve the system and for such other purposes as stated in this Chapter.

24. STORMWATER MANAGEMENT UTILITY BOARD or BOARD: means those persons designated and authorized by the city council to carry out various functions as specified in this Chapter.

25. STORM WATER MANAGEMENT UTILITY RATE (SUR): The dollar value periodically determined and assigned to each non-exempt property unit as a fee for storm water management services, and expressed as \$X.XX per SUR.

26. STORM WATER MANAGEMENT UTILITY SYSTEM OR SYSTEM: The existing storm water management facilities, storm water drainage system, and flood protection system of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the Utility, to be operated, among other things, to conserve water; control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

27. TOTAL ANNUAL REVENUE REQUIREMENTS: Refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance, including administration and renewal and replacement funding, of the storm water drainage system, including facilities for the collection, transportation, and treatment of storm water.

28. UNDEVELOPED PROPERTY: Real property within the corporate city limits of Bellevue, Iowa that has no impervious area.

6-23-5 POWERS, DUTIES AND RESPONSIBILITIES. The Storm Water Utility Management Board shall have the following powers, duties, and responsibilities:

1. Prepare ordinances as needed to implement this Chapter and forward the ordinances to the city council for consideration and adoption, and adopt such regulations and procedures as are required to implement this Chapter and carry out its duties and responsibilities.

2. Administer the acquisition, design, construction, maintenance and operation of the utility system including capital improvements designated in the comprehensive drainage plan.

3. Administer and enforce this Chapter and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility system, including, but not limited to, the quantity, quality and/or velocity of the storm water conveyed thereby.

4. Inspect private systems as necessary to determine the compliance of such systems with this Chapter and any ordinances or regulations adopted pursuant to this Chapter.

5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the city council.

6. Review plans, approve or deny, inspect and accept extensions to the storm water drainage system.

7. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by city, state, regional and/or federal agencies as adopted or amended.

8. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations to the city council regarding adjustments to such fees, charges, fines and other revenues.

9. Prepare an annual operating budget for the utility and make recommendations to the city council regarding the financing of the cost of extending and replacing the system.

**6-23-6 ORGANIZATION.** The city council shall be the governing body of the Storm Water Management Utility. The Storm Water Management Utility shall be under the direction, management and control of the Storm Water Management Utility Board. The Board shall supervise the day to day operation of the Storm Water Management Utility, shall enforce this Chapter and the provisions of all ordinances and regulations adopted pursuant to this Chapter and shall carry out the policy directives of the city council acting in its role as governing body of the Storm Water Management Utility.

**6-23-7 RESERVED.**

Editor's Note: Please see section 6-6A-15, STORMWATER MANAGEMENT - SUR RATE, CHARGES; UTILITY REVENUES, for current charges which were migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

**6-23-8 RESERVED.**

Editor's Note: Please see section 6-6A-16, STORMWATER MANAGEMENT - RATE DETERMINATIONS; COMPLIANCE WITH BOND COVENANTS, for current information which was migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

**6-23-9 RESERVED.**

Editor's Note: This section was formerly BILLING, DELINQUENT ACCOUNTS AND COLLECTION PROCEDURES. It is addressed in the new UTILITIES – BILLING CHARGES chapter and was moved during 2014 codification.

**6-23-10 RESERVED.**

Editor's Note: Please see section 6-6A-17, ANNUAL REVIEW OF SUR RATE, for current information which was migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

**6-23-11 RESERVED.**

Editor's Note: Please see section 6-6A-18, EXPENSES OF COLLECTION OF FEES, for current information which was migrated to the new UTILITIES – BILLING CHARGES chapter during 2014 codification.

## TITLE VI PHYSICAL ENVIRONMENT

### **CHAPTER 24 – PLACEMENT OF MAILBOXES, CLUSTER BOXES, NEWSPAPER DELIVERY TUBES AND SIMILAR RECEPTACLES IN THE CITY OF BELLEVUE**

6-24-1 Application	6-24-6 Obstruction Of Road Right-Of-Way
6-24-2 Location within Corporate City Limits	6-24-7 Iowa One Call
6-24-3 Placement in Road Right-of-Way	6-24-8 Nuisance
6-24-4 Minimum Set Back Requirement	
6-24-5 Set Back Requirement From Intersections	

**6-24-1 APPLICATION.** This Ordinance shall apply to all mailboxes, cluster boxes, newspaper delivery tubes, and all other receptacles of any kind used for the delivery, placement, or storage of mail, newspapers, magazines, brochures and other printed materials of any kind (hereinafter collectively referred to throughout this Ordinance as “Receptacles”).

**6-24-2 LOCATION WITHIN CORPORATE CITY LIMITS.** Receptacles shall only be allowed in those areas within the corporate city limits of the City of Bellevue, Iowa, in which the United States Postal Service provides rural mail delivery service.

**6-24-3 PLACEMENT IN ROAD RIGHT-OF-WAY.** Receptacles shall only be constructed, erected, installed, and/or placed within the public road right-of-way of any road or street that is included in the municipal street system of the City of Bellevue, Iowa.

**6-24-4 MINIMUM SET BACK REQUIREMENT.** Receptacles shall not be constructed, erected, installed, and/or placed within a distance of less than twelve (12) inches from the nearest face of the curb to the face of the Receptacle.

**6-24-5 SET BACK REQUIREMENT FROM INTERSECTIONS.** Receptacles shall not be constructed, erected, installed, and/or placed within a distance of less than twenty (20) from the nearest face of the curb to the face of the Receptacle at the intersection of any roads or streets.

**6-24-6 OBSTRUCTION OF ROAD RIGHT-OF-WAY.** A Receptacle that fails to comply with the provisions of this Ordinance shall be deemed to obstruct the use or maintenance of the public road right-of-way. The City of Bellevue, Iowa shall not be liable for the cost of replacing any such Receptacle that is damaged or destroyed by city maintenance equipment.

**6-24-7 IOWA ONE CALL.** Before a Receptacle is constructed, erected, installed and/or placed in the public road right-of-way of any road or street, the person responsible therefore shall be required to call Iowa One Call to ensure compliance with all applicable regulations under Chapter 480 of the Code of Iowa (2013) before excavation within the right-of-way.

**6-24-8 NUISANCE.** A Receptacle that fails to comply with the provisions of this Ordinance is hereby declared to be a nuisance in violation of Title III Community Protection, Chapter 2 Nuisances, Section 3-2-1(1)(d) of this Code of Ordinances and a violation of Title III Community Protection, Chapter 1

Offenses, Section 3-1-6(2) of this Code of Ordinances. The nuisance shall be abated in the manner provided for in Title III Community Protection, Chapter 2 Nuisances of this Code of Ordinances.

(Ord. 396, Passed March 24<sup>th</sup>, 2014)

**TITLE VI PHYSICAL ENVIRONMENT**  
**CHAPTER 25 NUMBERING BUILDINGS**

6-25-1 Buildings to be Numbered  
6-25-2 Base Line Established  
6-25-3 Numbering

6-25-4 Size and Type of Numbers  
6-25-5 Nuisance

**6-25-1 BUILDINGS TO BE NUMBERED.** All platted lots within the corporate city limits shall be numbered. The number assigned to such platted lot shall be affixed to all buildings now or hereafter erected thereon fronting any street or avenue. The owners or lessees of each such building shall cause the numbers to be placed and maintained on the building. This Ordinance shall apply to mobile homes whether or not the mobile home is located in a mobile home court.

**6-25-2 BASE LINE ESTABLISHED.** State Street and Riverview Street shall constitute the base line from which the numbering of platted lots and buildings from either side of said streets shall commence.

**6-25-3 NUMBERING.**

1. Odd numbers shall be assigned to platted lots and affixed to buildings situated on the north side of all streets running east and west and on the east side of all streets running north and south. Even numbers shall be assigned to platted lots and affixed to buildings situated on the south side of all streets running east and west and to the buildings situated on the west side of all streets running north and south. The numbering of buildings as odd or even shall alternate from one side of the street to the other side of the street.

2. Commencing at the Base Line defined in this Chapter, all numbers south of State Street shall be known and designated by the prefix "south" and all numbers north of State Street shall be known and designated by the prefix "north". All numbers west of Riverview Street shall be known by the number and street name.

3. Commencing at the Base Line defined in this Chapter, the first blocks north or south of State Street shall be the "100" block, the second such blocks shall be the "200" block, and such consecutive numbering shall continue for each consecutive block thereafter.

4. Where locations are indicated by number above the ground floor, within the designated area, the additional number of one-half ( $\frac{1}{2}$ ) shall be added to the last number.

5. The proper number assigned to any platted lot or to be affixed to any building under this Chapter shall be determined by the City Administrator.

**6-25-4 SIZE AND TYPE OF NUMBERS.** The numbers shall be displayed conspicuously not less than two and one-half inches (21/2") high by one inch (1") wide and shall be affixed to the first story front of all buildings, or the numbers may be painted on the front of the building, door, post, or other place on the premises where the same will be easily seen.

6-25-5 NUISANCE. The failure by an owner or lessee to place or maintain numbers on a building is hereby declared to be a nuisance. The nuisance shall be abated in the manner provided for in Title III Chapter 2 of this Code.

(Ord. 390, Passed April 1, 2013)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 26 RIGHT OF WAY REGULATION**

6-26-1	Purpose	Performance and Maintenance Bond or Other Form of Security Required
6-26-2	Right of Way Permits	
6-26-3	Permit Applications; Plans and Specifications; Insurance; Indemnification	6-26-9 Permittee's Other Obligations
6-26-4	Liability Insurance	6-26-10 Denial of Permit
6-26-5	Administrative Penalties for Scheduled violations	6-26-11 Inspection
6-26-6	Permit Fees	6-26-12 Work Done Without Permit
6-26-7	Permits	6-26-13 Revocation of Permit
6-26-8	Right of Way Restoration;	6-26-14 City's Remedies not Exclusive
		6-26-15 Duty to Defend, Indemnify and Hold Harmless

6-26-1 PURPOSE. The City Council makes the following findings and adopts the following statement of purposes:

1. The City's streets and alley rights-of-way are owned or held by the City primarily for the purpose of pedestrian and vehicular passage and for the provision of essential public safety services, including police, fire and emergency medical response services by the City; and public health services, including sanitary sewer, water and storm drainage services. The foregoing shall in all cases be considered and treated as the dominant and preeminent uses of the City's public rights-of-way.
2. All other uses of public rights-of-way, including use for the provision of utility services, private communication services, and private utility services, must in all cases be subordinate to the use of the rights-of-way for pedestrian and vehicular passage and for the provision of public safety and public health services as set forth in section 6-26-1 above.
3. To provide for the health, safety and well-being of its citizens and to ensure the structural integrity of its streets and the use of the rights-of-way, the City strives to keep its rights-of-way in good repair and free from unnecessary encumbrances. A primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by persons and entities whose equipment is located therein.
4. The City Council explicitly finds and declares that this Ordinance relating to right-of-way permits and right-of-way fees imposes reasonable regulations on the placement and maintenance of equipment with the City's rights-of-way and the use of those rights-of-way by private entities. Under this Ordinance, persons or entities disturbing and/or obstructing the rights-of-way will bear a fair share of financial responsibility for the integrity of the rights-of-way.
5. The City Council finds that it is in the public interest to provide for the issuance of right-of-way permits and the payment of right-of-way permit fees by all persons or entities disturbing and/or obstructing the City's rights-of-way for business purposes.

6. The City Council does not intend by this Ordinance to provide for the creation or establishment of a franchise or license for general and long term use of the right-of-way by any person or entity, nor to provide for the creation or establishment of a permit for general or long term use of the right-of-way. The City Council does intend by this Ordinance to create limited, short-term permits for use of the right-of-way and a fee for issuance of such permits.

#### 6-26-2 RIGHT OF WAY PERMITS.

1. Interference with use of right-of-way. When working in public rights-of-way, permittees under this Ordinance shall not unreasonably interfere with the safety, health and convenience of the public in the public's use thereof for ordinary travel, nor shall they interfere with public safety or public health services provided by the City to its residents by means of the public rights-of-way.

2. Permits required. Except as otherwise provided herein, no person or entity shall excavate or obstruct any right-of-way without first obtaining an excavation permit or obstruction permit from the City Administrator issued pursuant to this Ordinance.

a. Excavation permit. An excavation permit is a permit which allows the holder to excavate in a specified city right-of-way and to hinder free and open passage over and use of the specific portion of right-of-way by placing equipment described therein, to the extent and for the duration specified therein.

b. Obstruction permit. An obstruction permit is a permit which allows the holder to hinder free and open passage over and use of the specified portion of the city right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

c. Extension of Duration of Permit. No permit holder may excavate or obstruct the right-of-way beyond the date specified in the permit unless such permit holder:

1) Makes a supplemental application for another right-of-way permit before expiration of the initial permit; and a permit extension is issued.

2) Except as otherwise provided in this Ordinance, no person or entity shall occupy any portion of the right-of-way for the purpose of providing ongoing utility services on other than a temporary basis as provided in an obstruction permit or excavation permit, without first obtaining a franchise from the City.

#### 6-26-3 PERMIT APPLICATIONS; PLANS AND SPECIFICATIONS; INSURANCE; INDEMNIFICATION.

1. Before any permit required by this Ordinance shall be issued, an application shall be made to the city administrator. A permit application will be accepted only if all of the following conditions have been met and the permit applicant has:

a. Registered with the city administrator;

b. Fulfilled all obligations related to prior permits, including but not limited to the restoration of the right-of-way, and payment to the city of all money due for the following:

- 1) Prior obstruction or excavation permits;
- 2) Any loss, damage, or expense suffered by the city as a result of the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city in connection therewith;
- 3) Restoration of the right-of-way by the city or the city's contractor; and
- 4) Fines assessed to the applicant pursuant to section.

c. Submitted a completed permit application form, which includes all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed equipment, and which states or identifies the following:

- 1) The place, extent and purpose of the contemplated work including the identity of and location in the right-of-way at which any excavation is to be made;
- 2) The time when the work is to be commenced and the time it is to be completed;
- 3) For whom and in connection with what abutting property, if any, the work is to be performed;
- 4) To what street main, if any, the sewer, water, or gas connection is to be made or to what electric or telephone line, if any, the electric or telephone connection is to be made;
- 5) The name of the person or contractor who will do the work, the person who will be in charge thereof, and the public registration number issued by the state labor commissioner pursuant to I.C.A. Chapter 91C for all contractors to be involved in the work for which the permit is sought.

d. Provided as-built maps or GIS mapping data for all equipment which it has placed in the right-of-way in the past.

e. Corrected deficiencies, if any, in prior restoration work performed by it.

f. Plans and specifications shall be filed with an application for a permit to make an excavation involving the construction or installation of equipment within the right-of-way. Plans and specifications shall be in sufficient detail to identify the exact type of equipment to be constructed or installed in the right-of-way, and the horizontal and vertical location of such equipment within the right-of-way, with respect to right-of-way/property lines and established monuments, which location shall be established on such plans according to available existing records. Detailed plans and specifications shall not be required for individual excavations, such as individual water, sewer, gas, electric, or telephone connections to a building. A simple sketch on the application form provided by the city, including the dimensions of the proposed excavation in reference to permanent landmarks, shall be provided for individual excavations.

g. Applications for excavation permits shall be accompanied by an insurance certificate as required by Section 6-26-4(1) and by a performance and maintenance bond or other form or security as required by Sections 6-26-8(2) and/or 6-26-8(5), unless such certificate and bond have been previously filed with the city administrator and are still in effect.

h. All applications for a permit under this article shall contain a stipulation that the applicant shall indemnify and hold harmless the city from any and all costs, expenses or liability for damages or injuries to persons or property or liability of any kind whatsoever arising from or growing out of any excavation or trench or surface restoration for which the permit is issued pursuant to this Ordinance.

i. Permits for the construction or installation of equipment in the right-of-way, which is to be owned or operated by a franchised utility, shall be issued in the name of the franchisee's contractor. Permits for the construction or installation of equipment in the right-of-way, which is to be owned by the city water works shall be issued in the name of its contractor. Permits for the construction or installation of equipment in the right-of-way, which is to be owned by a city utility or enterprise, shall be issued in the name of its contractor. Permits for the construction or installation of equipment in the right-of-way, which is to be owned or operated by an abutting property owner, shall be issued in the name of the abutting property owner's contractor. Permits for construction in the right-of-way of underground sewer, water, gas, electric, or telephone connections to an abutting property shall be issued in the name of the abutting property owner's contractor.

j. Refusal to issue permit. The city administrator may refuse to issue the permits provided for in this Ordinance to any former permit holder who has intentionally violated the sections of this Ordinance relating to excavations in or obstruction of any public right-of-way or who has failed to conform to the requirements of any previously issued permit or who has violated the orders or instructions of city officials issued pursuant to this Ordinance.

#### 6-26-4 LIABILITY INSURANCE.

1. Before any permit required by this Ordinance shall be issued, there shall be placed on file in the office of the city administrator a certificate of insurance evidencing the existence of insurance deemed adequate by the City to cover the risk presented by the work being undertaken in the right-of-way. The amount and type of insurance to be required in each instance shall be determined by the city administrator by reference to a schedule of insurance coverage required for permitted activities, which shall be developed and periodically updated and approved by the city council by resolution. The insurance shall include the City as a named insured and shall be issued by an insurance company licensed to do business in Iowa. When the applicant is required by the terms of the permit and this Ordinance to fill and restore the excavation or trench, the insurance shall remain in effect until the maintenance period provided for in this Ordinance has expired. It shall provide that the insurance during such period may not be canceled or terminated except after the city administrator has received 30 days' written notice of the cancellation or termination or until the work under the permit has been completed.

2. This section shall not apply where indemnification and hold harmless have been provided to the City by a franchised utility pursuant to a franchise ordinance.

#### 6-26-5 ADMINISTRATIVE PENALTIES FOR SCHEDULED VIOLATIONS.

1. The city administrator is authorized to impose administrative penalties upon persons who commit the following violations of this Ordinance:

a. Failure to obtain permit;

- b. Failure to provide required notification of emergency trenching or excavations;
- c. Failure to provide required traffic control devices;
- d. Failure to restore as required;
- e. Failure to properly secure steel plates;
- f. Failure to provide required notification for inspection by plumbing inspector;
- g. Failure of restoration within the maintenance period;
- h. Failure to restore street cuts within the period provided in the permit;
- i. Failure to comply with permit conditions;
- j. Failure to comply with orders issued by the city engineer or the city engineer's designee;
- k. Failure to complete work within the time provided in the permit, or within a time extension of the permit granted by the city engineer or the city engineer's designee;
- l. Failure to provide factually accurate, truthful or complete information in making application for a permit; or
- m. Working, storing equipment or materials, or parking vehicles outside the permit area.

2. The administrative penalty for each violation shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the city administrator to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the office of the city clerk.

- a. If the violator refuses to correct the violation and pay the scheduled administrative penalty, the city administrator may cause a municipal infraction to be issued to the violator to achieve compliance with the requirements of this article. The city administrator shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken and shall consider such record when refusal to issue a permit pursuant to Section 6-26-10 is being contemplated. The applicant shall be liable for any and all costs incurred by the City because of such violations.

#### 6-26-6 PERMIT FEES.

- 1. Excavation permit fee. An excavation permit fee shall be charged to every person or entity making application to excavate in the right-of-way. The excavation permit fee shall be determined by the city administrator and approved by the city council by resolution. Such fee shall, in part, be based on the size of the area to be excavated or impacted by the excavation; the duration that the area will be unavailable for public use; the amount of vehicular, bicycle, and pedestrian traffic that is disrupted thereby; and such other factors as the city administrator shall deem appropriate.

2. Obstruction permit fee. An obstruction permit fee shall be charged to every person or entity making application to undertake activities in the right-of-way which will result in the obstruction of vehicular or pedestrian traffic. The obstruction permit fee shall be determined by the city administrator and approved by the city council by resolution. Such fee shall, in part, be based on the size of the area to be obstructed or impacted by the obstruction; the duration that the area will be unavailable for public use; the amount of vehicular, bicycle, and pedestrian traffic that is disrupted thereby; and such other factors as the city administrator shall deem appropriate.

3. Payment of permit fees. Permit fees shall be paid by the permittee prior to issuance of the excavation permit or obstruction permit.

4. Franchise Fee Exception. A permittee which has been granted a franchise pursuant to a franchise ordinance and a franchise fee ordinance, which provides for payment of a franchise fee, approved by the city council shall not be required to pay a permit fee under this Ordinance.

**6-26-7 PERMITS.** The city administrator shall keep a duplicate copy of each permit issued. Permits shall be regularly numbered in the order issued. Each permit shall contain the name of the person or entity to whom it is issued, the location of the premises, the purpose of any excavation and the time at which work under it shall be commenced and completed. The permit shall not take effect until the time stated therein, nor shall any work be done under it until such time. The permit shall expire at the time stated thereon for completion unless an extension is granted in writing by the city administrator; provided, however, the obligation to restore the right-of-way, and the obligation to provide and maintain insurance and bonds to the City in connection with such work shall remain in effect until restoration of the right-of-way is completed.

1. On-site exhibit of permit. One copy of the permit required by this Ordinance shall be kept and exhibited at every work site for which an excavation permit or obstruction permit has been issued.

**6-26-8 RIGHT-OF-WAY RESTORATION; PERFORMANCE AND MAINTENANCE BOND OR OTHER FORM OF SECURITY REQUIRED.**

1. Restoration required. The work to be done under an excavation permit issued pursuant to this Ordinance and the restoration of the right-of-way as required in this Ordinance must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore or pay for the restoration of the general area of the work, and the surrounding areas, including the paving, its foundations and any special features, to its proper and required condition, as determined by the city administrator.

2. Performance and maintenance bond an applicant for an excavation permit shall at the time of application for an excavation permit post a performance bond in an amount determined by the city administrator to be sufficient to cover the cost of restoring the right-of-way to its proper and required condition pursuant to subsection 1 above. Upon determination by the city administrator that the right-of-way has been properly restored, the surety on the performance bond shall be released.

3. Bond Condition. The bond shall be conditioned upon:

a. The faithful performance of the right-of-way restoration work required under this article, or payment of the restoration costs incurred by the city; and

b. The faithful performance of the terms of the permit, the provisions of this Ordinance, and any other requirements provided by law.

4. If the applicant fails or neglects to properly restore the right-of-way to its proper condition within the time for completion set forth in the permit, or within a reasonable time after notice by the city administrator of such failure or neglect, or fails to pay the restoration costs incurred by the city or fails or neglects to properly maintain the right-of-way to its proper condition within a reasonable time after notice by the city administrator of such failure or neglect, or fails to pay the maintenance costs incurred by the city, the right-of-way shall be restored or maintained by the city and the costs thereof, as certified by the city administrator, shall be promptly paid by the applicant or bonding company as the case may be.

5. Alternate forms of security. In lieu of filing a performance bond in connection with each excavation permit application, an applicant may, in the discretion of the city administrator, be allowed to post with the city treasurer an alternate form of security in the form of an annual performance bond, letter of credit, certificate of deposit, or certified check in an amount deemed sufficient by the city administrator, but in no event less than \$25,000.00, to secure the applicant's performance of all restoration work which the applicant will become responsible for during the next 12-month period. Such alternate form of security shall be conditioned upon the applicant's performance as provided in subsection 3 of this section. If the costs as certified by the city administrator during such year are less than such letter of credit, certificate or deposit, or certified check, or if the maintenance period provided for in the permit has expired with the applicant having satisfied all of its restoration and maintenance responsibilities, the balance thereof shall upon request be returned to the applicant. If it appears to the city administrator at any time after issuance of a permit that the security so provided by letter of credit, certificate of deposit, or certified check is inadequate to secure the performance of all such restoration work, the city administrator may require the permittee to increase such security. If the costs during such year exceed the amount of such additional security provided by letter of credit, certificate of deposit, or certified check, the applicant shall be required to pay such difference to the City. Such excess costs shall be paid before any subsequent application by the applicant for a permit under this article may be processed by the city administrator. If the City incurs any outlay and expense in collecting its costs from the applicant, such outlay and expense shall be paid by the applicant or bonding company in addition to other amounts due.

6. Restoration by City or City Contractor. If an applicant for an excavation permit has not qualified to perform right-of-way restoration work as provided in this Ordinance or if a qualified applicant chooses to have the City or the City's contractor restore the right-of-way, it shall pay the costs thereof within 30 days of billing. The permittee shall immediately notify the city administrator upon completion of the work done in connection with the excavation as is required in this Ordinance and the permittee shall pay the costs the City incurs in the refilling, replacement of pavement, and restoration and maintenance of the right -of-way by the City work crews or contractor working on behalf of the City, which costs shall be based upon the square footage of the improved street which is disturbed by such excavation, the type or amount of materials required to restore the street surface, and the future maintenance cost for the affected right -of-way due to degradation associated with the excavation thereof. The restoration costs to be paid in each instance shall be determined by the city administrator and approved by the city council by resolution.

7. Restoration by permittee. An applicant for an excavation permit who has been determined qualified to perform right-of-way restoration work as provided in this section and who intends to itself

restore the right-of-way shall so indicate in its application for an excavation permit. The permittee shall perform the work in accordance with the City's specifications utilized to secure proper restoration. The city administrator shall have the authority to prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis.

a. The city administrator in exercising this authority shall be guided by the following standards and considerations: the number, size, depth and duration of the excavations, disruptions or damage to the right-of-way; the pre-excavation condition of the right-of-way; the remaining life expectancy of the right-of-way affected by the excavation; whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of the accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way; and the likelihood that the particular method of restoration would be effective in slowing the degradation of the right-of-way that would otherwise take place.

b. Methods of restoration may include but are not limited to patching, replacement of the right-of-way base, and milling and overlay of the entire area of the right-of-way affected by the work.

c. By choosing to restore the right-of-way itself, the permittee guarantees its work and shall maintain it for 48 months following its completion. During this 48-month period, the permittee shall, upon notification from the City, correct all restoration work to the extent necessary using the method required by the City. Such work shall be completed within the period of time allotted therefor as set forth in the notice from the City. If the permittee fails to restore the right-of-way in the manner and to the condition required by the City or fails to satisfactorily and timely complete all repairs required, the city, at its option, may do such work or cause its contractor to do such work. In that event, the permittee shall pay to the City, within 30 days of billing, all costs incurred by the city in restoring the right-of-way.

#### 6-26-9 PERMITTEE'S OTHER OBLIGATIONS.

1. Obtaining a permit under this Ordinance does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulations.

2. A permittee shall comply with all requirements of local, state and federal laws, including I.C.A. § 480.1 et seq., pertaining to underground facilities information (one-call excavation notice system).

3. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.

4. Except in an emergency and with the approval of the city administrator, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.

5. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.

6. Work under a permit shall be conducted within the permit area, and work vehicles, equipment and materials shall be stored within the permit area. Private vehicles may not be parked within or adjacent to a permit area. The loading or unloading of trucks adjacent to a permit area is prohibited unless specifically authorized by the permit.

7. A permittee shall comply with all conditions stated in the permit, and with orders issued by the city administrator or the City's designated representative with respect to work being performed under the permit.

8. A permittee shall complete all work authorized by a permit within the time provided in the permit, or within a time extension of the permit granted by the city engineer or the city engineer's designee.

9. A permittee shall provide factually accurate, truthful and complete information in making application for a permit.

10. When working in public rights-of-way, permittees under this Ordinance shall not unreasonably interfere with the safety, health, and convenience of the public in the public's use thereof for ordinary travel along and over the rights-of-way, nor shall they interfere with public safety or public health services provided by the city to its residents by means of the public rights-of-way.

**6-26-10 DENIAL OF PERMIT.** The city administrator may deny a permit in order to protect the public health, safety and welfare; to prevent interference with the safety and convenience of ordinary travel over the right-of-way; or when necessary to protect the right-of-way and its users. In determining to deny a permit, the city administrator may, in his or her discretion, consider one or more of the following factors: the extent to which right-of-way space where the permit is sought is available; the competing demands for the particular space in the right-of-way; the availability of other locations in the right-of-way or in other rights-of-way for the equipment of the particular company; the applicability of this Ordinance or other regulations of the right-of-way that affect location of equipment in the right-of-way; the degree of compliance of the applicant with other applicable ordinances and regulations; the degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way; the condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; and the balancing of the costs of disruption to the public and damage to the right-of-way against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

#### **6-26-11 INSPECTION.**

1. When the work under any permit issued pursuant to this article is completed, the permittee shall notify the city administrator.

2. The permittee shall make the work site available to the city administrator and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.

3. At the time of inspection, the city administrator may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

4. The city administrator may issue an order to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city administrator that the violation has been corrected. If such proof has not been presented within the required time, the city administrator may revoke the permit pursuant.

#### 6-26-12 WORK DONE WITHOUT PERMIT.

1. Emergency situations. If a storm, flood, or other citywide emergency event causes system-wide damages to the equipment of a utility service company, requiring emergency repairs without obtaining the necessary right-of-way permits, the city council may, upon request by the company sustaining such damage, waive or modify the requirement that permits be obtained after the making of emergency repairs in response to such event.

**6-26-13 REVOCATION OF PERMIT.** Permittees hold permits under this Ordinance as a privilege and not as a right. The City reserves the right to revoke any permit issued under this Ordinance, without fee refund, for a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation or any condition of the permit.

1. If the city administrator determines that the permittee has committed a substantial breach of a term of condition of any statute, ordinance, rule, regulation or any condition of the permit, the city administrator shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. Further, a substantial breach, as stated in this subsection, will allow the city administrator, at his or her discretion, to place additional or revised conditions on the permit.

2. Within 24 hours of receiving notification of the breach, the permittee shall contact the city administrator with a plan, acceptable to the city administrator, for its correction. The permittee's failure to so contact the city administrator or the permittee's failure to submit an acceptable plan or the permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees, incurred in connection with such revocation.

**6-26-14 CITY'S REMEDIES NOT EXCLUSIVE.** The remedies provided for in this Ordinance are not exclusive or in lieu of other rights and remedies that the city may have at law or in equity. The City is authorized to seek legal and equitable relief for actual or threatened injury to the public rights-of-way, including damages to the rights-of-way, whether or not caused by a violation of any of the sections of this Ordinance or other sections of this Code.

**6-26-15 DUTY TO DEFEND, INDEMNIFY AND HOLD HARMLESS.** Every applicant for a permit under this Ordinance shall execute, as part of its permit application, an agreement to defend, indemnify, and hold harmless the City from any and all costs, expenses, or liability for damages or injuries to persons or property or liability of any kind whatsoever arising from or growing out of any obstruction, excavation, or restoration work within the right-of-way by the applicant for which a permit is required pursuant to this Ordinance.

(Ord. 368, Passed May 3, 2010)

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 27 SEASONAL BUILDINGS**

6-27-1 Definition

6-27-3 Building Permit Requirements

6-27-2 Seasonal Building Requirements

**6-27-1 DEFINITION.** Seasonal Building. A building or structure shall be considered a seasonal building if the dimensions of the building or structure do not exceed 576 square feet and the building or structure is temporary in nature such that the building or structure shall be removed from the real property within 180 days after the building or structure is erected.

**6-27-2 SEASONAL BUILDING REQUIREMENTS.** Seasonal buildings may be erected in either a rear yard or side yard in any zoning district set forth in Article IV, Section 1 of the Zoning Ordinance of the City of Bellevue, Iowa. The seasonal building shall be erected not less than five (5) feet from a side yard lot line. There shall be a minimum distance of not less than five (5) feet between a seasonal building and any alley line. The foregoing notwithstanding, where the entrance to a seasonal building faces the alley there shall be a minimum distance of not less than fifteen (15) feet between the seasonal building and the alley line. A seasonal building erected on a corner lot shall conform to all corner lot set back regulations. There shall be a minimum distance of not less than five (5) feet between a seasonal building and any other separate building or structure on the same lot. Seasonal building(s) shall not occupy more than thirty (30) percent of a rear yard or side yard. A seasonal building shall not be more than eighteen (18) feet in height.

**6-27-3 BUILDING PERMIT REQUIREMENTS.** A building permit shall be obtained from the Office of the City Clerk prior to commencement of construction or erection of a seasonal building. The building permit fee of \$50.00 shall be paid to the City Clerk prior to issuance of the building permit. The building permit shall be posted in the front window of the primary building or structure on the lot. The building permit shall only be required prior to the initial construction or erection of the seasonal building on a specified lot. A building permit will not be required in any subsequent year in which the same seasonal building is constructed or erected on the same specified lot.

(Ord. 406, Passed March 16, 2015)