

TITLE V – BUILDING AND PROPERTY REGULATIONS

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
ZONING, LAND USE AND SUBDIVISIONS**

CHAPTER 120

PLANNING AND ZONING COMMISSION

120.01 Planning and Zoning Commission
120.02 Term of Office
120.03 Vacancies

120.04 Compensation
120.05 Powers and Duties

120.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven members appointed by the Council, upon recommendation of the Mayor. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

120.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

120.03 VACANCIES. If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

120.04 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

120.05 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, Sec. 392.1)

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, Sec. 392.1)

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the *Code of Iowa*.

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

9. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

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ZONING, LAND USE AND SUBDIVISIONS**

CHAPTER 124

DWELLING IN BARN, CAVES OR OUTBUILDINGS

124.01 Occupying Certain Structures Prohibited
124.02 Exception

124.03 Temporary Occupancy Permit

124.01 OCCUPYING CERTAIN STRUCTURES PROHIBITED. It is unlawful for any person to occupy, as a place of human habitation, except as provided in Section 124.02, any so-called outbuilding, garage, barn, cave, basement or other unfinished structure or unfinished dwelling house within the limits of the City.

124.02 EXCEPTION. In cases of emergency caused by fire, flood, sickness or other calamity, temporary habitation of such buildings and structures may be had, provided a permit has been obtained from the Building Official.

124.03 TEMPORARY OCCUPANCY PERMIT. The permit for temporary occupancy as a residence, as provided for in Section 124.02, shall not be for a period of more than thirty (30) days, but the same may be extended for thirty-day periods, for good cause, by the Building Official. Such permits and extensions thereof shall be issued without fees.

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ZONING, LAND USE AND SUBDIVISIONS**

CHAPTER 125

TEMPORARY STRUCTURES

125.01 Definition	125.06 Compliance with Codes
125.02 Compliance with Chapter Provisions	125.07 Removal
125.03 Permit Required	125.08 Violations
125.04 Permit Application	125.09 Revocation of Permit
125.05 Permit Fees	

125.01 DEFINITION. “Temporary structure” means any shed, structure, building, trailer (which includes but is not limited to semi-trailers and mobile home type trailers), tent, or enclosure of any kind used for storage, commercial, or business or residential purposes which any person or business intends to place on the same lot with, or on any lot immediately adjacent to, any permanent structure used for business or commercial or residential purposes, on a temporary basis. Permanent structures need to follow all code ordinances, including accessory building codes and ordinances. This would include “temporary portable storage container,” which is defined as a large container used for the temporary storage of commercial, industrial, or residential household goods, and which does not contain a foundation or wheels for movement. Any storage container that will be in place more than six (6) months must be a building and meet the requirements of the Carter Lake Building Code and this Code of Ordinances. This chapter is not intended to be applicable to a location in a nonresidential area whose main business is the sale or rental of storage containers.

125.02 COMPLIANCE WITH CHAPTER PROVISIONS. No temporary structure shall be erected, constructed, placed, or otherwise allowed to remain in place except as hereinafter provided.

125.03 PERMIT REQUIRED. No temporary structure shall be erected, constructed, or placed upon any commercial or business or residential property without first obtaining a permit from the City. All permits are subject to approval by the Building Inspector. Further, the Building Inspector may impose certain reasonable requirements as may be required to keep the temporary structure from becoming unsightly to the surrounding properties.

125.04 PERMIT APPLICATION. Prior to seeking approval, an applicant shall file a permit application with the Clerk stating:

1. The name and address of the person or business seeking the permit.
2. A particular description of where the proposed temporary structure will be erected, constructed, or placed; including a site plan with dimensions.
3. The need for such structure, which need shall constitute an acceptable purpose, such as storage during a construction or demolition project, short term storage for persons moving into a residence, etc.
4. The period of time the proposed structure will be present on the property.

5. A particular description, including the dimensions, of the temporary structure to be erected, constructed, or placed upon the property.

125.05 PERMIT FEES. Upon approval by the Clerk and Building Inspector, and payment of any required permit fee, the Clerk shall issue a permit to the applicant. The permit for a business or commercial property shall be for a period of thirty (30) days and shall authorize the erection, construction, or placement of a temporary structure on the property described in the application. The cost of the business or commercial class permit is \$50.00 per month. The duration of the permit may be extended twice, providing an additional 30 days for each extension authorized. Each extension shall cost \$50.00, which must be paid in advance of the expiration of the prior permitted period. The permit for a residential property shall permit the placement of a storage container on the property described in the application for a period of 30 days. The duration of the permit may be extended up to five times, providing an additional 30 days for each extension authorized. The cost for a residential class permit is a graduating scale as follows:

First 30 days container is on site	\$ 0.00
Second 30 days container is on site	\$ 20.00
Third 30 days container is on site.....	\$ 40.00

125.06 COMPLIANCE WITH CODES. Any such temporary structure erected, constructed, or placed upon a property shall comply with all applicable provisions of this Code of Ordinances, including the fire, electrical, and building codes. Containers must be placed on a hard-surfaced area and shall be located on the owner’s lot. If it is not currently on hard surface, it shall be placed on hard surface. No part of any container shall be located on any public property or in the right-of-way. Any temporary structure shall at all times be kept in good condition and shall not be in a state of neglect, including (but not limited to) substantial paint peeling, rust holes or accumulations or missing or broken parts. The temporary structure shall not obstruct sight-lines of driveways or intersections, or impede sidewalks.

125.07 REMOVAL. Any such permitted temporary structure shall be removed from the property at the expiration of the time period defined in the permit or upon revocation of said permit.

125.08 VIOLATIONS. A person who violates any provision of this chapter shall be guilty of a municipal infraction. Each day said violation continues shall be considered a separate offense.

125.09 REVOCATION OF PERMIT. A permit may be revoked by the City for a violation of any of the provisions of this chapter or any other ordinances of the City or the laws of the United States or the State of Iowa.

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS**

CHAPTER 130

DANGEROUS BUILDINGS

130.01 Enforcement Officer
130.02 General Definition of Unsafe
130.03 Unsafe Building
130.04 Notice to Owner

130.05 Conduct of Hearing
130.06 Posting of Signs
130.07 Right to Demolish; Municipal Infraction
130.08 Costs

130.01 ENFORCEMENT OFFICER. The Building Inspector is responsible for the enforcement of this chapter.

130.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

130.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

130.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

130.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

130.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF CARTER LAKE, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

130.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

130.08 COSTS. Costs incurred under Section 130.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS**

CHAPTER 131

BUILDING CODE

131.01 Short Title	131.19 Building Permit Fees
131.02 Purpose	131.20 Inspection Required
131.03 Adoption of State Building Code	131.21 Lot Survey
131.04 Copies Filed	131.22 Asphalt and Concrete Installation
131.05 Building Official	131.23 Concealed Work
131.06 Board of Appeals	131.24 Inspection Record Card
131.07 Permits Required	131.25 Approvals Required
131.08 Emergency Work	131.26 Required Inspections
131.09 Permit Applications	131.27 Maintenance
131.10 Plans and Specifications	131.28 Special Inspections
131.11 Plan Review	131.29 Special Inspector
131.12 Plan Approval	131.30 Approved Fabricators
131.13 Partial Plans	131.31 Request for Inspection
131.14 Retention of Plans	131.32 Access
131.15 Issuance of Permits	131.33 Power, Fuel and Water Supply Connections
131.16 Validity	131.34 Certificate of Occupancy
131.17 Expiration of Permit	131.35 Violations
131.18 Suspension or Revocation	

131.01 SHORT TITLE. This chapter shall be known as the Carter Lake, Iowa, Building Code, and may be cited as such.

131.02 PURPOSE. The purpose of this chapter is to protect public health, property, welfare and safety by establishing reasonable minimum requirements for the construction, repair, moving, demolition and use of buildings, structures and related equipment, fixtures and systems.

131.03 ADOPTION OF STATE BUILDING CODE. Pursuant to published notice and public hearing, as required by law, the *Iowa State Building Code*, promulgated pursuant to Chapter 103A of the *Code of Iowa*, including the one- and two-family dwelling code, is hereby adopted by reference.

1. Adoption of *State Plumbing Code*. Chapter 1, Chapters 2 to 10, and Chapters 13 to 15 of the *Uniform Plumbing Code*, 2000 Edition, as published by the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789-2825, are hereby adopted by reference with amendments as the *State Plumbing Code* authorized by *Code of Iowa* Section 135.11(5), 101.3, 101.5, 103.8, 101.4, 103.5.3.

2. Adoption of *Fuel Gas Code*. Fuel gas piping shall comply with the requirements of ANSI/NFPA 54, *National Fuel Gas*, 1999 Edition. Liquefied petroleum gas facilities and appliances shall comply with the requirements of ANSI/NFPA 58, *Standard for the Storage and Handling of Liquefied Petroleum Gases*, 2001 Edition. The previous Codes and Standards are incorporated herein as the City of Carter Lake Codes and Standards.

3. Adoption of *Property Maintenance Code*. The *International Property Maintenance Code*, 2006 Edition, as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the *Property Maintenance Code* of the City of Carter Lake for the control of buildings and structures as herein provided. This code is established to set minimum regulations governing the conditions and maintenance of all properties, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

131.04 COPIES FILED. Official copies of the aforementioned Iowa State Building Code, the standard codes adopted therein, and a certified copy of this chapter are on file in the office of the Clerk. Certified copies of this chapter are also on file in the office of the State Building Code Commissioner and in the office of the Secretary of State.

(Code of Iowa, Sec. 103A.12 and Sec. 380.8)

131.05 BUILDING OFFICIAL. The Building Official is hereby authorized and directed to enforce all the provisions of this chapter. The Building Official shall have the following powers and duties:

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

1. Annual Report. The Building Official shall submit a report to the Council not less than once a year, covering the administration and enforcement of this chapter during the preceding period. Said report shall incorporate a summary of recommendations as to desirable amendments to this chapter.
2. Records. The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under this chapter the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
3. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this chapter, the Building Official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this chapter; provided, if such building or premises is occupied, the Building Official shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
4. Stop Orders. Whenever any work is being done contrary to the provisions of this chapter, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

5. **Occupancy Violations.** Whenever any structure is being used contrary to the provisions of this chapter, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this chapter; provided, however, in the event of an unsafe building the procedures for the abatement of a nuisance shall apply.

6. **Authority to Condemn Equipment.** Whenever the Building Official learns or ascertains that any equipment, as defined in this chapter, has become hazardous to life, health, or property, the Building Official shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

7. **Liability.** The Building Official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the City in the discharge of duties, shall not thereby become liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the Building Official or employees, because of such act or omission performed by them in the enforcement of any provisions of this chapter, shall be defended by the City until final termination of the proceedings.

8. **Cooperation of Other Officials.** The Building Official may request, and shall receive so far as may be necessary in the discharge of any duties, the assistance and cooperation of other officials of the City.

131.06 BOARD OF APPEALS. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is hereby created a Board of Appeals, consisting of five (5) members, who shall be the members of the Council. The Building Official shall be an ex officio member and shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a copy to the appellant and a copy to the State Building Code Commissioner.

(Code of Iowa, Sec. 103A.13; IAC 630-5.3[5])

131.07 PERMITS REQUIRED. Permits shall be required as follows:

1. **Building.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official.

2. **Mechanical.** No person shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefor has been obtained from the Building Official except as otherwise provided in this chapter. A permit is not required for the following:

- A. Any portable heating appliance.
- B. Any portable ventilating equipment.

- C. Any portable cooling unit.
 - D. Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - E. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this chapter.
 - F. Any portable evaporative cooler.
 - G. Any refrigerating equipment which is a part of the equipment for which a permit has been issued pursuant to the requirements of this chapter.
 - H. Any unit refrigerating system.
3. Plumbing. No person shall install, alter, reconstruct or repair any plumbing or drainage system or part thereof as defined in the plumbing code adopted by this chapter unless a permit therefor has been obtained from the Building Official.
4. Electrical. No person shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the electrical code adopted by this chapter unless a permit therefor has been obtained from the Building Official.
5. Penalty. If any person commences any work or construction prior to obtaining a permit, the penalty shall be as follows:
- A. First time – Warning and purchase of permit within two business days.
 - B. Subsequent times – \$100.00 penalty and double amount for permit fees.

131.08 EMERGENCY WORK. In emergency situations, work may be initiated without first submitting a permit application and receiving a permit. However, a permit application must be submitted within a reasonable time after the passage of the critical period. With this one exception, all emergency work must be one in accordance with this chapter.

131.09 PERMIT APPLICATIONS. To obtain any required permit, the applicant shall first file an application therefor on forms provided by the Building Official. Every applicant for a permit shall state in writing on the application form the character of the work proposed to be done, the amount and kind of work to be performed therewith, together with any such information pertinent thereto as may be required by the Building Official or the Council. Each application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.

131.10 PLANS AND SPECIFICATIONS. With each application for a building permit, and when required by the Building Official for enforcement of any provisions of this chapter, two sets of plans and specifications shall be submitted. The Building Official may require such plans and specifications to be prepared and designed by an engineer or architect licensed by the State of Iowa to practice as such. Plans and specifications when required shall be of sufficient detail and clarity to show that the proposed work will conform to the provisions of this chapter and of all applicable laws, ordinances, rules, regulations and orders. The Building Official may waive the filing of plans and specifications with an application for the following:

1. One-story buildings of conventional wood stud construction with an area not exceeding 600 square feet.
2. Private garages, carports, sheds and agricultural buildings of conventional wood stud construction; however, carports shall meet the following minimum requirements:
 - A. Carports shall be anchored to the ground to comply with the manufacturer recommendations to withstand wind speeds of up to 90 miles per hour.
 - B. Carports shall be designed for thirty (30) pounds per square foot of roof snow load.
 - C. No tarps, cloth or similar materials shall be allowed as a roof or sides of the carport.
3. Small and unimportant work.

131.11 PLAN REVIEW.

1. Review by Building Official. All required plans and specifications for residential, multi-family, commercial, industrial and manufacturing building projects shall be reviewed by the Building Official for completeness and compliance. Except for residential projects (single-family and two-family structures), the Building Official will forward these plans and specifications on to other City departments or personnel to determine whether or not such plans and specifications are in compliance with the laws and ordinances under their jurisdictions.
2. Review by Planning and Zoning Commission. The Planning and Zoning Commission shall review the plans and specifications for multi-family, commercial, industrial and manufacturing building projects before the Building Official approves the building permit. Included in this class of construction are all proposed tenant-finished projects, residential subdivisions and multi-family dwellings of more than three units. Within thirty (30) days after receiving the Building Official's report, checklist and complete plans (approved by the City's Engineer Firm or other licensed firm, if appropriate, and by all appropriate City departments), the Planning and Zoning Commission shall convene to review the proposed plans and specifications and make its recommendations. Recommendations by the Commission shall be considered by the Building Official before approval.

131.12 PLAN APPROVAL. If the plans and specifications as filed appear to conform to the requirements of this chapter and other laws and ordinances, the Building Official shall endorse in writing or stamp on all sets of plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans. No building permits are to be issued by the Building Official until the final plat for the subdivision has been approved by the Planning and Zoning Commission.

131.13 PARTIAL PLANS. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter.

The holder of such permit shall proceed at the holder's own risk without assurance that the permit for the entire building or structure will be granted.

131.14 RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

131.15 ISSUANCE OF PERMITS. When the Building Official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith, if required, conform to the requirements of this chapter and other pertinent laws and ordinances including any applicable soil erosion control plans, and that the fees as specified have been paid in full, the Building Official shall issue a permit therefor to the applicant.

131.16 VALIDITY. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or of any other chapter of this Code of Ordinances.

131.17 EXPIRATION OF PERMIT. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within thirty (30) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. If the work described in any building permit for newly constructed structure which is to be inhabited has not been substantially completed within one year after the date of the issuance thereof, or if the work described in any building permit which does not involve living quarters or to be inhabited has not been completed within six (6) months, said permit shall expire and be canceled by the Building Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless or until a new building permit has been obtained. An extension of time may be granted only under unusual circumstances beyond the permit expiration date at the discretion of the Building Official. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be equal to a structural permit, provided no changes have been made or will be made in the original plans and specifications for such work. The expiration date of a building permit may be established for a period longer than one year if established at the time that such permit is issued by the City.

131.18 SUSPENSION OR REVOCATION. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

131.19 BUILDING PERMIT FEES.

1. There shall be paid to the City for the issuance of any building permit, for any and all types of construction, demolition or remodeling, a fee as established by resolution of the City Council. The schedule of fees shall be periodically amended by resolution as deemed appropriate by the Council. The City Clerk shall be responsible for maintaining an accurate list of the permit fees including the dates when the fees were adopted.
2. The payment of all fees and charges shall be made at the office of the Clerk where receipts shall be issued for all amounts paid. If payment is made in the form of a check and that check is subsequently dishonored, the City may deem that the permit fee has not been paid and shall also be authorized to charge the applicant with a returned check fee of \$30.00.

131.20 INSPECTION REQUIRED. All construction or work for which a permit is required shall be subject to inspection by the Building Official, and certain types of construction shall have continuous inspection by special inspectors, as specified in Section 131.28.

131.21 LOT SURVEY. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans.

131.22 ASPHALT AND CONCRETE INSTALLATION. No asphalt or concrete shall be poured or installed on any lot in the City without there first being a permit issued for such work. The permit application must be signed by the property owner, shall include a description of the area of property to be covered by the asphalt or concrete, and shall state when said work is to be completed. A fee, as established by resolution of the Council, shall be charged for said permit. If any part of the City right-of-way is to be covered by the project, said portion covering the City right-of-way shall be covered by concrete only and not by asphalt.

131.23 CONCEALED WORK. That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

131.24 INSPECTION RECORD CARD. Work requiring a permit shall not be commenced until the permit holder or agent shall have posted an inspection record card in a conspicuous place on the front premises and in such position as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the certificate of occupancy or satisfactory completion has been issued.

131.25 APPROVALS REQUIRED. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 131.26. There shall be a final inspection and approval of all buildings and work when ready for occupancy and/or completed.

131.26 REQUIRED INSPECTIONS. The Building Official, upon notification from the permit holder or agent, shall make the following applicable inspections and shall either

approve that portion of the work as completed or shall notify the permit holder or agent wherein the same fails to comply with this chapter.

1. Reinforcing Steel or Structural Framework. Reinforcing steel or structural framework shall not be covered or concealed without first obtaining the approval of the Building Official.
2. Foundation Inspection. Inspection shall be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
3. Frame Inspection. Inspection shall be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
4. Mechanical Inspection. Inspection shall be made before concealment or use.
5. Plumbing inspection. Inspection shall be made before concealment or use.
6. Electrical Inspection. Inspection shall be made before concealment or use.
7. Lath and/or Wallboard Inspection. Inspection shall be made after all lathing and/or wallboard, interior and exterior, is in place; but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
8. Other Inspections. In addition to the required inspections specified above, the Building Official may make or require any other inspections or any other construction or work to ascertain compliance with the provisions of this chapter and other laws which are enforced by the Building Official. If it is necessary for the Building Official to request a review of any plans submitted by an applicant or if the Building Official needs to request the services of special inspector at any phase of the construction, the cost of the Building Official's consultation with and any cost incurred by the City for their services of such special inspector shall be passed on to the applicant. If a bill is submitted to the applicant and/or contractor, and payment is not made forthwith, the Building Official shall be entitled to withhold the granting of a Certificate of Occupancy until said bill is paid in full. If the applicant or contractor believes the bill is unreasonable or unnecessary, the contractor may appeal the Building Official's position to the City Council by written request within ten (10) days of the submission of the bill by the Building Official to the applicant or contractor. The Council shall grant a hearing on the request as soon as practicable. If a special meeting is necessitated to determine the fair and reasonableness of the bill, the applicant shall be required to pay the cost of any special meeting of the Council. These extra fees incurred by the Building Official may include but shall not be limited to consultations with or reviews of plans by licensed engineers, architects and surveyors.
9. Reinspections. Reinspections, and fees therefor, may be required as follows:
 - A. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is required is not complete or when corrections called for are not made.
 - B. This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this chapter, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

C. Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

D. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with paragraph A of this subsection.

E. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

10. Final Inspection. Inspection shall be made after work is completed and/or the building ready for occupancy.

131.27 MAINTENANCE. All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or designated agent shall be responsible for the maintenance of buildings and structures. For the purpose of determining compliance with this section the Building Official may cause any structure to be reinspected.

131.28 SPECIAL INSPECTIONS. In addition to the inspections to be made as specified in Section 131.26, the owner or agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

1. Concrete. On concrete work when the structural design is based on compressive strength of concrete in excess of 2,000 p.s.i.
2. Masonry. Masonry work shall have special inspection when required in the Uniform Building Code.
3. Welding. On all structural welding.
4. Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited.
5. Special Cases. On special construction or work involving unusual hazards or requiring constant inspection.
6. Exception. The Building Official may waive the requirement for the employment of a special inspector if the Building Official finds that the construction or work is such that no unusual hazard exists.

131.29 SPECIAL INSPECTOR. The special inspector shall be a qualified person approved by the Building Official. The special inspector shall furnish continuous inspection on the construction and work requiring the special inspector's employment. The special inspector shall report to the Building Official in writing, noting all ordinance violations and other information as required.

131.30 APPROVED FABRICATORS. Special inspections required by Section 131.28 and elsewhere in this chapter shall not be required where the work is done on the premises of a fabricator approved by the Building Official to perform such work without special inspection.

The certificate of approval shall be subject to revocation by the Building Official if it is found that any work done pursuant to the approval is in violation of this chapter.

131.31 REQUEST FOR INSPECTION. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

131.32 ACCESS. It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

131.33 POWER, FUEL AND WATER SUPPLY CONNECTIONS. Systems and/or equipment regulated by this chapter shall not be connected to the power, fuel or water supply until authorized by the Building Official, except that this section shall not be considered to prohibit the operation of any equipment installed to replace existing equipment serving an occupied portion of a building in the event a request for inspection of such equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

131.34 CERTIFICATE OF OCCUPANCY. No building or structure for which a certificate of occupancy is required by the Iowa State Building Code Administration Section shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

(Code of Iowa, Sec. 103A.19[4])

1. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Iowa State Building Code adopted by this chapter.
2. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of this chapter, the Building Official shall issue a certificate of occupancy which shall contain the following:
 - A. The building permit number.
 - B. The address of the building.
 - C. The name and address of the owner.
 - D. A description of that portion of the building for which the certificate is issued.
 - E. A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy and the use for which the proposed occupancy is classified.
 - F. The name of the Building Official.
3. Temporary Certificate. A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
4. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

131.35 VIOLATIONS. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS**

CHAPTER 132

DEMOLITION OF BUILDINGS

132.01 Permit Required
132.02 Application
132.03 Issuance of Permit
132.04 Expiration
132.05 Suspension or Revocation
132.06 Permit Fees; Waiver
132.07 Transfer of Permit Prohibited

132.08 Responsibilities of Wrecking Contractor or Permittee
132.09 Abandoned or Unsafe Projects
132.10 Insurance for Use of Streets or Public Property
132.11 Insurance for Wrecking Buildings or Structures
132.12 Enforcement
132.13 Violations

132.01 PERMIT REQUIRED. No person shall demolish or wreck a building within the City unless such person shall have obtained a permit therefor from the Building Department in compliance with the provisions of this chapter and the Carter Lake Building Code.

132.02 APPLICATION. To obtain a permit the applicant shall first file an approved certificate of a contractor's public liability insurance policy written by a company authorized to transact business in the State of Iowa, for the principal sum of not less than \$150,000 liability to any one person and \$100,000 personal injury liability on account of any one accident, and \$100,000 liability for property damage. Such policy shall be written in accordance with the standard form in general use and shall carry an endorsement protecting the City, as its interests may appear, as the result of any accident or injury for which it might become in any manner liable due to the acts of the insured or its employees in the demolition of buildings. Such policy shall carry a further endorsement to the effect that if the policy is canceled the insurance company shall notify the Building Department by registered mail not less than ten days prior to the date of cancellation. Said certificate of insurance shall be filed annually on or before January 1 each year. Applicant must file an application in writing on a prescribed form as furnished by the Building Department. All approvals required on said form shall be obtained prior to issuance of the permit.

132.03 ISSUANCE OF PERMIT. If the Building Official is satisfied that the certificate of insurance is valid and of full force and effect for the duration of the period of the permit, and that the work described in the application conforms to the requirements of this chapter and with the provisions of the Carter Lake Building Code, the Building Official shall issue a permit therefor to the applicant. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of the Carter Lake Building Code. No permit presuming to give authority to violate or cancel the provisions of this chapter or Building Code shall be valid, except insofar as the work or use which is authorized as lawful.

132.04 EXPIRATION.

1. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become invalid if the demolition or wrecking of the building or structure or the use of the public property is not accomplished during

the period of time which is stated on the permit. Such work or use of public property shall cease upon expiration of the permit and shall not be recommenced until a new permit has been obtained by revising or renewing the original application and by the payment of a new fee as specified in the Building Code.

2. An expiration date shall be assigned to each demolition or wrecking permit by the Building Department when the permit is issued. Such expiration date shall provide for a reasonable period of time for all demolition, thorough cleanup, backfilling, compacting and uniform grading of the site. If an expiration date is not shown on the permit when issued, such permit shall expire by limitation and become invalid 30 days after the date of issuance. Each permit may be renewed provided that a fee is paid for each such renewal in the same amount as the original permit fee.

132.05 SUSPENSION OR REVOCATION. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance.

132.06 PERMIT FEES; WAIVER. A fee for each permit shall be paid to the Building Official as determined by resolution by the Council. Where the demolition of a building, for which a permit is required by this chapter, is started prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter and the Carter Lake Building Code in the execution of the work or from other fees or criminal penalties. No fee shall be required for demolition of any building or structure owned and used exclusively by the City.

132.07 TRANSFER OF PERMIT PROHIBITED. A demolition or wrecking permit shall not be transferable from one building or building site to another building or building site or from one person to another.

132.08 RESPONSIBILITIES OF WRECKING CONTRACTOR OR PERMITTEE.

1. Temporary Fence. A temporary fence shall be erected around an unsafe excavation, dangerous building or structure to prevent access to the public. Such fence shall be:

- A. At least four feet high;
- B. Consistently restrictive from top to grade;
- C. Without horizontal openings or indentation wider than two inches;
- D. Erected before demolition begins and not removed until the basement is filled.

2. Inspection. The permittee shall obtain inspection and approval from the Building Department prior to backfilling any excavations, holes or depressions on the demolition site. Excavations, cellar holes, basement holes, abandoned cisterns or other depressions in the wrecking site shall be filled and compacted with sand or earthen fill and a tillable layer of topsoil spread over the entire lot to a uniform, natural grade consistent with established adjacent grades. (No fly ash or equal.) Adjacent grades, when referred to in these specifications, means approximate existing elevation of the ground surrounding a basement, or other excavated or depressed area,

at the distance of five feet outside the area, particularly when the existing ground has previously been graded up so as to slope away from the area.

3. **Finishing Filled Areas.** The permittee shall assure that all filled areas are adequately compacted or tamped to match the density, stability and grade of the adjacent undisturbed soils and to prevent the settling of the backfill and the ponding of surface water.
4. **Cutting and Capping of Utilities.** With regard to utilities which need to be cut and capped during the process, permittee must comply with the following rules:
 - A. A licensed plumber must cut and cap water and sewer at the main lines.
 - B. A licensed plumber must request the utility company and the City Building Inspector to inspect the disconnection of the water before it is covered. In this regard, the permittee must give adequate notice to the City prior to wrecking the building.
 - C. The local electric company must cut off the electrical service and remove the meter from the property.
 - D. The local gas company must cut off the gas and remove the meter from the property.
5. **Additional Backfilling or Grading.** In the event that the backfill materials are not of a consistency and density to produce, support and maintain a stable, uniform grade for at least sixty days after the date when the job is reported "finished" or if the backfill materials were frozen when used, causing unacceptable settling during the first sixty days after the ground is free of frost, the permittee shall remedy such settling by additional tamping, refilling, compacting and re-grading in conformance with the standards set forth in this section.
6. **Protection and Restoration of Adjacent Property.** The permittee shall protect all adjacent property, private or public, to avoid damage or injury to same, and shall repair or replace any structures, vegetation or topography which was destroyed, damaged, moved or changed in conjunction with, or by reason of, the wrecking operation. Such repairs, replacement or restitution shall be based upon and consistent with the grade, appearance and state of repair which existed prior to the starting of the demolition work.
7. **Cleanup.** All pieces, parts, scraps, debris, rubbish, wood and organic materials from a structure or part of a structure in the process of being demolished shall be cleaned up and removed from the premises weekly. Final cleanup after the structure is demolished shall include complete and thorough removal from the premises of all parts or pieces of the building, its contents and its furnishings, including all debris, organic materials, rubbish, wood, concrete, and masonry rubble in their entirety; e.g.:
 - A. Concrete or brick floors of basements, or of areaways, stairways, stairwells or depressed structures shall be completely removed.
 - B. Concrete slabs on ground including floors of buildings with no basement, entrance slabs, patios, garages or shed floors, and similar exterior slabs whether of concrete, masonry, rock or stone shall be broken up and removed from the site. All hazardous open pits and recesses shall be filled with thoroughly tamped earth or mortar, whichever is required to completely

eliminate the hazard. Sewers, stacks, or other sanitary ducts extending to or through the floors and slabs shall be filled as provided.

C. When required, all walks and drives within parcels shall be broken up and removed from the site.

D. When required, retaining walls within or on the property line of parcels shall be removed completely. When retaining walls are required to be removed, the embankment shall be cut back to a slope of two horizontal to one vertical, or as permitted by remaining sidewalks, etc.

132.09 ABANDONED OR UNSAFE PROJECTS. When a wrecking project has been abandoned or is found to be unsafe, the Building Official may order the unsafe conditions corrected, the building boarded up and the premises barricaded. Upon failure of the owner or owner's agent to comply with the order of the Building Official within seven days, the Building Official, after notice and opportunity for hearing, may cause said building or structure to be demolished to the extent of the work covered by the wrecking permit, the premises cleaned and suitable drainage grades established, the cost of such demolition, cleaning and grading to be assessed to the property as provided by the *Code of Iowa*.

132.10 INSURANCE FOR USE OF STREETS OR PUBLIC PROPERTY. Where the public property or streets are to be used or occupied during the operations of demolishing a building or structure, or where such public property is required to be protected in compliance with the Carter Lake Building Code, a certificate of insurance with the aforementioned limits shall be first filed with the City Building Department; said certificate shall be in the form recognized by the City and acceptable by the Building Department and shall be conditioned that the principal will indemnify and save harmless the City, its officials or any of its employees responsible for issuing permits for the use of streets or public property, and successors, from and on account of any and all judgments, claims, costs, expenses, attorney fees or liabilities of any kind whatsoever which the City and any or all of the persons above enumerated may sustain or which may be recovered from it or them, from or by reason of the issuance of each such permit, or by reason of any act, neglect or thing done under or by virtue of the authority given in any such permit, or in any way connected with, relating to, or growing out of any work performed by said principal, or agents and employees, or any subcontractor or anyone in any way under the principal's supervision and direction.

1. Said principal shall in all respects be bound hereby to all applicable requirements and provisions required by the Building Code of the City, and by ordinances and regulations now existing and hereafter enacted by the City.

2. Said principal shall comply with and faithfully observe and obey all applicable regulations and ordinances of the City now existing or hereafter enacted affecting or relating to the use of streets or public property.

3. Said principal or surety shall pay all damages or loss to the City that may occur from any act or negligence of said principal or agents or employees, anyone under said principal's supervision or direction, or any subcontractor, as a result of the use of streets or public property.

4. Said principal shall fully protect any and all work, space, materials or equipment relating to the use of streets or public property undertaken by principal or under the principal's direction and supervision or by any agent or employee, or by any subcontractor.

5. Said principal shall pay any penalties that may be imposed during the period of any permit now issued or to be issued during the effective term of the certificate of insurance. The aforementioned certificate of insurance shall be filed annually on or before January 1 each and every year.

132.11 INSURANCE FOR WRECKING BUILDINGS OR STRUCTURES. Where streets or public property are to be occupied or the general public endangered during the operations of wrecking or demolishing a building or a structure, a certificate of insurance in the amount of \$250,000 public liability to any person or \$500,000 liability to more than one person on account of any one occurrence, and \$100,000 property damage shall first be filed with the City prior to issuance of the wrecking permit. Said certificate shall be on a form recognized by the City and acceptable to the Building Department and shall be conditioned that the wrecking contractor will indemnify and save harmless the City, its officials and its employees who issue permits for wrecking buildings, and the successors, from and on account of any and all judgments, claims, costs, expenses, attorney fees or liabilities of any kind whatsoever which said City and any or all of the persons above enumerated may sustain or which may be recovered from it or them from or by reason of the issuance of each such permit, or by reason of any act, neglect or thing done under or by virtue of the authority given in any such permit, or in any way connected with, relating to, or growing out of any work performed by said principal, or agents and employees, and any sub-contractor or anyone in any way under the principal's direction or supervision.

1. Said principal shall comply with and faithfully observe and obey all applicable regulations and ordinances of the City now existing or hereafter enacted and all other applicable laws now existing or hereafter enacted, affecting, or relating to the wrecking of buildings.
2. Said principal shall pay all damages or loss to the City that may occur from any act, or negligence of said principal, or agents or employees, anyone under the principal's direction or supervision, or any sub-contractor, as a result of wrecking of buildings by said principal.
3. Said principal shall properly perform and execute and fully protect any and all work, space, materials, or equipment relating to the wrecking of buildings undertaken by principal or under the principal's direction or supervision or by any agent or employee, or by any sub-contractor.
4. The certificate of insurance for wrecking buildings shall be for a term of one year, re-filed on or before January 1 each and every year.

132.12 ENFORCEMENT. The Building Official is hereby authorized and directed to enforce all of the provisions of this chapter.

132.13 VIOLATIONS. Any person violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS**

CHAPTER 133

DIRT HAULING

133.01 Permit Required
133.01A Deposit Required
133.02 Application For Permit
133.03 Permit Fee and/or Deposit
133.04 Issuance of Permit
133.05 Contents of Permit
133.06 Inspection of Permit

133.07 Duty to Prevent Spilling of Dirt; Duty to Clean Street
133.08 Protection of Sidewalks
133.09 Cleaning of Street By City
133.10 Site Plan With Final Grades
133.11 Violation

133.01 PERMIT REQUIRED. It is unlawful for any person except authorized City employees or persons contracted by the City to haul or authorize to be hauled any earth in excess of ten (10) cubic yards over, across, or along any paved street or alley in the City without a permit from the Building Inspector to do so.

133.01A DEPOSIT REQUIRED. It is unlawful for any person except authorized City employees or persons contracted by the City to excavate earth from front yards or City right-of-ways to access water lines or sewer lines for connections, disconnects, new service, or repairs without first placing a deposit with the City. Deposit is refundable upon inspection of cleanup per Section 133.09.

133.02 APPLICATION FOR PERMIT. Any person desiring a permit required by the provisions of this chapter shall make application therefor to the Building Inspector. Such application shall contain:

1. The place from which the earth is to be removed;
2. The place to which the earth is to be hauled; and
3. An approximate estimate of the number of cubic yards to be moved.

The Building Inspector shall require proof of contractor's liability insurance coverage of the applicant in cases where dirt hauling will occur over City streets and City rights-of-way.

133.03 PERMIT FEE AND/OR DEPOSIT. Before any permit is issued under the provisions of this chapter, the applicant therefor shall purchase a permit and place a deposit with the City. The fees shall be as follows:

1. \$25.00 permit fee.
2. \$200.00 deposit (refundable) †

133.04 ISSUANCE OF PERMIT. Upon compliance with the requirements of this chapter, the Building Inspector shall issue a permit required by this chapter to the applicant therefor.

† See Section 133.09.

133.05 CONTENTS OF PERMIT. Each permit issued under the provisions of this chapter shall contain:

1. The streets or portions of streets over, across or upon which dirt may be hauled; and
2. The time when such work will be permitted.

In no event shall a dirt hauling permit exceed six (6) months in duration.

133.06 INSPECTION OF PERMIT. A permit issued under the provisions of this chapter shall be subject to inspection upon demand by any City officer or employee designated by the Building Inspector to look after work performed under this chapter. If necessary, the Building Inspector shall provide directions to the permit holder of the appropriate steps to provide dust control during the project. All reasonable measures will be taken to ensure a minimum amount of dust and dirt blowing.

133.07 DUTY TO PREVENT SPILLING OF DIRT; DUTY TO CLEAN STREET. It is the duty of any person engaged in hauling earth over, along or across any part of any paved street or alley in the City pursuant to a permit issued under the provisions of this chapter to use wagons or trucks for hauling such earth of such construction as the Building Inspector may approve, and to load such wagons or trucks in such manner and to clean them after unloading as to prevent the spilling or wasting of earth therefrom in passing over the streets and alleys. It is the duty of such person holding such permit, during the progress of such work, to keep the paved streets and alleys over which dirt is hauled by them free from any dirt that may be spilled, accidentally or otherwise, upon pavements, gutters or sidewalks, and to properly clean the same when required by the Building Inspector.

133.08 PROTECTION OF SIDEWALKS. No person holding any permit issued under the provisions of this chapter shall haul dirt or earth over, across or upon any permanent sidewalk in the City without first covering such sidewalk with planks of not less than two (2) inches in thickness. It is the duty of such permittee to remove and clean sidewalk (planked) crossing areas for pedestrian use after hauling hours each day.

133.09 CLEANING OF STREET BY CITY. The Building inspector shall have the right, when any person operating under a permit issued under this chapter fails to remove dirt spilled, wasted or left by such permittee upon any pavement, gutter, sidewalk or crossing along the line of haulage, when required, to cause the same to be done at the expense of the permittee, out of the funds specially deposited in connection with such permit, with the balance of such fund, if any, remaining after the completion of the work under such permit to be returned to the permittee. If at any time the deposit proves to be insufficient, the Building Inspector shall be empowered to stop further work and haulage until an additional amount shall have been deposited, in an amount which, in the opinion of the Building Inspector, is sufficient to maintain the pavements, gutters, sidewalks and crossings clear of earth during the progress of the work. After the completion of such work, the balance of such deposit shall be returned to the depositor upon the return of the permit and receipt.

133.10 SITE PLAN WITH FINAL GRADES. If the permit for dirt hauling is applied for during the construction or remodeling of a structure, a site plan shall be filed with the Building Inspector showing the final grade of the property affected. The Building Inspector shall give approval of the final grade. If the dirt hauling permit is being applied for other than in conjunction with the construction or remodeling of a structure, the Building Inspector may determine whether or not the changing of the grade of the affected property will, in any way,

affect future construction or remodeling possibilities as they relate to adjacent properties and the City streets and rights-of-way.

133.11 VIOLATION. Any person violating this chapter shall be subject to a civil municipal infraction and/or may be subject to injunctive or equitable relief issued by a court so as to restore the property to its previous condition prior to the fill or removal of dirt on the site.

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**TITLE V – BUILDING AND PROPERTY REGULATIONS
MISCELLANEOUS**

CHAPTER 135

WEEDS

135.01 Definitions

135.02 Nuisance Declared; Violations

135.03 Emergency Control Measures

135.01 DEFINITIONS. As used in this chapter, the following definitions apply:

1. “Chemical control” means the application of a herbicide (weed killer) in strict accordance with the directions on the product and the regulations of the *Code of Iowa* and the Iowa Administrative Code, as amended.
2. “Developed lot or area” means an improved or commercial lot; an improved area of land.
3. “Enforcement period” means the period between April 1 and November 15.
4. “Ground cover” means plants with the growth and root capacity to cover and stabilize an area of soil and to prevent erosion.
5. “Land” includes land, buildings, structures, tenements, hereditaments and all rights thereto and interests therein, equitable as well as legal.
6. “Noxious weeds” means primary and secondary classes of weeds as defined by the *Code of Iowa* and the Iowa Administrative Code, as amended.
7. “Parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; on unpaved streets, that part of the street, avenue or highway lying between the lot lines and that portion of the street usually traveled by vehicular traffic.
8. “Plant” means all manner of vegetation, including but not limited to grass, shrubs, trees and weeds, excluding cut firewood and compost piles.
9. “Right-of-way” means the entire width of a platted street or alley, whether the width is in use for travel or is undeveloped.
10. “Soil erosion control” means a method of planting and cultivation, or lack of same, designed to retain soil and to prevent soil movement caused by natural or human causes.
11. “Undeveloped lot or area” means an unimproved lot or area of land.
12. “Unmowed or untended area” means an area of land allowed to grow without care and supervision, where weeds and grasses are more than nine (9) inches in height.
13. “Weed official” means the person designated by the Mayor or Council to enforce this chapter.

14. "Weeds" means any plants growing uncultivated and out of context with the surrounding plant life with a height of nine (9) inches or more or when such plant has a seed head forming or formed.

135.02 NUISANCE DECLARED; VIOLATIONS. The failure of a person owning, controlling or in possession of property to observe any of the following requirements shall be subject to the penalties provided in Chapter 8 of this Code of Ordinances:

1. **Duty to Cut Noxious Weeds.** Each owner and each person in the possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the weed official, all noxious weeds thereon and shall keep said lands free of such growth.
2. **Developed and Undeveloped Lots; Weed Removal; Grass Cutting.** Each owner and each person in possession or control of any developed or undeveloped lot or land area shall be responsible to keep said lot or land area, along with the parking adjacent thereto, alleys, public ways or land areas up to the centerline of said ways free of any weeds and to keep grasses on said land mowed so that said grass is less than nine inches in height.
3. **Obstructing Public Ways.** Each owner and each person in the possession or control of and lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrians or vehicular traffic upon any public place or way.
4. **Interference with Weed Official.** No persons shall interfere with the weed official or any appointed assistant while engaged in the enforcement of this chapter.
5. **Fire Hazards.** No owner or person in possession or control of any developed or undeveloped lots or land areas shall allow plant growth or accumulation of plant materials so as to constitute a fire hazard, as determined by the Fire Chief.

135.03 EMERGENCY CONTROL MEASURES. Notwithstanding any other provisions of this chapter, whenever in the judgment of the weed official, the Fire Chief or the City Engineer, a property exhibits uncontrolled weed growth which creates a health, safety or fire hazard, the weed official may undertake immediate action to abate said condition without prior notice and opportunity for hearing. The costs of such action plus a reasonable administrative fee may be assessed against the property for collection in the same manner as property taxes as provided by State law. However, prior to such assessment, the City shall give written notice to the property owner, by certified mail, and the opportunity for an administrative hearing.

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CHAPTER 136

STORM WATER REGULATIONS

136.01 Purpose
136.02 Applicability
136.03 Permits
136.04 Requirements

136.05 Detention Ponds (Surface)
136.06 Detention Cells (Subsurface)
136.07 Penalties

136.01 PURPOSE. The purpose of this chapter is to provide guidance as well as govern the handling and treatment of storm water within the boundaries of the City.

136.02 APPLICABILITY. The provisions of this chapter apply to all new developments or construction projects that disturb any area of land.

136.03 PERMITS. No development or construction project shall be permitted without the submittal and approval of a post construction storm water plan and a construction site runoff control plan. The City Building Inspector and Maintenance Manager shall approve both the post construction storm water plan and construction site runoff control plan. In addition, the storm water plan shall also be provided to the City of Carter Lake Planning Board as part of the commercial or industrial project approval process. No construction, excavating, clearing, grubbing or other soil disturbing activity requiring a State of Iowa NPDES permit shall be allowed until a copy of the State permit is provided with the application for a City permit and the City approves the application.

136.04 REQUIREMENTS.

1. **Prohibited Discharge.** It is unlawful for the discharge of anything other than storm water or allowable non-storm water pollutants for which a NPDES permit has been granted into a storm water collection system. Floor drains and other potential sources of pollutants shall be considered discharges even if no actual pollutants have been observed entering the storm water system from such a source.
2. **Construction Site Runoff Control.** Any development or project that disturbs any area of land by clearing, grubbing, or excavation shall provide a plan for the control of runoff and sedimentation. The plan shall identify the best management practices (BMPs) to be used and detail their construction and placement. All control measures shall be maintained until any permanent storm water control measures are in place and established and/or operational for the development. The developer/contractor shall provide an adequate means or method for the control of construction waste. The control measure must ensure that solid building materials, chemicals, concrete truck wash out and sanitary waste are contained and disposed of in an approved manner. The City Building Inspector shall inspect the construction site runoff control measures at least every seven (7) days and within two (2) days of a ½-inch or greater rain event for compliance, adequacy, effectiveness and condition. Deficiencies or failure to maintain the construction control measures may result in a

“stop work order” until the deficiency or maintenance issue is resolved to the satisfaction of the inspector.

3. Post Construction Site Runoff Control. All developments of any area of land shall provide the City Planning Board, City Maintenance Manager and City Building Inspector engineering documents and calculations that detail the proposed means for accommodating post construction runoff, as established in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The design of the site sediment and erosion control plan and pollution prevention plan shall conform to the best management practices in the Environmental Protection Agencies (EPA) Storm Water Management for Construction Activities, EPA Document No. EPA-833-R-92-001 Chapter 3. The plan shall meet the following objectives:

- A. Prevent loss of soil during and after construction by storm water runoff and/or wind erosion, including protecting topsoil by stockpiling for reuse.
- B. Prevent sedimentation of storm sewers, receiving streams or lakes and/or air pollution with dust and particulate matter.
- C. Prevent the discharge of hazardous material into storm water systems.
- D. Prevent petroleum oils and lubricants discharge into storm water systems.
- E. Minimize the impact on the current City storm water systems.
- F. Minimize the area required for surface storm water storage areas.
- G. Maximize the percolation of the storm water into the water table.

All detention facilities must provide detention for an initial 2-inch of rainfall per impervious acre (paving or building roof) of storm water runoff for 24 hours. The storage volume shall be adequate to limit the post construction storm water discharge rate to the pre-construction discharge rate for the 5-, 10-, and 100-year storm water events. If necessary the storm water plan provided to the City of Carter Lake shall incorporate a means to accommodate or redirect existing storm water that may be entering the development or project site from adjacent property or streets. The City of Carter Lake Planning Board, Maintenance Manager, and Building Inspector shall approve the accommodation for the storm water from adjacent areas. The storm water plan for a development or project may not negatively impact an adjacent property or street.

136.05 DETENTION PONDS (SURFACE). Reference Appendix A to the ordinance codified in this chapter (Ordinance No. 626) for the City of Carter Lake Storm Water Drainage Design Standards (January 2001) and additional information regarding storage facilities. Any storm water detention pond or drainage swale shall be designed and constructed to provide an easily maintained bottom and side slopes. These areas shall be seeded or sodden with grass. The facility or swale shall be routinely mowed. Subsurface drains or other methods shall be used to dry the bottom of the detention area or swale to prevent ruts when mowing. The subsurface drains shall be designed to encourage infiltration. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. The design of the storm water retention facilities may use the parking

surfaces for temporary impoundment provided the area is designed for this use. Any surface retention pond or storage facility used for the temporary holding of storm water shall be drained within a 24-hour period following a storm event. Any surface retention pond designed to contain a permanent quantity of water shall be provided with a means to control water-breeding insects either through chemical means, aeration equipment or pumping equipment. All retention ponds should be designed with a minimal slope of 4:12 to facilitate maintenance and access and egress from the holding area. If the detention area design or available area does not meet the recommended minimal slope then fencing or other means of security shall be provided around the entire detention area. A separate drawing sheet shall be provided depicting details of the detention ponds construction, level of water in the pond at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

136.06 DETENTION CELLS (SUBSURFACE). The use of underground percolation wells or galleries and storage structures is encouraged. The capacity of the underground detention structure shall be the equivalent of an above ground detention structure. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. A separate drawing sheet shall be provided depicting details of the underground detention cell construction, level of water in the cell at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

136.07 PENALTIES. Any person violating any of the provisions of this chapter shall be guilty of a civil municipal infraction. The City, at its discretion, may perform maintenance on a storm water detention facility or swale such as to remove standing water, replace grass, mow, insect control, and remove sediment. Costs of the maintenance will be billed back to the landowner. A 24-hour notice will be given to the landowner prior to the City performing the required maintenance.

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CHAPTER 142

ABANDONED VEHICLES

142.01 Definitions	142.06 Disposal of Abandoned Vehicles
142.02 Authority to Take Possession of Abandoned Vehicles	142.07 Disposal of Totally Inoperable Vehicles
142.03 Notice by Mail	142.08 Proceeds from Sales
142.04 Notification in Newspaper	142.09 Duties of Demolisher
142.05 Fees for Impoundment	

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

(Code of Iowa, Sec. 321.89[1])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

142.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

142.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, 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 the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

142.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle

was abandoned shall be sufficient to meet all requirements of notice under Section 142.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 142.03.

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

142.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay five dollars (\$5.00) for each day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

142.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

142.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

142.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

142.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 143

JUNK AND JUNK VEHICLES

143.01 Definitions

143.02 Junk and Junk Vehicles Prohibited

143.03 Junk and Junk Vehicles a Nuisance

143.04 Exceptions

143.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.
 - F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. “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 includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

143.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

143.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 143.04, 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 or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

143.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City; or
3. Other. Vehicles that are inoperable solely by reason of repair work being done thereon, provided that the following conditions are met:
 - A. The vehicle is owned by the occupier of the premises and registered to said person at that address;
 - B. The period of said repair work does not exceed ten days in duration;
 - C. Said repair work is at all times conducted on a hard-surfaced driveway; and
 - D. No more than one automobile in need of repair is situated on the premises at the same time.

143.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 143.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 55 of this Code of Ordinances.

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

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