

ORDINANCE NO. 667

**AN ORDINANCE TO ADD SECTION 31 TO THE LAND DEVELOPMENT
ORDINANCES OF CARTER LAKE, IOWA,**

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF CARTER LAKE, IOWA**

SECTION 32 FLAG POLE REGULATIONS

3201 No flagpole 15 feet in height or greater shall be erected or constructed without first obtaining a building permit pursuant to the International Building Code, Section 105.1, Permits Required, as amended.

Unless additional review is required pursuant to Carter Lake City ordinances, a building permit application for a flagpole shall be reviewed for compliance with this chapter and all applicable codes and a decision to approve, approve with conditions, or deny shall be issued within 30 days of receipt of a fully complete permit application. All applications for flagpoles requiring a building permit shall include plans and specifications stamped by a professional licensed engineer to assure proper grounding, strength, wind resistance, seismic loads, and other relevant engineering requirements.

Metal flagpoles requiring a building permit shall be engineered and constructed in accordance with the American National Standard Institute – National Association of Architectural Metal Manufacturers (ANSI/NAAMM) Guide Specifications for Design of Metal Flagpoles, FP 1001-97 as amended.

Any flagpole greater than 15 feet in height shall be allowed only in a commercial or industrial district within the city limits of the City of Carter Lake.

3202 APPROVAL PROCESS.

Persons seeking permits or approval under this chapter shall be subject to the administrative review process. The Applicant shall seek consultation for height and lighting restrictions through the Federal Aviation Administration.

3203 BUSINESS SIGNAGE/ADVERTISING RESTRICTED BY PREVIOUS ORDINANCE.

Flags, other than government approved official flags of the United States of America or of the State of Iowa, which are designed for or in effect serve advertising purposes and focus attention on location for business purposes, shall be considered signage and shall NOT be allowed on the permitted flagpole, as all such signs are already regulated by the City's sign ordinances.

3204 HEIGHT.

The top of all flags (including the flagpole), regardless of the manner of mounting, whether freestanding, or on any structure, or any combination thereof:

All flags, including the flagpole, regardless of the manner of mounting whether freestanding or on any structure, or any combination thereof shall be allowed for the display of any flag authorized under this code of ordinances, as long as the proposed flagpole meets the construction requirements set forth in paragraphs A and C of this Ordinance and as long as the Federal Aviation Administration approves the height and position of the flagpole.

This height provision shall apply only to flagpoles placed in commercial and industrial zoned areas within the city limits of the City of Carter Lake, Iowa.

3205 SETBACKS.

Flags and flagpoles must be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property. These structures and their related flags shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others.

3206 SIZE.

The maximum flag size allowed on a flagpole, tower, tower structure, or similar structure shall be as follows:

Flagpole/Structure	Size of Flag (Maximum)
20 ft.	4 ft. by 6 ft.
25 ft.	5 ft. by 8 ft.
30 ft. – 35 ft.	6 ft. by 10 ft.
40 ft. – 45 ft.	6 ft. by 10 ft. or 8 ft. by 12 ft.
50 ft.	8 ft. by 12 ft. or 10 ft. by 15 ft.

Changes to the dimensional standard of the flag shall be allowed if the total area of the flag allowed is not exceeded and if it can be demonstrated that the revision to dimensional standards meets the intent of this Ordinance.

3207 NUMBER.

No more than one flagpole as described and used herein shall be allowed per parcel or lot.

3208 MANNER OF DISPLAY.

Flags and insignia of any government should be displayed in as approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (the Federal Flag Code).

3209 LIGHT DISPLAY.

Lighting of the flagpole at night is allowed. To contain the impacts of unsafe lighting and light pollution, the city prohibits the following when used with or for flags and flagpoles:

- (a) Floodlights, searchlights, beacons, and laser source light fixtures which are not confined to illumination of the pole and flag;
- (b) Neon lighting;
- (c) Lighting which creates hazards to pedestrian and traffic safety, and which is a nuisance to surrounding properties because of excessive glare, excessive light production in relation to need, and/or lighting which create shadow and light which together create a hazard; and
- (d) Blinking, flashing, animated, and/or moving lights. Whenever possible down-lighting and shielding/baffling of fixtures shall be incorporated into the design of the flag and flagpole.

3210 NONCONFORMANCE.

- (a) Pre-existing Nonconforming Flags and flagpole. No outdoor flag or flagpole which was lawfully installed prior to the enactment of the ordinance shall be required to be removed or modified except as expressly proved herein; however, no modification, alteration or replacement shall be made to a nonconforming structure unless the structure thereafter conforms to the provisions of this chapter. Normal maintenance and repair of any flagpole shall be allowed.
- (b) Conformance after Abandonment/Damage. In the event that a flag or flagpole is abandoned for more than one year, or is damaged beyond 75 percent of appraised, assessed value, the repaired or replacement flag and/or flagpole shall comply with the provisions of the chapter.

3211 VARIANCES.

Variations from the standards of this chapter shall be pursuant to the processes outlined in The City Code of Carter Lake Iowa and shall be heard by the Board of Adjustment.

3212 APPEALS.

Any person aggrieved by any part, requirement or process of this chapter shall have the right and obligation to seek review of this chapter or any decision made pursuant to it. Appeals of decision of the building official, shall be to the City Council upon written application to the City. An applicant aggrieved by any part, requirement or process set forth in this chapter must exhaust all available administrative appeals before seeking recourse in the courts.

3213 ADMINISTRATIVE INTERPRETATION.

Administrative interpretations of this chapter shall be made by the Building Inspector. Any costs associated with the building Inspector consulting with an architect or engineer regarding the proposed flagpole and flag shall be charged to the Applicant, and paid for by the Applicant, regardless of the decision to approve or not approve the flagpole.

3214 PENALTIES.

Violations of this Code will be considered a nuisance under the statutes of the City of Carter Lake and treated as a nuisance under Chapter 55 of the Municipal City Code subject to all penalties and authorities therein established including the right of the City to enjoin the unauthorized use of the flagpole by seeking court Order and all costs of enforcement.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED and APPROVED: August 16, 2019.