



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS CITY COUNCIL
Monday, April 21, 2025 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST
ZOOM: <https://us02web.zoom.us/j/7832856334>
Meeting ID: 783 285 6334

Notice to the Public: If you would like the supporting documents and information, please call City Hall by noon the day of the meeting. Copies of City Council Agendas are free to the public. In consideration of all, if you have a cell phone, please turn it off or put it on silent ring. The use of obscene and vulgar language, hate speech, racial slurs, slanderous comments, and any other disruptive behavior during the Council meeting will not be tolerated and the offender may be barred by the presiding officer from further comment before the Council during the meeting and/or removed from the meeting.

1. **Call to Order/Roll Call/Pledge of Allegiance**
2. **Approval of the Agenda**
3. **Public Hearing on FY26 Budget Adoption**
 - A. Approve Resolution No. 2025-28 - A Resolution Approving and Adopting the Annual City of Windsor Heights Operating Budget for Fiscal Year 2025-2026
4. **Public Forum:** This is time set aside for comments from the public on topics of City business other than those listed on the agenda. No action may be taken. Please come to the podium, state your name and address for the record and keep your comments to no more than 5 minutes.
5. **Consent Agenda:** Any item on the Consent Agenda may be removed for separate consideration.
 - A. Approve Minutes of the Regular Council Meeting on April 7, 2025
 - B. Approve Minutes of the Special Council Meeting on April 7, 2025
 - C. Approve Financial Reports
 - D. Approve 73rd Street Phase 1 STP-U-8477(615)—70-77 Change Order 6
 - E. Approve 73rd Street Phase 1 STP-U-8477(615)—70-77 Pay Request 9
 - F. Approve 2023 Colby Park Improvements Change Order 7
 - G. Approve 2023 Colby Park Improvements Pay Request 10
 - H. Approve Resolution No. 2025-29 - A Resolution Approving a 28E Agreement Between the City of Windsor Heights and Polk County, Iowa
 - I. Approve Resolution No. 2025-30 A Resolution Waiving CEC Fees for the Women in Government Quarterly Meeting

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law. Scan the QR Code to visit our online Agenda Center. Select the meeting date and view the agenda packet including supporting documents and staff reports.



6. **Action Items:**
 - A. Discuss Reimagine DART
 - B. Discuss Code Update Project
 - C. Discuss Trap Neuter Release Program
 - D. Discuss Polk County Deer Task Force - Urban Hunt
7. **Reports:**
 - A. Mayor, Council Reports and Committee Updates, and Administration Reports
 - B. BRAVO and CatchDSM Report
 - C. Tree Removal Report
8. **Closed Session** Per Iowa Code §21.5 .1 (c) - Per Iowa Code §21.5 .1 (c): To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation
9. **Adjourn**

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law. Scan the QR Code to visit our online Agenda Center. Select the meeting date and view the agenda packet including supporting documents and staff reports.





STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL

FROM:

SUBJECT: Approve Resolution No. 2025-28 - A Resolution Approving and Adopting the Annual City of Windsor Heights Operating Budget for Fiscal Year 2025-2026

GENERAL INFORMATION

ATTACHMENTS

1. Resolution No. 2025-28 - A Resoultion Adopting FY26 Budget
2. FY26 DRAFT BUDGET 4.3.25

RESOLUTION NO. 2025-28

**A RESOLUTION APPROVING AND ADOPTING THE ANNUAL CITY OF WINDSOR
HEIGHTS OPERATING BUDGET FOR FISCAL YEAR 2025-2026**

WHEREAS, the State of Iowa law requires the adoption of the annual operating budget for the fiscal year starting July 1, 2025, through and including June 30, 2026, by April 30, 2025, and all conditions required by State law including the public hearing requirements have been fulfilled; and

WHEREAS, the Personnel & Finance Committee and Council have reviewed and provided input on the proposed budget and recommended presentation to the full Council for the requisite hearing, which allows citizen input; and

WHEREAS, the public hearing on the proposed fiscal year 2025-2026 budget was held as properly noticed on Monday, April 21st, 2025, at 6:00 p.m.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Windsor Heights, Iowa, that the annual budget for fiscal year ending June 30, 2026, as set forth in the attached “Adoption of Budget and Certification of City Taxes” be hereby approved and adopted.

Passed and Approved this 21st day of April 2025.

Mike Jones, Mayor

Attest: _____
Adam Strait, City Clerk

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026
ADOPTION OF BUDGET AND CERTIFICATION OF CITY TAXES

The City of : WINDSOR HEIGHTS County Name: POLK COUNTY

Adopted On: (entered upon adoption) Resolution: (entered upon adoption)

The below-signed certifies that the City Council, on the date stated above, lawfully approved the named resolution adopting a budget for next fiscal year, as summarized on this and the supporting pages.

Attached is Long Term Debt Schedule Form 703 which lists any and all of the debt service obligations of the City.

		With Gas & Electric		Without Gas & Electric	
Regular	2a	266,441,975	2b	264,422,826	City Number: 77-728 Last Official Census: 5,252
DEBT SERVICE	3a	334,309,622	3b	332,290,473	
Ag Land	4a	0			

Consolidated General Fund Levy Calculation

	CGFL Rate	CGFL Dollars	Non-TIF Taxable w/ G&E	Taxable Growth %
FY 2025 Budget Data	8.31086	2,164,625	260,457,448	2.30
	Limitation Percentage			
	0			
	CGFL Max Rate	CGFL Max Dollars	Revenue Growth %	
Max Allowed CGFL for FY 2026	8.31086	2,214,362	2.30	

TAXES LEVIED

Code Sec.	Dollar Limit	Purpose	ENTER FIRE DISTRICT RATE BELOW			(A) Request with Utility Replacement	(B) Property Taxes Levied		(C) Rate
384.1	8.31086	Consolidated General Fund			5	2,214,362	2,197,581	43	8.31086
		Non-Voted Other Permissible Levies							
384.12(1)	0.95000	Opr & Maint publicly owned Transit			7		0	45	0.00000
384.12(2)	0.27000	Aviation Authority (under sec.330A.15)			11		0	49	0.00000
384.12(3)	Amt Nec	Liability, property & self insurance costs			14	195,000	193,523	52	0.73187
384.12(5)	Amt Nec	Support of a Local Emerg.Mgmt.Comm.			462	9,500	9,429	465	0.03566
		Voted Other Permissible Levies							
28E.22	1.50000	Unified Law Enforcement			24		0	62	0.00000
		Total General Fund Regular Levies (5 thru 24)			25	2,418,862	2,400,533		
384.1	3.00375	Ag Land			26		0	63	0.00000
		Total General Fund Tax Levies (25 + 26)			27	2,418,862	2,400,533		Do Not Add
		Special Revenue Levies							
384.6	Amt Nec	Police & Fire Retirement			29		0		0.00000
	Amt Nec	FICA & IPERS (if general fund at levy limit)			30	280,000	277,879		1.05089
Rules	Amt Nec	Other Employee Benefits			31	200,000	198,484		0.75063
		Subtotal Employee Benefit Levy (29,30,31)			32	480,000	476,363	65	1.80152
			Valuation						
386	As Req	With Gas & Elec		Without Gas & Elec					
	SSMID 1 (A)	0 (B)	0	34			0	66	0.00000
	SSMID 2 (A)	0 (B)	0	35			0	67	0.00000
	SSMID 3 (A)	0 (B)	0	36			0	68	0.00000
	SSMID 4 (A)	0 (B)	0	37			0	69	0.00000
	SSMID 5 (A)	0 (B)	0	555			0	565	0.00000
	SSMID 6 (A)	0 (B)	0	556			0	566	0.00000
	SSMID 7 (A)	0 (B)	0	1177			0	1179	0.00000
	SSMID 8 (A)	0 (B)	0	1185			0	1187	0.00000
		Total Special Revenue Levies			39	480,000	476,363		
384.4	Amt Nec	Debt Service Levy 76.10(6)			40	1,113,141	1,106,418	70	3.32967
384.7	0.67500	Capital Projects (Capital Improv. Reserve)			41		0	71	0.00000
		Total Property Taxes (27+39+40+41)			42	4,012,003	3,983,314	72	14.20958

COUNTY AUDITOR - I certify the budget is in compliance with ALL the following: Budgets that DO NOT meet ALL the criteria below are not statutorily compliant & must be returned to the city for correction.

(City Representative) (Date) (County Auditor) (Date)

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 4/7/2025 **Meeting Time:** 06:00 PM **Meeting Location:** 1133 66th Street, Windsor Heights IA 50266

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After the hearing of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)
www.windsorheights.org

City Telephone Number
(515) 279-3662

Iowa Department of Management	Current Year Property Tax	Certified 2024 - 2025	Budget Year Property Tax	Effective 2025 - 2026	Budget Year Property Tax	Proposed 2025 - 2026
Taxable Valuations for Non-Debt Service		258,423,837		264,422,826		264,422,826
Consolidated General Fund		2,147,724		2,147,724		2,197,581
Operation & Maintenance of Public Transit		0		0		0
Aviation Authority		0		0		0
Liability, Property & Self Insurance		173,632		173,632		193,523
Support of Local Emergency Mgmt. Comm.		9,425		9,425		9,429
Unified Law Enforcement		0		0		0
Police & Fire Retirement		0		0		0
FICA & IPERS (If at General Fund Limit)		277,813		277,813		277,879
Other Employee Benefits		198,438		198,438		198,484
Capital Projects (Capital Improv. Reserve)		0		0		0
Taxable Value for Debt Service		327,656,503		332,290,473		332,290,473
Debt Service		1,106,276		1,106,276		1,106,418
CITY REGULAR TOTAL PROPERTY TAX		3,913,308		3,913,308		3,983,314
CITY REGULAR TAX RATE		14.23846		13.94493		14.20958
Taxable Value for City Ag Land		0		0		0
Ag Land		0		0		0
CITY AG LAND TAX RATE		0.00000		0.00000		0.00000
Tax Rate Comparison-Current VS. Proposed						
Residential property with an Actual/Assessed Valuation of \$100,000/\$110,000	Current Year	Certified	Budget Year	Proposed	Percent Change	
	2024/2025		2025/2026			
City Regular Residential		660		741	12.27	
Commercial property with an Actual/Assessed Valuation of \$300,000/\$330,000	Current Year	Certified	Budget Year	Proposed	Percent Change	
	2024/2025		2025/2026			
City Regular Commercial		2,912		3,313	13.77	

Note: Actual/Assessed Valuation is multiplied by a Rollback Percentage to get to the Taxable Valuation to calculate Property Taxes. Residential and commercial properties have the same rollback percentage through \$150,000 of actual/assessed valuation.

Reasons for tax increase if proposed exceeds the current:

The proposed levy rate is set to decrease by 3 cents. The tax rate seen above assumes a 10% increase in property valuations, while total assessments have only risen by 2%. Our budgeting is focused on the long-term well-being of the community. For more information, please visit Windsorheights.org.

FUND BALANCE

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	TOTAL GOVERNMENT	PROPRIETARY	GRAND TOTAL
Annual Report FY 2024									
Beginning Fund Balance July 1	2,526,925	3,143,163	375,159	450,403	7,672,306	0	14,167,956	1,982,864	16,150,820
Actual Revenues Except Beg Balance	4,154,131	2,778,821	1,903,450	1,570,587	12,505,235	0	22,912,224	824,181	23,736,405
Actual Expenditures Except End Balance	4,700,356	2,131,888	683,479	1,524,908	7,162,407	0	16,203,038	488,725	16,691,763
Ending Fund Balance June 30	1,980,700	3,790,096	1,595,130	496,082	13,015,134	0	20,877,142	2,318,320	23,195,462
Re-Estimated FY 2025									
Beginning Fund Balance	1,980,700	3,790,096	1,595,130	496,082	13,015,134	0	20,877,142	2,318,320	23,195,462
Re-Est Revenues	4,722,417	2,742,521	2,317,282	2,133,547	7,965,600	0	19,881,367	983,600	20,864,967
Re-Est Expenditures	4,418,621	3,427,016	997,203	2,110,544	6,678,041	0	17,631,425	760,022	18,391,447
Ending Fund Balance	2,284,496	3,105,601	2,915,209	519,085	14,302,693	0	23,127,084	2,541,898	25,668,982
Budget FY 2026									
Beginning Fund Balance	2,284,496	3,105,601	2,915,209	519,085	14,302,693	0	23,127,084	2,541,898	25,668,982
Revenues	4,813,485	2,892,278	2,112,000	2,196,124	2,338,433	0	14,352,320	983,600	15,335,920
Expenditures	5,536,840	3,732,902	2,100,000	2,178,074	14,639,000	0	28,186,816	928,458	29,115,274
Ending Fund Balance	1,561,141	2,264,977	2,927,209	537,135	2,002,126	0	9,292,588	2,597,040	11,889,628

LOCAL EMC SUPPORT

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

As provided in Iowa Code Section 384.12, subsection 22, a city may levy the amount necessary in support of a local Emergency Management Commission. In addition to this individual levy, Emergency Management Commission support may also be included as part of the General Fund Levy. Iowa Code Section 29C.17, subsection 6 states that any support from cities or counties must be separately reported on tax statements issued by the county treasurer. Input the amount of General Fund Levy request to be used for support of an Emergency Management Commission. The total below will reflect the total amount of Emergency Management Commission support provided by the City.

	Request with Utility Replacement	Property Taxes Levied
Portion of General Fund Levy Used for Emerg. Mgmt. Comm.		0
Support of a Local Emerg. Mgmt. Comm.	9,500	9,429
TOTAL FOR FY 2026	9,500	9,429

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2024 - June 30, 2025

GOVERNMENT ACTIVITIES CONT.	GENERAL	SPECIAL REVENUE	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2025	ACTUAL 2024
PUBLIC SAFETY									
Police Department/Crime Prevention	1 1,864,036	588,110						2,452,146	2,198,314
Jail	2							0	0
Emergency Management	3 10,700							10,700	9,777
Flood Control	4							0	0
Fire Department	5 228,873	182,440						411,313	414,299
Ambulance	6 826,050	51,926						877,976	724,458
Building Inspections	7 85,231	0						85,231	103,064
Miscellaneous Protective Services	8							0	0
Animal Control	9 5,500	0						5,500	3,541
Other Public Safety	10							0	0
TOTAL (lines 1 - 10)	11 3,020,390	822,476				0		3,842,866	3,453,453
PUBLIC WORKS									
Roads, Bridges, & Sidewalks	12 0	791,160						791,160	600,823
Parking - Meter and Off-Street	13							0	0
Street Lighting	14 0	46,000						46,000	45,884
Traffic Control and Safety	15 0	0						0	0
Snow Removal	16 0	130,660						130,660	141,571
Highway Engineering	17							0	0
Street Cleaning	18							0	0
Airport (if not Enterprise)	19							0	0
Garbage (if not Enterprise)	20							0	0
Other Public Works	21	29,400						29,400	12,690
TOTAL (lines 12 - 21)	22 0	997,220				0		997,220	800,968
HEALTH & SOCIAL SERVICES									
Welfare Assistance	23							0	0
City Hospital	24							0	0
Payments to Private Hospitals	25							0	0
Health Regulation and Inspection	26							0	0
Water, Air, and Mosquito Control	27 0							0	0
Community Mental Health	28							0	0
Other Health and Social Services	29 0							0	0
TOTAL (lines 23 - 29)	30 0	0				0		0	0
CULTURE & RECREATION									
Library Services	31 67,600							67,600	65,564
Museum, Band and Theater	32							0	0
Parks	33 179,233	8,000						187,233	139,878
Recreation	34 130,244	3,000						133,244	149,999
Cemetery	35							0	0
Community Center, Zoo, & Marina	36 27,450							27,450	11,808
Other Culture and Recreation	37 50,000							50,000	0
TOTAL (lines 31 - 37)	38 454,527	11,000				0		465,527	367,249

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2024 - June 30, 2025

	GOVERNMENT ACTIVITIES CONT.	GENERAL	SPECIAL REVENUE	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2025	ACTUAL 2024
	COMMUNITY & ECONOMIC DEVELOPMENT									
	Community Beautification	39	0						0	0
	Economic Development	40	2,607						2,607	368
	Housing and Urban Renewal	41	52,290	0	0				52,290	18,707
	Planning & Zoning	42							0	0
	Other Com & Econ Development	43							0	0
	TIF Rebates	44							0	0
	TOTAL (lines 39 - 44)	45	54,897	0	0		0		54,897	19,075
	GENERAL GOVERNMENT									
	Mayor, Council, & City Manager	46	131,174		0				136,274	144,059
	Clerk, Treasurer, & Finance Adm.	47	698,633	121,220					819,853	836,127
	Elections	48	1,500						1,500	1,503
	Legal Services & City Attorney	49	50,000						50,000	39,080
	City Hall & General Buildings	50							0	0
	Tort Liability	51							0	0
	Other General Government	52	7,500	0					7,500	0
	TOTAL (lines 46 - 52)	53	888,807	126,320	0		0		1,015,127	1,020,769
	DEBT SERVICE									
	Gov Capital Projects	54							2,110,544	1,524,908
	TIF Capital Projects	55		0		6,664,718			6,664,718	4,075,317
	TOTAL CAPITAL PROJECTS	56			0					0
	TOTAL Governmental Activities Expenditures (lines 11+22+30+38+44+52+53+54)	57	0	0	0	6,664,718	0		6,664,718	4,075,317
	BUSINESS TYPE ACTIVITIES Proprietary: Enterprise & Budgeted ISF									
	Water Utility	58	4,418,621	1,957,016	0	6,664,718	0		15,150,899	11,261,739
	Sewer Utility	59						0	0	0
	Electric Utility	60						31,650	31,650	7,327
	Gas Utility	61							0	0
	Airport	62							0	0
	Landfill/Garbage	63							0	0
	Transit	64						395,902	395,902	370,430
	Cable TV, Internet & Telephone	65							0	0
	Housing Authority	66							0	0
	Storm Water Utility	67							0	0
	Other Business Type (city hosp., ISF, parking, etc.)	68						332,470	332,470	110,968
	Enterprise DEBT SERVICE	69							0	0
	Enterprise CAPITAL PROJECTS	70							0	0
	Enterprise TIF CAPITAL PROJECTS	71							0	0
	TOTAL BUSINESS TYPE EXPENDITURES (lines 59+72)	72							760,022	488,725
	TOTAL ALL EXPENDITURES (lines 58+73)	73	4,418,621	1,957,016	0	6,664,718	0	760,022	15,910,921	11,750,464
	Regular Transfers Out	74	0	1,470,000		13,323	0		1,483,323	4,257,820
	Internal TIF Loan Transfers Out	75			997,203				997,203	683,479
	Total ALL Transfers Out	76	0	1,470,000	997,203	13,323	0	0	2,480,526	4,941,299
	Total Expenditures and Other Fin Uses (lines 74+77)	77	4,418,621	3,427,016	2,110,544	6,678,041	0	760,022	18,391,447	16,691,763
	Ending Fund Balance June 30	78	2,284,496	3,105,601	2,915,209	14,302,693	0	2,541,898	25,668,982	23,195,462

RE-ESTIMATED REVENUES DETAIL

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2024 - June 30, 2025

REVENUES & OTHER FINANCING SOURCES	GENERAL	SPECIAL REVENUE	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2025	ACTUAL 2024
Taxes Levied on Property	1 2,330,781	476,251		1,106,276				3,913,308	3,639,837
Less: Uncollected Property Taxes - Levy Year	2							0	0
Net Current Property Taxes (line 1 minus line 2)	3 2,330,781	476,251		1,106,276	0			3,913,308	3,639,837
Delinquent Property Taxes	4							0	0
TIF Revenues	5		2,292,137					2,292,137	1,903,358
Other City Taxes:									
Utility Tax Replacement Excise Taxes	6 18,344	3,749		6,865				28,958	24,126
Utility franchise tax (Iowa Code Chapter 364.2)	7 0							0	0
Parimutuel wager tax	8							0	0
Gaming wager tax	9							0	0
Mobile Home Taxes	10							0	0
Hotel/Motel Taxes	11 16,000							16,000	16,326
Other Local Option Taxes									
Subtotal - Other City Taxes (lines 6 thru 12)	13 34,344	1,443,749		6,865	0			1,440,000	1,348,479
Licenses & Permits	14 416,500							1,484,958	1,388,931
Use of Money & Property	15 450,000	215	12,000		0			416,500	388,003
Intergovernmental:								462,215	754,638
Federal Grants & Reimbursements	16 419,000	0			2,717,700		0	3,136,700	10,798
Road Use Taxes	17	760,000						760,000	741,858
Other State Grants & Reimbursements	18 76,619	11,306	13,145	23,203	0		0	124,273	76,652
Local Grants & Reimbursements	19				125,000			125,000	13,683
Subtotal - Intergovernmental (lines 16 thru 19)	20 495,619	771,306	13,145	23,203	2,842,700		0	4,145,973	842,991
Charges for Fees & Service:									
Water Utility	21						0	0	0
Sewer Utility	22						0	0	0
Electric Utility	23							0	0
Gas Utility	24							0	0
Parking	25							0	0
Airport	26							0	0
Landfill/Garbage	27						358,000	358,000	339,164
Hospital	28							0	0
Transit	29							0	0
Cable TV, Internet & Telephone	30							0	0
Housing Authority	31							0	0
Storm Water Utility	32						625,600	625,600	382,393
Other Fees & Charges for Service	33 660,500	11,000			20,000			691,500	506,144
Subtotal - Charges for Service (lines 21 thru 33)	34 660,500	11,000		0	20,000	0	983,600	1,675,100	1,227,701
Special Assessments	35							0	0
Miscellaneous	36 193,750	40,000		0	500		0	234,250	111,482
Other Financing Sources:									
Regular Operating Transfers In	37 140,923	0			1,342,400		0	1,483,323	4,257,820
Internal TIF Loan Transfers In	38 0	0	0	997,203	0			997,203	683,479
Subtotal ALL Operating Transfers In	39 140,923	0	0	997,203	1,342,400	0	0	2,480,526	4,941,299
Proceeds of Debt (Excluding TIF Internal Borrowing)	40 0	0	0	0	3,760,000			3,760,000	8,538,165
Proceeds of Capital Asset Sales	41 0		0					0	0
Subtotal-Other Financing Sources (lines 36 thru 38)	42 140,923	0	0	997,203	5,102,400	0	0	6,240,526	13,479,464
Total Revenues except for beginning fund balance (lines 3, 4, 5, 12, 13, 14, 19, 33, 34, 35, & 39)	43 4,722,417	2,742,521	2,317,282	2,133,547	7,965,600	0	983,600	20,864,967	23,736,405
Beginning Fund Balance July 1	44 1,980,700	3,790,096	1,595,130	496,082	13,015,134	0	2,318,320	23,195,462	16,150,820
TOTAL REVENUES & BEGIN BALANCE (lines 41+42)	45 6,703,117	6,532,617	3,912,412	2,629,629	20,980,734	0	3,301,920	44,060,429	39,887,225

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

GOVERNMENT ACTIVITIES		GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2026	RE-ESTIMATED 2025	ACTUAL 2024
PUBLIC SAFETY											
Police Department/Crime Prevention	1	2,185,580	552,000						2,737,580	2,452,146	2,198,314
Jail	2								0	0	0
Emergency Management	3	10,700							10,700	10,700	9,777
Flood Control	4								0	0	0
Fire Department	5	247,980	252,000						499,980	411,313	414,299
Ambulance	6	892,200	54,000						946,200	877,976	724,458
Building Inspections	7	100,000	0						100,000	85,231	103,064
Miscellaneous Protective Services	8								0	0	0
Animal Control	9	5,500	0						5,500	5,500	3,541
Other Public Safety	10								0	0	0
TOTAL (lines 1 - 10)	11	3,441,960	858,000				0		4,299,960	3,842,866	3,453,453
PUBLIC WORKS											
Roads, Bridges, & Sidewalks	12	0	812,586						812,586	791,160	600,823
Parking - Meter and Off-Street	13								0	0	0
Street Lighting	14	0	55,000						55,000	46,000	45,884
Traffic Control and Safety	15	0	0						0	0	0
Snow Removal	16	0	181,813						181,813	130,660	141,571
Highway Engineering	17								0	0	0
Street Cleaning	18								0	0	0
Airport	19								0	0	0
Garbage (if not Enterprise)	20								0	0	0
Other Public Works	21		37,803						37,803	29,400	12,690
TOTAL (lines 12 - 21)	22	0	1,087,202				0		1,087,202	997,220	800,968
HEALTH & SOCIAL SERVICES											
Welfare Assistance	23								0	0	0
City Hospital	24								0	0	0
Payments to Private Hospitals	25								0	0	0
Health Regulation and Inspection	26								0	0	0
Water, Air, and Mosquito Control	27	0							0	0	0
Community Mental Health	28								0	0	0
Other Health and Social Services	29	0							0	0	0
TOTAL (lines 23 - 29)	30	0	0				0		0	0	0
CULTURE & RECREATION											
Library Services	31	69,560							69,560	67,600	65,564
Museum, Band and Theater	32								0	0	0
Parks	33	188,217	8,000						196,217	187,233	139,878
Recreation	34	180,953	3,000						183,953	133,244	149,999
Cemetery	35								0	0	0
Community Center, Zoo, & Marina	36	27,450							27,450	27,450	11,808
Other Culture and Recreation	37	56,500							56,500	50,000	0
TOTAL (lines 31 - 37)	38	522,680	11,000				0		533,680	465,527	367,249

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

GOVERNMENT ACTIVITIES	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2026	RE-ESTIMATED 2025	ACTUAL 2024
COMMUNITY & ECONOMIC DEVELOPMENT										
Community Beautification	39	0						0	0	0
Economic Development	40	614,604						614,604	2,607	368
Housing and Urban Renewal	41	9,237	0	0				9,237	52,290	18,707
Planning & Zoning	42							0	0	0
Other Com & Econ Development	43							0	0	0
TIF Rebates	44							0	0	0
TOTAL (lines 39 - 44)	45	623,841	0	0		0		623,841	54,897	19,075
GENERAL GOVERNMENT										
Mayor, Council, & City Manager	46	155,100	4,900	0				160,000	136,274	144,059
Clerk, Treasurer, & Finance Adm.	47	736,009	156,000					892,009	819,853	836,127
Elections	48	1,750						1,750	1,500	1,503
Legal Services & City Attorney	49	48,000						48,000	50,000	39,080
City Hall & General Buildings	50							0	0	0
Tort Liability	51							0	0	0
Other General Government	52	7,500	0					7,500	7,500	0
TOTAL (lines 46 - 52)	53	948,359	160,900	0		0		1,109,259	1,015,127	1,020,769
DEBT SERVICE										
Gov Capital Projects	54			2,178,074				2,178,074	2,110,544	1,524,908
TIF Capital Projects	55		0		14,639,000			14,639,000	6,664,718	4,075,317
TOTAL CAPITAL PROJECTS	56		0	0				0	0	0
TOTAL Government Activities Expenditures (lines 11+22+30+38+45+53+54+57)	57	0	0	0	14,639,000	0		14,639,000	6,664,718	4,075,317
BUSINESS TYPE ACTIVITIES										
Proprietary: Enterprise & Budgeted ISF										
Water Utility	59							0	0	0
Sewer Utility	60							0	31,650	7,327
Electric Utility	61							0	0	0
Gas Utility	62							0	0	0
Airport	63							0	0	0
Landfill/Garbage	64						431,656	431,656	395,902	370,430
Transit	65							0	0	0
Cable TV, Internet & Telephone	66							0	0	0
Housing Authority	67							0	0	0
Storm Water Utility	68						496,802	496,802	332,470	110,968
Other Business Type (city hosp., ISF, parking, etc.)	69						0	0	0	0
Enterprise DEBT SERVICE	70							0	0	0
Enterprise CAPITAL PROJECTS	71							0	0	0
Enterprise TIF CAPITAL PROJECTS	72							0	0	0
TOTAL Business Type Expenditures (lines 59 - 72)	73							0	0	0
TOTAL ALL EXPENDITURES (lines 58 + 73)	74	5,536,840	2,117,102	0	14,639,000	0		25,399,474	15,910,921	11,750,464
Regular Transfers Out	75	0	1,615,800		0			1,615,800	1,483,323	4,257,820
Internal TIF Loan / Repayment Transfers Out	76		2,100,000					2,100,000	997,203	683,479
Total ALL Transfers Out	77	0	1,615,800	0	0	0		3,715,800	2,480,526	4,941,299
Total Expenditures & Fund Transfers Out (lines 74+77)	78	5,536,840	3,732,902	2,100,000	14,639,000	0		29,115,274	18,391,447	16,691,763
Ending Fund Balance June 30	79	1,561,141	2,264,977	2,927,209	2,002,126	0	2,597,040	11,889,628	25,668,982	23,195,462

REVENUES DETAIL

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

		GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2026	RE-ESTIMATED 2025	ACTUAL 2024
REVENUES & OTHER FINANCING SOURCES											
Taxes Levied on Property	1	2,400,533	476,363		1,106,418	0			3,983,314	3,913,308	3,639,837
Less: Uncollected Property Taxes - Levy Year	2								0	0	0
Net Current Property Taxes (line 1 minus line 2)	3	2,400,533	476,363		1,106,418	0			3,983,314	3,913,308	3,639,837
Delinquent Property Taxes	4								0	0	0
TIF Revenues	5			2,100,000					2,100,000	2,292,137	1,903,358
Other City Taxes:											
Utility Tax Replacement Excise Taxes	6	18,329	3,637		6,723	0			28,689	28,958	24,126
Utility franchise tax (Iowa Code Chapter 364.2)	7	0							0	0	0
Parimutuel wager tax	8								0	0	0
Gaming wager tax	9								0	0	0
Mobile Home Taxes	10								0	0	0
Hotel/Motel Taxes	11	24,000							24,000	16,000	16,326
Other Local Option Taxes	12		1,540,800						1,540,800	1,440,000	1,348,479
Subtotal - Other City Taxes (lines 6 thru 12)	13	42,329	1,544,437		6,723	0			1,593,489	1,484,958	1,388,931
Licenses & Permits	14	437,500							437,500	416,500	388,003
Use of Money & Property	15	450,000	370	12,000		0		0	462,370	462,215	754,638
Intergovernmental:											
Federal Grants & Reimbursements	16	107,000	0			0		0	107,000	3,136,700	10,798
Road Use Taxes	17		760,000						760,000	760,000	741,858
Other State Grants & Reimbursements	18	74,439	10,108		18,050				102,597	124,273	76,652
Local Grants & Reimbursements	19								0	125,000	13,683
Subtotal - Intergovernmental (lines 16 thru 19)	20	181,439	770,108	0	18,050	0		0	969,597	4,145,973	842,991
Charges for Fees & Service:											
Water Utility	21							0	0	0	0
Sewer Utility	22							0	0	0	0
Electric Utility	23							0	0	0	0
Gas Utility	24							0	0	0	0
Parking	25							0	0	0	0
Airport	26							0	0	0	0
Landfill/Garbage	27							358,000	358,000	358,000	339,164
Hospital	28							0	0	0	0
Transit	29							0	0	0	0
Cable TV, Internet & Telephone	30							0	0	0	0
Housing Authority	31							0	0	0	0
Storm Water Utility	32							625,600	625,600	625,600	382,393
Other Fees & Charges for Service	33	661,500	11,000			28,000			700,500	691,500	506,144
Subtotal - Charges for Service (lines 21 thru 33)	34	661,500	11,000	0		28,000	0	983,600	1,684,100	1,675,100	1,227,701
Special Assessments	35							0	0	0	0
Miscellaneous	36	198,750	90,000			101,000		0	389,750	234,250	111,482
Other Financing Sources:											
Regular Operating Transfers In	37	116,434				1,499,366			1,615,800	1,483,323	4,257,820
Internal TIF Loan Transfers In	38	325,000			1,064,933	710,067			2,100,000	997,203	683,479
Subtotal ALL Operating Transfers In	39	441,434	0	0	1,064,933	2,209,433	0	0	3,715,800	2,480,526	4,941,299
Proceeds of Debt (Excluding TIF Internal Borrowing)	40	0	0		0	0		0	0	3,760,000	8,538,165
Proceeds of Capital Asset Sales	41	0						0	0	0	0
Subtotal-Other Financing Sources (lines 38 thru 40)	42	441,434	0		1,064,933	2,209,433	0	0	3,715,800	6,240,526	13,479,464
Total Revenues except for beginning fund balance (lines 3, 4, 5, 13, 14, 15, 20, 34, 35, 36, & 41)	43	4,813,485	2,892,278	2,112,000	2,196,124	2,338,433	0	983,600	15,335,920	20,864,967	23,736,405
Beginning Fund Balance July 1	44	2,284,496	3,105,601	2,915,209	519,085	14,302,693	0	2,541,898	25,668,982	23,195,462	16,150,820
TOTAL REVENUES & BEGIN BALANCE (lines 42+43)	45	7,097,981	5,997,879	5,027,209	2,715,209	16,641,126	0	3,525,498	41,004,902	44,060,429	39,887,225

ADOPTED BUDGET SUMMARY

City Name: WINDSOR HEIGHTS
Fiscal Year July 1, 2025 - June 30, 2026

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2026	RE-ESTIMATED 2025	ACTUAL 2024
Revenues & Other Financing Sources										
Taxes Levied on Property	1 2,400,533	476,363		1,106,418	0			3,983,314	3,913,308	3,639,837
Less: Uncollected Property Taxes-Levy Year	2 0	0	0	0	0			0	0	0
Net Current Property Taxes	3 2,400,533	476,363		1,106,418	0			3,983,314	3,913,308	3,639,837
Delinquent Property Taxes	4 0	0	0	0	0			0	0	0
TIF Revenues	5		2,100,000					2,100,000	2,292,137	1,903,358
Other City Taxes	6 42,329	1,544,437		6,723	0			1,593,489	1,484,958	1,388,931
Licenses & Permits	7 437,500	0					0	437,500	416,500	388,003
Use of Money and Property	8 450,000	370	12,000	0	0	0	0	462,370	462,215	754,638
Intergovernmental	9 181,439	770,108	0	18,050	0		0	969,597	4,145,973	842,991
Charges for Fees & Service	10 661,500	11,000		0	28,000	0	983,600	1,684,100	1,675,100	1,227,701
Special Assessments	11 0	0		0	0		0	0	0	0
Miscellaneous	12 198,750	90,000		0	101,000	0	0	389,750	234,250	111,482
Sub-Total Revenues	13 4,372,051	2,892,278	2,112,000	1,131,191	129,000	0	983,600	11,620,120	14,624,441	10,256,941
Other Financing Sources:										
Total Transfers In	14 441,434	0	0	1,064,933	2,209,433	0	0	3,715,800	2,480,526	4,941,299
Proceeds of Debt	15 0	0	0	0	0		0	0	3,760,000	8,538,165
Proceeds of Capital Asset Sales	16 0	0	0	0	0	0	0	0	0	0
Total Revenues and Other Sources	17 4,813,485	2,892,278	2,112,000	2,196,124	2,338,433	0	983,600	15,335,920	20,864,967	23,736,405
Expenditures & Other Financing Uses										
Public Safety	18 3,441,960	858,000	0			0		4,299,960	3,842,866	3,453,453
Public Works	19 0	1,087,202	0			0		1,087,202	997,220	800,968
Health and Social Services	20 0	0	0	0		0	0	0	0	0
Culture and Recreation	21 522,680	11,000	0			0		533,680	465,527	367,249
Community and Economic Development	22 623,841	0	0			0		623,841	54,897	19,075
General Government	23 948,359	160,900	0			0		1,109,259	1,015,127	1,020,769
Debt Service	24 0	0	0	2,178,074		0		2,178,074	2,110,544	1,524,908
Capital Projects	25 0	0	0		14,639,000	0		14,639,000	6,664,718	4,075,317
Total Government Activities Expenditures	26 5,536,840	2,117,102	0	2,178,074	14,639,000	0	928,458	24,471,016	15,150,899	11,261,739
Business Type Proprietary: Enterprise & ISF	27							928,458	760,022	488,725
Total Gov & Bus Type Expenditures	28 5,536,840	2,117,102	0	2,178,074	14,639,000	0	928,458	25,399,474	15,910,921	11,750,464
Total Transfers Out	29 0	1,615,800	2,100,000	0	0	0	0	3,715,800	2,480,526	4,941,299
Total ALL Expenditures/Fund Transfers Out	30 5,536,840	3,732,902	2,100,000	2,178,074	14,639,000	0	928,458	29,115,274	18,391,447	16,691,763
Excess Revenues & Other Sources Over	31									
(Under) Expenditures/Transfers Out	32 -723,355	-840,624	12,000	18,050	-12,300,567	0	55,142	-13,779,354	2,473,520	7,044,642
Beginning Fund Balance July 1	33 2,284,496	3,105,601	2,915,209	519,085	14,302,693	0	2,541,898	25,668,982	23,195,462	16,150,820
Ending Fund Balance June 30	34 1,561,141	2,264,977	2,927,209	537,135	2,002,126	0	2,597,040	11,889,628	25,668,982	23,195,462

LONG TERM DEBT SCHEDULE - LT DEBT1

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
2016A Bond (Refunding)	1 1,405,000	GO	2016-0651	125,000	9,625	134,625	500		135,125	0
2016B Bond (Refunding)	2 2,815,000	GO	2016-0649	250,000	19,910	269,910	500		270,410	0
2020A Bond Allison/College/69th St	3 8,500,000	GO	2020-66	735,000	106,176	841,176	600			841,776
2020B University Ave	4 7,500,000	GO	2020-67	220,000	57,213	277,213	600		277,813	0
2024A 73rd St/68th St South	5 8,370,000	GO	2024-20	305,000	347,350	652,350	600		381,585	271,365
	6 -	-				0				0
	7 -	-				0				0
	8 -	-				0				0
	9 -	-				0				0
	10 -	-				0				0
	11 -	-				0				0
	12 -	-				0				0
	13 -	-				0				0
	14 -	-				0				0
	15 -	-				0				0
	16 -	-				0				0
	17 -	-				0				0
	18 -	-				0				0
	19 -	-				0				0
	20 -	-				0				0
	21 -	-				0				0
	22 -	-				0				0
	23 -	-				0				0
	24 -	-				0				0
	25 -	-				0				0
	26 -	-				0				0
	27 -	-				0				0
	28 -	-				0				0
	29 -	-				0				0
	30 -	-				0				0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBT2

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	31	-					0			0
	32	-					0			0
	33	-					0			0
	34	-					0			0
	35	-					0			0
	36	-					0			0
	37	-					0			0
	38	-					0			0
	39	-					0			0
	40	-					0			0
	41	-					0			0
	42	-					0			0
	43	-					0			0
	44	-					0			0
	45	-					0			0
	46	-					0			0
	47	-					0			0
	48	-					0			0
	49	-					0			0
	50	-					0			0
	51	-					0			0
	52	-					0			0
	53	-					0			0
	54	-					0			0
	55	-					0			0
	56	-					0			0
	57	-					0			0
	58	-					0			0
	59	-					0			0
	60	-					0			0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBT3

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	61	-					0			0
	62	-					0			0
	63	-					0			0
	64	-					0			0
	65	-					0			0
	66	-					0			0
	67	-					0			0
	68	-					0			0
	69	-					0			0
	70	-					0			0
	71	-					0			0
	72	-					0			0
	73	-					0			0
	74	-					0			0
	75	-					0			0
	76	-					0			0
	77	-					0			0
	78	-					0			0
	79	-					0			0
	80	-					0			0
	81	-					0			0
	82	-					0			0
	83	-					0			0
	84	-					0			0
	85	-					0			0
	86	-					0			0
	87	-					0			0
	88	-					0			0
	89	-					0			0
	90	-					0			0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBT4

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	91	-				0				0
	92	-				0				0
	93	-				0				0
	94	-				0				0
	95	-				0				0
	96	-				0				0
	97	-				0				0
	98	-				0				0
	99	-				0				0
	100	-				0				0
	101	-				0				0
	102	-				0				0
	103	-				0				0
	104	-				0				0
	105	-				0				0
	106	-				0				0
	107	-				0				0
	108	-				0				0
	109	-				0				0
	110	-				0				0
	111	-				0				0
	112	-				0				0
	113	-				0				0
	114	-				0				0
	115	-				0				0
	116	-				0				0
	117	-				0				0
	118	-				0				0
	119	-				0				0
	120	-				0				0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBTS

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	121	-				0				0
	122	-				0				0
	123	-				0				0
	124	-				0				0
	125	-				0				0
	126	-				0				0
	127	-				0				0
	128	-				0				0
	129	-				0				0
	130	-				0				0
	131	-				0				0
	132	-				0				0
	133	-				0				0
	134	-				0				0
	135	-				0				0
	136	-				0				0
	137	-				0				0
	138	-				0				0
	139	-				0				0
	140	-				0				0
	141	-				0				0
	142	-				0				0
	143	-				0				0
	144	-				0				0
	145	-				0				0
	146	-				0				0
	147	-				0				0
	148	-				0				0
	149	-				0				0
	150	-				0				0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBT6

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	151	-				0				0
	152	-				0				0
	153	-				0				0
	154	-				0				0
	155	-				0				0
	156	-				0				0
	157	-				0				0
	158	-				0				0
	159	-				0				0
	160	-				0				0
	161	-				0				0
	162	-				0				0
	163	-				0				0
	164	-				0				0
	165	-				0				0
	166	-				0				0
	167	-				0				0
	168	-				0				0
	169	-				0				0
	170	-				0				0
	171	-				0				0
	172	-				0				0
	173	-				0				0
	174	-				0				0
	175	-				0				0
	176	-				0				0
	177	-				0				0
	178	-				0				0
	179	-				0				0
	180	-				0				0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - LT DEBT7

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	181	-				0				0
	182	-				0				0
	183	-				0				0
	184	-				0				0
	185	-				0				0
	186	-				0				0
	187	-				0				0
	188	-				0				0
	189	-				0				0
	190	-				0				0
	191	-				0				0
	192	-				0				0
	193	-				0				0
	194	-				0				0
	195	-				0				0
	196	-				0				0
	197	-				0				0
	198	-				0				0
	199	-				0				0
	200	-				0				0
	201	-				0				0
	202	-				0				0
	203	-				0				0
	204	-				0				0
	205	-				0				0
	206	-				0				0
	207	-				0				0
	208	-				0				0
	209	-				0				0
	210	-				0				0
TOTALS				1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

LONG TERM DEBT SCHEDULE - GRAND TOTALS

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

	Principal Due FY 2026	Interest Due FY 2026	Total Obligation Due FY 2026	Bond Reg./ Paying Agent Fees Due FY 2026	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Sources OTHER THAN Budget Year Debt Service Levy	Amount Paid Budget Year Debt Service Levy
GO - TOTAL	1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141
NON GO - TOTAL	0	0	0	0	0	0	0
GRAND - TOTAL	1,635,000	540,274	2,175,274	2,800	0	1,064,933	1,113,141

NOTICE OF PUBLIC HEARING -- PROPOSED BUDGET
Fiscal Year July 1, 2025 - June 30, 2026

City of: **WINDSOR HEIGHTS**

The City Council will conduct a public hearing on the proposed Budget at: **1133 66th Street, Windsor Heights IA 50324 Meeting Date: 4/21/2025**
Meeting Time: 06:00 PM

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of revenues and expenditures on file with the City Clerk and County Auditor.

City budgets are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult <https://dom.iowa.gov/local-budget-appeals>.

The Budget Estimate Summary of proposed receipts and expenditures is shown below. Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.				
The estimated Total tax levy rate per \$1000 valuation on regular property				
14.20958				
The estimated tax levy rate per \$1000 valuation on Agricultural property is				
0				
At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.				
Phone Number (515) 279-3662		City Clerk/Finance Officer's NAME Rachelle Swisher		
		Budget FY 2026	Re-estimated FY 2025	Actual FY 2024
Revenues & Other Financing Sources				
Taxes Levied on Property	1	3,983,314	3,913,308	3,639,837
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	3,983,314	3,913,308	3,639,837
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	2,100,000	2,292,137	1,903,358
Other City Taxes	6	1,593,489	1,484,958	1,388,931
Licenses & Permits	7	437,500	416,500	388,003
Use of Money and Property	8	462,370	462,215	754,638
Intergovernmental	9	969,597	4,145,973	842,991
Charges for Fees & Service	10	1,684,100	1,675,100	1,227,701
Special Assessments	11	0	0	0
Miscellaneous	12	389,750	234,250	111,482
Other Financing Sources	13	0	3,760,000	8,538,165
Transfers In	14	3,715,800	2,480,526	4,941,299
Total Revenues and Other Sources	15	15,335,920	20,864,967	23,736,405
Expenditures & Other Financing Uses				
Public Safety	16	4,299,960	3,842,866	3,453,453
Public Works	17	1,087,202	997,220	800,968
Health and Social Services	18	0	0	0
Culture and Recreation	19	533,680	465,527	367,249
Community and Economic Development	20	623,841	54,897	19,075
General Government	21	1,109,259	1,015,127	1,020,769
Debt Service	22	2,178,074	2,110,544	1,524,908
Capital Projects	23	14,639,000	6,664,718	4,075,317
Total Government Activities Expenditures	24	24,471,016	15,150,899	11,261,739
Business Type / Enterprises	25	928,458	760,022	488,725
Total ALL Expenditures	26	25,399,474	15,910,921	11,750,464
Transfers Out	27	3,715,800	2,480,526	4,941,299
Total ALL Expenditures/Transfers Out	28	29,115,274	18,391,447	16,691,763
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	-13,779,354	2,473,520	7,044,642
Beginning Fund Balance July 1	30	25,668,982	23,195,462	16,150,820
Ending Fund Balance June 30	31	11,889,628	25,668,982	23,195,462

City of Windsor Heights Regular Business Meeting Minutes
Monday, April 7, 2025 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. **Call to Order**

Mayor Mike Jones called the meeting to order at 6:00 PM. Members present: Michael Libbie, Susan Skeries, Joseph Jones, Lauren Campbell, and Threase Harms. Staff present: City Administrator Adam Plagge, City Attorney Erin Clanton, City Clerk Adam Strait, Police Lieutenant Chad Norris, Public Works Director Andy Larson, City Engineer Justin Ernst

2. **Approval of the Agenda**

Motion by Michael Libbie to APPROVE. Seconded by Threase Harms. Motion passed 5-0.

3. **Presentation from CatchDSM by President & CEO Greg Edwards**

CatchDSM President and CEO Greg Edwards gave a presentation of the organization's efforts in the metro.

4. **Public Hearing on the Proposed Plans, Specifications, Form Of Contract, And Estimated Total Cost For The Forest Court Overlay Project**

Motion by Threase Harms to open the Public Hearing at 6:24 PM. Seconded by Susan Skeries. Passed 5-0. No Public Comment given. Motion by Threase Harms to close the Public Hearing at 6:26 PM. Seconded by Michael Libbie. Passed 5-0.

A. Consideration of Resolution No. 2025-26 - A Resolution Awarding the Forest Court Overlay Project to Grimes Asphalt & Paving

Motion by Threase Harms to APPROVE. Seconded by Susan Skeries. Motion passed 5-0.

5. **Public Forum:** This is time set aside for comments from the public on topics of City business other than those listed on the agenda. No action may be taken. Please come to the podium, state your name and address for the record and keep your comments to no more than 5 minutes.

Jay Kennedy, owner of Thirsty Pigs Mobile Event Company, expressed interest in assisting with events at the city's facility. City staff will continue to have conversations with Kennedy.

6. **Consent Agenda:** Any item on the Consent Agenda may be removed for separate consideration.

Motion by Threase Harms to APPROVE. Seconded by Michael Libbie. Motion passed 5-0.

A. Approve Minutes of the Regular Council Meeting on March 17, 2025

B. Approve Financial Reports

C. Approve 6500 Hickman Parkland Dedication Development Agreement

D. Approve Resolution No. 2025-24 - A Resolution Adopting Standards to Calculate Parkland Dedication Cash-in-Lieu Payments

E. Approve Resolution No. 2025-25 - A Resolution to Set a Date for a Public Hearing on the Budget

F. Approve Arbor Day Proclamation

G. Approve FY 2024 Audit

7. **Action Items:**

A. Consideration of the National Public Safety Telecommunicators Week Proclamation

Mike Jones presented the item. Jones and other Council members shared tributes to Westcom's Chief Udell Mentola, who unexpectedly passed away. Motion by Joseph Jones to APPROVE. Seconded by Michael Libbie. Motion passed 5-0.

B. Consideration of Resolution No. 2025-27 - A Resolution Approving a 28E Agreement Between the City of Windsor Heights and the City of West Des Moines for Street Sweeping Services

Andy Larson presented the item. The agreement with West Des Moines has been in place since 2013, and the average payment over the last 12 years was \$14,312. The allocation for this is within the stormwater budget. The schedule for the service is set by West Des Moines. The rate has increased from \$135 to \$169. Threase Harms asked about delaying the fourth sweeping or adding a fifth date for late November or early December as leaves are falling later in the year. As the schedule stands, the sweeper would pass through town before a majority of leaves have been falling. Andy stated the schedule is set for this year, but will talk with West Des Moines about the City's options for this fall and will make a point to push for a more flexible schedule in the future. Motion by Michael Libbie to APPROVE. Seconded by Threase Harms. Motion passed 5-0.

C. Consideration of the Second Reading of Ordinance 2025-01 - An Ordinance Amending Chapter 175, Revising Subsection 175.05 and 175.09 Of The Code Of Ordinances For The City Of Windsor Heights, With Regard To Design Elements For On-Premises Signs

Adam Plagge presented the item. Plagge spoke towards the dissenting vote on the ordinance from the Planning and Zoning Commission. It was about safety reasons and signs being a falling hazard. Plagge confirmed he spoke with the City's building inspectors and there were no concerns due to strict code when installing. Susan Skeries inquired about regular sign inspections after installation. Plagge responded that it was not currently done and the City would inspect if a concern was received. Motion by Threase Harms to APPROVE. Seconded by Joseph Jones. Motion passed 5-0. Mike Jones asked if Council would like to waive the third reading to which they agreed. Michael Libbie motioned to

waive the third reading and to adopt and publish. Seconded by Threase Harms. Motion passed 5-0.

D. Consider Waiving the Fees for a Canceled Event for Indivisible 515 on April 5, 2025

Adam Plagge presented the item. Council agreed with staff recommendation and directed to deny the fee waiver request as it does not fit the parameters of the refund policy.

8. **Reports:**

A. Mayor, Council Reports and Committee Updates, and Administration Reports

Threase Harms - Will be attending MAC the following day.

Lauren Campbell - Provided an overview of the Reimagine DART initiative and the progress made so far. Joseph or herself will make sure everyone stays informed about the available options moving forward. It's exciting to see the great work our consultant has accomplished—there's real momentum building. Brighter days are ahead for DART.

Michael Libbie - Completed the second podcast featuring Colby Park changes covering current and future projects.

Joseph Jones - DART charged commissioners to hold discussions with their councils on DART's future and plans to support the Reimagine initiative. The discussion will be held during the next meeting.

Susan Skeries - Attended a few Chamber events recently.

Bash is tomorrow from 4 to 6 PM. Attending the Metro Waste Executive Board meeting last Wednesday and joined the Reimagine DART Zoom meeting Thursday evening. On Friday, we held the March and April special events planning meeting, with Cassandra from Polk County attending—she and the Walnut Creek Watershed will be part of the Earth Day event on April 26 from noon to 3 PM. We're still looking for volunteers for that. The first Movie in the Park is on May 2nd, and we'll be showing Matilda. Also attended the Foundation event on Friday, where they announced the bands for Nights in the Heights. Currently planning Touch-a-Truck and the remaining summer movie nights, and still working on securing a variety of family-friendly, affordable food trucks for June, August, and September. Many trucks haven't responded or are unavailable—suggestions are welcome. The April Metro Waste meeting has been canceled. The Easter Egg Hunt is on April 19 at 9 AM; note that parking and routes to the Community Event Center will be affected by road work. Finally, Wake Up Windsor Heights is this Thursday at 8 AM at the Public Safety Building.

Adam Plagge - The 73rd Street project is on schedule and progress is being made on the 68th Street reconstruction project.

i Mayor's Report

9. **Adjourn**

Motion by Threase Harms to adjourn at 7:08PM. Seconded by Susan Skeries. Motion passed 5-0.

Mike Jones, Mayor

Adam Strait, City Clerk



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL

FROM: Adam Strait, City Clerk

SUBJECT: Approve Minutes of the Special Council Meeting on April 7, 2025

GENERAL INFORMATION

ATTACHMENTS

1. 4.7.25 Special City Council Meeting Minutes

City of Windsor Heights Special Business Meeting Minutes
Monday, April 7, 2025 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. Call to Order/Roll Call/Pledge of Allegiance

Mayor Mike Jones called the meeting to order at 6:00 PM. Members present: Michael Libbie, Susan Skeries, Joseph Jones, Lauren Campbell, and Threase Harms. Staff present: City Administrator Adam Plagge, City Attorney Erin Clanton, City Clerk Adam Strait, Police Lieutenant Chad Norris, Public Works Director Andy Larson, City Engineer Justin Ernst

2. Approval of the Agenda

Motion by Michael Libbie to APPROVE. Seconded by Susan Skeries. Motion passed 5-0.

3. Public Hearing on Proposed Tax Rate Levy

Motion by Joseph Jones to open the Public Hearing at 6:10 PM. Seconded by Susan Skeries. Passed 5-0. Elizabeth Walkup, 1235 66th Street, spoke on concerns of rising property assessments and how it would affect property tax bills. Adam Plagge addressed the comments explaining taxable versus assessed property values as well as giving Walkup an overview of property tax legislation moving through the capital. Motion by Joseph Jones to close the Public Hearing at 6:09 PM. Seconded by Michael Libbie. Passed 5-0.

A. Staff Report

4. Adjourn to Regular Council Meeting Immediately Following the Special Council Meeting

Motion by Joseph Jones to adjourn at 6:10PM. Seconded by Threase Harms. Motion passed 5-0.

Mike Jones, Mayor

Adam Strait, City Clerk



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL
FROM: Rachelle Swisher, Finance Director
SUBJECT: Approve Financial Reports

GENERAL INFORMATION

ATTACHMENTS

1. CLAIMS REGISTER 4.4.25
2. CLAIMS REGISTER 4.14.25



CITY OF WINDSOR HEIGHTS

04/04/25 8:12 AM

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***Check Detail Register©**

1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
1110 CASH					
0	02/11/25	FEDERAL TAX DEPOSIT			
	G 001-2120	FEDERAL W/H PAYABLE	\$193.54		
	G 001-2121	FICA W/H PAYABLE	\$298.54		
		Total	\$492.08		
0	02/11/25	IPERS			
	G 001-2123	IPERS PAYABLE	\$141.57		
		Total	\$141.57		
0	02/11/25	STATE OF IOWA			
	G 001-2122	STATE W/H PAYABLE	\$50.13		
		Total	\$50.13		
58328	04/04/25	ACCUJET			
	E 740-865-6765	STORM DRAINAGE CAPI	\$2,837.44	6819	TELEVISIONING LINES
		Total	\$2,837.44		
58329	04/04/25	AMAZON CAPITAL SERVICES			
	E 001-430-6507	OPERATING SUPPLIES	\$81.00		16KV-LTRT-6 SIGNS
	E 001-150-6504	MINOR EQUIPMENT	\$145.35		16VY-99XJ-7 EQUIPMENT
	E 303-430-6760	CAP OUTLAY	\$83.97		1G7L-YMVG- STRING LIGHTS CABLE KITS
	E 001-620-6506	OFFICE SUPPLIES	\$16.47		1HWL-GCGQ OFFICE SUPPLIES
	E 001-430-6507	OPERATING SUPPLIES	\$89.99		1N3D-47C3-J SPRAYER
	E 001-150-6310	BUILDING REPAIR	\$51.79		1PHM-TVW6 SUPPLIES
	E 303-430-6760	CAP OUTLAY	\$84.98		1T33-F6CK- STRING LIGHTS
		Total	\$553.55		
58330	04/04/25	ARNOLD MOTOR SUPPLY			
	E 110-210-6332	REPAIR - VEHICLES & E	\$42.09	51NC318850	SUPPLIES
	E 110-210-6332	REPAIR - VEHICLES & E	\$5.56	51NV318978	SUPPLIES
		Total	\$47.65		
58331	04/04/25	ASCENDANCE			
	E 110-210-6332	REPAIR - VEHICLES & E	\$777.98	RA30100227	REPAIRS
	E 110-210-6332	REPAIR - VEHICLES & E	\$6,463.52	RA30100344	REPAIRS
		Total	\$7,241.50		
58332	04/04/25	BANYON DATA SYSTEMS			
	E 001-620-6419	TECHNOLOGY SERVICE	\$395.00	00166403	BUDGET REPORTING SOFTWARE
		Total	\$395.00		
58333	04/04/25	BLUESTONE ENGINEERING			
	E 318-480-6407	PROF FEES/ENGINEERI	\$750.00	1240371	CEC SOLAR CONST ADMIN
		Total	\$750.00		
58334	04/04/25	BOLTON & MENK			
	E 303-430-6407	PROF FEES/ENGINEERI	\$2,850.00	0359457	PARK DESIGN
		Total	\$2,850.00		
58335	04/04/25	BULLZEYE, INC			



CITY OF WINDSOR HEIGHTS

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***Check Detail Register©**

1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 001-110-6409		JANITORIAL	\$928.00	9451	PSB MARCH CLEANING
E 001-620-6409		JANITORIAL	\$574.00	9476	CH MARCH CLEANING
E 001-480-6511		BLDG & GROUNDS OPE	\$1,350.00	9489	CEC MARCH CLEANINGS
		Total	\$2,852.00		
58336	04/04/25	CAPITAL SANITARY SUPPLY			
E 001-480-6507		OPERATING SUPPLIES	\$95.73	C402672	SUPPLIES
		Total	\$95.73		
58337	04/04/25	CERTIFIED LABORATORIES			
E 110-210-6507		OPERATING SUPPLIES	\$444.20	9083103	SUPPLIES
		Total	\$444.20		
58338	04/04/25	CINTAS			
E 001-480-6507		OPERATING SUPPLIES	\$76.88	5259962013	SUPPLIES
E 110-210-6507		OPERATING SUPPLIES	\$32.65	5259962014	SUPPLIES
		Total	\$109.53		
58339	04/04/25	CITY OF URBANDALE			
E 110-210-6371		UTILITIES	\$138.49	2025-200000	HICKMAN TRAFFIC SIGNALS
E 001-110-6413		CONTRIBUTIONS & PAY	\$778.91	2025-400001	SCHOOL CROSSING GUARD
		Total	\$917.40		
58340	04/04/25	CONVERGINT TECHNOLOGIES LLC			
E 350-615-6727		ERP - EQUIPMENT	\$666.50	IN00219637	SECURITY SOFTWARE PD
		Total	\$666.50		
58341	04/04/25	CRYSTAL CLEAR WATER CO.			
E 001-620-6506		OFFICE SUPPLIES	\$9.99	697870	WATER
		Total	\$9.99		
58342	04/04/25	EIDE BAILLY			
E 001-620-6401		AUDITS	\$10,500.00	EIO1847521	FY24 AUDIT FINAL
		Total	\$10,500.00		
58343	04/04/25	ELECTRICAL ENG.& EQUIPMENT			
E 001-430-6511		BLDG & GROUNDS OPE	\$722.52	8791898	SUPPLIES
		Total	\$722.52		
58344	04/04/25	GALLS LLC			
E 001-110-6180		ALLOWANCES	\$129.08	030896839	CLOTHING ALLOWANCE
		Total	\$129.08		
58345	04/04/25	GRIMES ASPHALT & PAVING			
E 110-210-6417		STREET MAINTENANCE	\$175.15	26974	COLD MIX
		Total	\$175.15		
58346	04/04/25	HOME DEPOT CREDIT SERVICES			
E 001-430-6511		BLDG & GROUNDS OPE	\$240.65		SUPPLIES
E 110-210-6310		BUILDING REPAIR	\$80.82		SUPPLIES
E 001-430-6507		OPERATING SUPPLIES	\$186.82		SUPPLIES



CITY OF WINDSOR HEIGHTS

04/04/25 8:12 AM

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***Check Detail Register©**
1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$508.29		
58347	04/04/25	IA CITY/COUNTY MGMNT ASSO			
E 001-620-6240		MEETING/CONFERENCE	\$350.00		IMMI CONF REGISTRATION PLAGGE
Total			\$350.00		
58348	04/04/25	IMAGE 360			
E 110-210-6417		STREET MAINTENANCE	\$535.79	I-107250	STREET SIGNS
Total			\$535.79		
58349	04/04/25	INDEPENDENT PUBLIC ADVISO			
E 001-620-6490		OTHER PROF SERVICE	\$2,250.00	WIN2025-2	2ND QTR RETAINER
Total			\$2,250.00		
58350	04/04/25	IOWA ONE CALL			
E 740-865-6413		CONTRIBUTIONS & PAY	\$43.50	269938	LINE LOCATES
Total			\$43.50		
58351	04/04/25	IOWA SOLUTIONS INC			
E 001-615-6419		TECHNOLOGY SERVICE	\$3,915.00	92638	IT SERVICES
E 350-615-6727		ERP - EQUIPMENT	\$2,962.00	92924	COMPUTERS
Total			\$6,877.00		
58352	04/04/25	LEUTHOLD, NATE			
E 001-620-6240		MEETING/CONFERENCE	\$27.65		MARCH MILEAGE
Total			\$27.65		
58353	04/04/25	LOGAN CONTRACTORS SUPPLY			
E 110-210-6417		STREET MAINTENANCE	\$1,995.00	E77267	PLEXIMELT
Total			\$1,995.00		
58354	04/04/25	LOWE'S			
E 110-210-6310		BUILDING REPAIR	\$27.11		SUPPLIES
E 740-865-6507		OPERATING SUPPLIES	\$216.14		SUPPLIES
E 740-865-6765		STORM DRAINAGE CAPI	\$27.77		SUPPLIES
E 110-210-6507		OPERATING SUPPLIES	\$152.43		SUPPLIES
E 110-210-6310		BUILDING REPAIR	\$25.54		SUPPLIES
Total			\$448.99		
58355	04/04/25	METRO WASTE AUTHORITY			
E 670-840-6490		OTHER PROF SERVICE	\$9,192.06	70029214	CURBIT FEES
E 670-840-6413		CONTRIBUTIONS & PAY	\$22,292.41	70029215	GARBAGE FEES
Total			\$31,484.47		
58356	04/04/25	NICHOLS EQUIPMENT LLC			
E 740-865-6765		STORM DRAINAGE CAPI	\$3,660.00	52683	EQUIPMENT RENTAL
E 740-865-6765		STORM DRAINAGE CAPI	\$1,800.00	Q1022	EQUIPMENT RENTAL
Total			\$5,460.00		
58357	04/04/25	NORTHERN TOOL COMMERCIAL			
E 110-210-6507		OPERATING SUPPLIES	\$77.95	54320207325	SUPPLIES
E 110-210-6504		MINOR EQUIPMENT	(\$38.50)	54720637-1	TAX ADJUSTMENT CREDIT



CITY OF WINDSOR HEIGHTS

04/04/25 8:12 AM

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***Check Detail Register©**
1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$39.45		
58358	04/04/25	O'DONNELL ACE HICKMAN			
E 001-480-6310		BUILDING REPAIR	\$72.60		PAINT SUPPLIES
E 001-480-6310		BUILDING REPAIR	\$15.92		SUPPLIES
Total			\$88.52		
58359	04/04/25	OFFICE AUDITOR OF STATE			
E 001-620-6401		AUDITS	\$625.00		WINDSOR HEIGHTS FY24 AUDIT
Total			\$625.00		
58360	04/04/25	OPN ARCHITECTS			
E 001-620-6490		OTHER PROF SERVICE	\$951.40	24812000-8	FACILITY ASSESSMENT
Total			\$951.40		
58361	04/04/25	PLAGGE, ADAM			
E 001-620-6240		MEETING/CONFERENCE	\$168.00		MILEAGE REIMBURSEMENT
Total			\$168.00		
58362	04/04/25	QPS EMPLOYMENT GROUP			
E 001-620-6020		SALARIES - PARTTIME	\$460.80	0868588	HANKINS, ALLISON 3/29/25
Total			\$460.80		
58363	04/04/25	ROTARY CLUB OF WAUKEE			
E 001-110-6120		DUES & MEMBERSHIPS	\$225.00	8047	QRTLY MEMBERSHIP DUES
Total			\$225.00		
58364	04/04/25	SAFE BUILDING COMPLIANCE			
E 001-170-6407		PROF FEES/ENGINEERI	\$1,345.63	04092266	BUILDING INSPECTIONS
Total			\$1,345.63		
58365	04/04/25	SAFE LIFE DEFENSE			
E 001-110-6180		ALLOWANCES	\$255.88	32412287	CLOTHING ALLOWANCE
Total			\$255.88		
58366	04/04/25	SHERWIN WILLIAMS CO			
E 001-430-6511		BLDG & GROUNDS OPE	\$188.83	OE0277533A	PAINT
Total			\$188.83		
58367	04/04/25	STAPLES			
E 001-110-6506		OFFICE SUPPLIES	\$79.86	7004672543	OFFICE SUPPLIES
Total			\$79.86		
58368	04/04/25	STAR EQUIPMENT LTD			
E 110-210-6417		STREET MAINTENANCE	\$2,008.50	01705716	SUPPLIES
E 110-210-6417		STREET MAINTENANCE	\$286.00	01705795	SUPPLIES
E 110-210-6417		STREET MAINTENANCE	\$1,483.20	01706026	SUPPLIES
Total			\$3,777.70		
58369	04/04/25	TRANSUNION RISK & ALTERNATIVE			
E 001-110-6507		OPERATING SUPPLIES	\$75.00		MONTHLY FEES



CITY OF WINDSOR HEIGHTS

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1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$75.00		
58370	04/04/25	ULINE			
E 001-430-6511		BLDG & GROUNDS OPE	\$688.85	190648621	SUPPLIES
Total			\$688.85		
58371	04/04/25	UNIVERSITY DM ACE HARDWARE			
E 110-210-6332		REPAIR - VEHICLES & E	\$13.98		SUPPLIES
E 110-210-6507		OPERATING SUPPLIES	\$65.98		SUPPLIES
E 110-210-6507		OPERATING SUPPLIES	\$48.24		SUPPLIES
E 110-210-6310		BUILDING REPAIR	\$3.39		SUPPLIES
Total			\$131.59		
58372	04/04/25	VELOCITY SYSTEMS			
E 001-110-6180		ALLOWANCES	\$2,562.12	77632	SERT BODY ARMOR
Total			\$2,562.12		
58373	04/04/25	WALMART CAPITAL ONE			
E 110-210-6507		OPERATING SUPPLIES	\$92.04	1661601481	SUPPLIES
Total			\$92.04		
58374	04/04/25	ZIMCO SUPPLY CO			
E 001-430-6511		BLDG & GROUNDS OPE	\$570.00	202586	SUPPLIES
Total			\$570.00		
1110 CASH			\$94,287.38		

Fund Summary

1110 CASH

001 GENERAL	\$31,199.72
110 ROAD USE TAX	\$14,937.11
303 COLBY PARK	\$3,018.95
318 CEC SOLAR PROJECT	\$750.00
350 EQUIPMENT REVOLVING FUND	\$3,628.50
670 GARBAGE/RECYCLING	\$31,484.47
740 STORM WATER	\$8,584.85
	\$93,603.60



CITY OF WINDSOR HEIGHTS

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1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
1110 CASH					
0	02/11/25	FEDERAL TAX DEPOSIT			
	G 001-2120	FEDERAL W/H PAYABLE	\$193.54		
	G 001-2121	FICA W/H PAYABLE	\$298.54		
		Total	\$492.08		
0	02/11/25	IPERS			
	G 001-2123	IPERS PAYABLE	\$141.57		
		Total	\$141.57		
0	02/11/25	STATE OF IOWA			
	G 001-2122	STATE W/H PAYABLE	\$50.13		
		Total	\$50.13		
58375	04/14/25	AMAZON CAPITAL SERVICES			
	E 001-150-6180	ALLOWANCES	\$77.59	1KLT-XCG9-	CLOTHING ALLOWANCE
		Total	\$77.59		
58376	04/14/25	AMERICAN ALARMS			
	E 001-150-6310	BUILDING REPAIR	\$480.00	I-8827	DIALER REPAIR
		Total	\$480.00		
58377	04/14/25	BAKER ELECTRIC INC.			
	E 322-210-6761	CAP OUTLAY	\$42,960.00	24237-01	TRAFFIC CONTROLLER/CABINET
		Total	\$42,960.00		
58378	04/14/25	BANKERS TRUST COMPANY			
	E 001-615-6507	OPERATING SUPPLIES	\$413.91	04142025 35	ADOBE
	E 001-620-6230	TRAINING	\$37.00	04142025 35	GCMOA
	E 001-610-6507	OPERATING SUPPLIES	\$31.98	04142025 35	ZOOM
	E 001-470-6499	MISC/REFUNDS	\$31.99	04142025 35	STORAGE MART
	E 001-620-6373	COMMUNICATIONS	\$81.00	04142025 35	CONSTANT CONTACT
	E 001-620-6210	DUES & MEMBERSHIPS	\$50.00	04142025 35	IMFOA STRAIT
	E 001-150-6230	TRAINING	\$2,160.00	04142025 62	FDIC TRAINING
	E 001-150-6210	DUES & MEMBERSHIPS	\$20.00	04142025 62	JONES IAPFC
	E 001-150-6210	DUES & MEMBERSHIPS	\$100.00	04142025 62	MEASE IAPFC
	E 110-210-6180	ALLOWANCES	(\$417.27)	04142025 84	RETURN CREDIT
	E 110-210-6332	REPAIR - VEHICLES & E	\$207.80	04142025 84	COOLANT
	E 110-210-6230	TRAINING	\$262.00	04142025 84	APWA
	E 001-430-6230	TRAINING	\$600.00	04142025 84	APWA
	E 740-865-6765	STORM DRAINAGE CAPI	\$975.00	04142025 84	RIVER ROCK
	E 110-210-6417	STREET MAINTENANCE	\$409.75	04142025 84	SIGNS
	E 001-615-6419	TECHNOLOGY SERVICE	\$150.00	04142025 99	CHAT GPT
	E 001-620-6240	MEETING/CONFERENCE	\$270.36	04142025 99	CONFERENCE HOTEL
	E 001-620-6240	MEETING/CONFERENCE	\$13.37	04142025 99	IMMI CONF
	E 001-610-6240	MEETING/CONFERENCE	\$62.78	04142025 99	WAKE UP WH
	E 001-620-6240	MEETING/CONFERENCE	\$84.00	04142025 99	WAKE UP WH
	E 001-620-6240	MEETING/CONFERENCE	\$53.17	04142025 99	JOHNSTON GRIMES MTG
	E 001-610-6407	PROF FEES/ENGINEERI	\$108.00	04142025 99	PODBEAN
	E 001-615-6490	OTHER PROF SERVICE	\$828.00	04142025 99	MICROSOFT



CITY OF WINDSOR HEIGHTS

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1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 001-615-6490		OTHER PROF SERVICE	\$32.00	04142025 99	MICROSOFT
E 326-210-6761		CAP OUTLAY	\$199.99	04142025 99	68TH ST ELEC CHARGER
E 001-620-6210		DUES & MEMBERSHIPS	\$50.00	04142025 99	IMFOA LEUTHOLD
E 001-620-6240		MEETING/CONFERENCE	\$150.00	04142025 99	IMFOA CONF LEUTHOLD
E 001-110-6180		ALLOWANCES	\$1,468.96	04142025 99	SERT HELMET FOR JACKS
E 001-110-6499		MISC/REFUNDS	\$21.26	04142025 99	IPCA BOARD MEETING
E 001-110-6120		DUES & MEMBERSHIPS	\$75.00	04142025 99	IPCA MEMBER DUES
E 001-110-6120		DUES & MEMBERSHIPS	\$30.00	04142025 99	NOTARY
E 001-110-6120		DUES & MEMBERSHIPS	\$75.00	04142025 99	IPCA MEMBERSHIP
Total			\$8,635.05		
58379	04/14/25	BOLTON & MENK			
E 001-620-6407		PROF FEES/ENGINEERI	\$9,256.00	0360226	PLANNING SERVICES
Total			\$9,256.00		
58380	04/14/25	BOUND TREE MEDICAL LLC			
E 001-160-6498		MEDICAL SUPPLIES	\$184.84	85711776	MEDICAL SUPPLIES
E 001-160-6498		MEDICAL SUPPLIES	\$495.40	85711777	MEDICAL SUPPLIES
Total			\$680.24		
58381	04/14/25	CITY OF WEST DES MOINES			
E 001-110-6373		COMMUNICATIONS	\$12,663.41	FN-2025-400	WEST COM APRIL 2025
Total			\$12,663.41		
58382	04/14/25	CLIVE POWER EQUIP.			
E 001-430-6507		OPERATING SUPPLIES	\$31.50	3526	SUPPLIES
E 740-865-6507		OPERATING SUPPLIES	\$234.99	3544	SUPPLIES
Total			\$266.49		
58383	04/14/25	DES MOINES STAMP MFG CO			
E 001-110-6506		OFFICE SUPPLIES	\$34.00	1246795	NOTARY STAMP PALMER
Total			\$34.00		
58384	04/14/25	DES MOINES WATER WORKS			
E 001-620-6371		UTILITIES	\$3.95		1145 66TH ST
E 001-150-6371		UTILITIES	\$41.80		1133 66TH ST
E 001-480-6371		UTILITIES	\$18.61		6800 SCHOOL ST
E 001-480-6371		UTILITIES	\$38.62		6900 SCHOOL ST
E 001-430-6507		OPERATING SUPPLIES	\$6.00		1200 66TH ST
Total			\$108.98		
58385	04/14/25	EO JOHNSON			
E 001-620-6507		OPERATING SUPPLIES	\$23.38	INV1730673	CH COPIER
Total			\$23.38		
58386	04/14/25	GANNETT IOWA LOCALIQ			
E 001-620-6414		PUBLICATIONS	\$899.20	7027721	PUBLICATIONS
Total			\$899.20		
58387	04/14/25	HARLAN DIPPOLD ESTATE			
E 001-160-6499		MISC/REFUNDS	\$113.12		REFUND OF OVERPAYMENT



CITY OF WINDSOR HEIGHTS

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1110 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$113.12		
58388	04/14/25	HELIX PEST SOLUTIONS LLC			
E 001-480-6511		BLDG & GROUNDS OPE	\$30.00	11228	PEST CONTROL
E 001-150-6310		BUILDING REPAIR	\$35.00	11229	PEST CONTROL
Total			\$65.00		
58389	04/14/25	HY-VEE ACCOUNTS RECEIVABLE			
E 001-110-6499		MISC/REFUNDS	\$53.97		IPCA MEETING
Total			\$53.97		
58390	04/14/25	JONES, BRIAN			
E 001-160-6504		MINOR EQUIPMENT	\$187.25		REIMBURSEMENT LOCK SMITH
Total			\$187.25		
58391	04/14/25	LOGAN CONTRACTORS SUPPLY			
E 110-210-6417		STREET MAINTENANCE	\$4,455.00	R49985	EQUIPMENT RENTAL
Total			\$4,455.00		
58392	04/14/25	MCGRATH TOYOTA OF IOWA CITY			
E 350-110-6710		AUTOMOTIVE EQUIPME	\$40,074.55	115816	2025 TOYOTA SIENNA
Total			\$40,074.55		
58393	04/14/25	MIDAMERICAN ENERGY			
E 110-230-6371		UTILITIES	\$76.06	564804673	1151 65TH ST, UNIT 1
Total			\$76.06		
58394	04/14/25	NICHOLS EQUIPMENT LLC			
E 740-865-6765		STORM DRAINAGE CAPI	\$1,266.00	52683A	WALNUT CREEK PROJECT
Total			\$1,266.00		
58395	04/14/25	NORTHERN TOOL COMMERCIAL			
E 110-210-6507		OPERATING SUPPLIES	\$119.96	5432-543203	SUPPLIES
Total			\$119.96		
58396	04/14/25	OFFICE AUDITOR OF STATE			
E 001-620-6401		AUDITS	\$225.00		2024 AUDIT FILING FEE BALANCE
Total			\$225.00		
58397	04/14/25	OPN ARCHITECTS			
E 001-620-6490		OTHER PROF SERVICE	\$3,015.00	24812000-6	FACILITY ASSESSMENT
Total			\$3,015.00		
58398	04/14/25	PLEINESS, CATHERINE			
E 001-110-6180		ALLOWANCES	\$37.45		CLOTHING ALLOWANCE REIMBURSEMENT
Total			\$37.45		
58399	04/14/25	PORTER DO-IT BEST HARDWARE			
E 001-430-6511		BLDG & GROUNDS OPE	\$244.00	547179	EQUIPMENT RENTAL
Total			\$244.00		
58400	04/14/25	PREMIER AUTOMOTIVE			



CITY OF WINDSOR HEIGHTS

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 001-110-6332		REPAIR - VEHICLES & E	\$37.33	9071640	OIL CHANGE CAR 28
E 001-110-6332		REPAIR - VEHICLES & E	\$871.97	9071841	CAR 20 REPAIRS
		Total	\$909.30		
58401	04/14/25	QPS EMPLOYMENT GROUP			
E 001-620-6020		SALARIES - PARTTIME	\$460.80	0869244	4/5/25 HANKINS, ALLIE
		Total	\$460.80		
58402	04/14/25	SAFE BUILDING COMPLIANCE			
E 001-170-6407		PROF FEES/ENGINEERI	\$280.00	04092278	MARCH RENTAL INSPECTIONS
		Total	\$280.00		
58403	04/14/25	SAVING OUR AVIAN RESOURCES			
E 001-470-6499		MISC/REFUNDS	\$375.00		EARTH DAY BIRDS
		Total	\$375.00		
58404	04/14/25	SCHNEIDER GRAPHICS			
E 001-150-6504		MINOR EQUIPMENT	\$206.16	123935	E550 DECALS
		Total	\$206.16		
58405	04/14/25	SITEONE LANDSCAPE SUPPLY			
E 740-865-6507		OPERATING SUPPLIES	\$323.19	151564397-0	SUPPLIES
E 001-430-6507		OPERATING SUPPLIES	\$134.18	151564397-0	SUPPLIES
		Total	\$457.37		
58406	04/14/25	SUNSET LAW ENFORCEMENT			
E 001-110-6230		TRAINING	\$3,245.88	11605-IN	TRAINING AMMO
		Total	\$3,245.88		
58407	04/14/25	VAN WALL EQUIPMENT			
E 001-430-6332		REPAIR - VEHICLES & E	\$244.89	6514856	REPAIRS
		Total	\$244.89		
		1110 CASH	\$132,879.88		

Fund Summary

1110 CASH	
001 GENERAL	\$41,049.08
110 ROAD USE TAX	\$5,113.30
322 73RD STREET	\$42,960.00
326 68TH STREET SOUTH	\$199.99
350 EQUIPMENT REVOLVING FUND	\$40,074.55
740 STORM WATER	\$2,799.18
	\$132,196.10



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL

FROM: Justin Ernst, City Engineer

SUBJECT: Approve 73rd Street Phase 1 STP-U-8477(615)—70-77 Change Order 6

GENERAL INFORMATION

ATTACHMENTS

1. LTR-73-CO 06
2. change_order_6_20250331



**BOLTON
& MENK**

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430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

April 14, 2025

Mr. Adam Plagge
City Administrator
City of Windsor Heights, Iowa

RE: 73rd Street Phase 1
STP-U-8477(615)—70-77
Change Order 6

Dear Mr. Plagge

Submitted for your approval is Change Order 6 for the above-mentioned project. Change Order 6 includes the addition of overnight tie into existing water main instead of the tapping sleeve and valve as bid due to the age of the existing pipe. The original bid item will not be used (\$6,500.00), making the net value of this item to be \$4,359.75. The change was at the request of Des Moines Water Works. This change order also includes an adjustment to an already manufactured structure due to discovering an existing box culvert that will be utilized instead of a new pipe and to adjust an intake to add in grading and future maintenance. The approved contract value of 6,844,587.95 will be increased \$17,989.40 for a revised contract value of \$6,862,577.35. Please see Change Order 6 for a full summary of the change items.

Bolton & Menk, Inc. recommends the approval of Change Order 6. Upon approval of Change Order 6, City Clerk or City Administrator to electronically sign in DocExpress.

Sincerely,

Bolton & Menk, Inc.

Justin Ernst, P.E.
Project Manager

Enclosure



City of Windsor Heights - Iowa

Change Order Details

77-8477-615

Description	STP-U-8477(615)--70-77, Letting Date- March 19, 2024 73rd st Phase 1
Prime Contractor	ABSOLUTE CONCRETE CONSTRUCTION, INC.
Change Order	6
Status	Pending
Date Created	03/31/2025
Type	Non-Significant - Federal-aid Participating
Change Order Description	8012 - This shall include a overnight tie into the existing main. Original plan was to do a wet tap, the age of the pipe made a wet tap impossible. 8013 - Adjustment to an already manufactured structure due discovering an existing box culvert that will be utilized instead of new pipe. 8014 - Adjust intake to provide less drastic slope for maintenance.
Awarded Project Amount	\$6,739,027.05
Authorized Project Amount	\$6,844,587.95
Change Order Amount	\$17,989.40
Revised Project Amount	\$6,862,577.35

B - Reason for change:

8012 - Connection change due to the condition of existing water main that will be connected to.

8013 - Adjustment to a precast intake.

8014 - Adjust intake to lessen the slope around it.

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:

8012 - (EACH ITEM: WATER MAIN, CONNECT TO EXISTING MAIN) - \$10,859.75/EA

\$10,859.75 * 1 EA = \$10,859.75 total cost of additional work shown in section F with 10% prime markup.

8013 - (EACH ITEM: CONNECT TO EXISTING BOX CULVERT) - \$3,300.00/EA

\$3,300 * 1 EA = \$3,300.00 total cost of additional work shown in section F with 10% prime markup.

8014- (EACH ITEM: MODIFY EXISTING INTAKE) - \$3,829.65/EA

\$3,829.65 * 1 EA = \$3,829.65 total cost of additional work shown in section F with 10% prime markup.

D - Justification for cost(s) (See I.M. 6.000 Attachment D, Chapter 2.36, for acceptable justification):

8012 - The unit price is higher than the high \$5,553.19 and average \$3,032.79. It includes nitrile gaskets and night time work. Prime 10% markup included.

8013 - The unit price is lower than the the high \$5,500.00 and average \$3,600, but higher than the low \$2,250.00 Prime 10% markup included.

8014 - The unit price is lower than the the high \$5,500.00 and average \$4,508.38, but higher than the low \$3,000.00. Prime 10% markup included.

E - Contract time adjustment:

Reduce working days by 10.

New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
Section: 0001 - STP-U-8477(615)--70-77, Roadway Items - Division 1					
8013	2599-9999005	EACH	1.000	\$3,300.000	\$3,300.00
('EACH' ITEM): CONNECT TO EXISTING BOX CULVERT		Funding Details			
77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615			1.000	\$3,300.000	\$3,300.00
8014	2599-9999005	EACH	1.000	\$3,829.650	\$3,829.65
('EACH' ITEM): MODIFY EXISTING INTAKE		Funding Details			
77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615			1.000	\$3,829.650	\$3,829.65
Section: 0002 - STP-U-8477(615)--70-77, Roadway Items - Division 2					
8012	2599-9999005	EACH	1.000	\$10,859.750	\$10,859.75
('EACH' ITEM): WATER MAIN, CONNECT TO EXISTING MAIN		Funding Details			
77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615			1.000	\$10,859.750	\$10,859.75
3 items					Total: \$17,989.40

Funding Summary

Fund Package	Original Amount	Authorized Amount	Pending Change	Revised Amount
77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615	\$5,625,602.05	\$5,761,117.95	\$17,989.40	\$5,779,107.35

Fund Package	Original Amount	Authorized Amount	Pending Change	Revised Amount
77-8477-615-CAT-2 77-8477-615-CAT-2 77-8477-615	\$1,113,425.00	\$1,083,470.00	\$0.00	\$1,083,470.00
77-8477-615-CAT-3 NON-PARTICIPATING	\$0.00	\$0.00	\$0.00	\$0.00
3 fund packages	\$6,739,027.05	\$6,844,587.95	\$17,989.40	\$6,862,577.35

AGREED BY CONTRACTOR:

By:_____ Date:_____

Title:_____

RECOMMENDED BY ENGINEER:

By:_____ Date:_____

Title:_____

APPROVED BY WINDSOR HEIGHTS:

By:_____ Date:_____

Title:_____

Doc Express® Document Signing History

Contract: 77-8477-615 Document: change_order-6-20250331

This document is in the process of being signed by all required signatories using the Doc Express® service. Following are the signatures that have occurred so far.

Date	Signed By
04/10/2025	Logan Petersen Absolute Concrete Construction Inc. Electronic Signature (Approved by Contractor)
	(Recommended by Engineer / Approved)
	(Approved by PIRC (when applicable))
	(Approved by Administering Bureau or designee)
	(Approved by FHWA (when applicable))



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL

FROM: Justin Ernst, City Engineer

SUBJECT: Approve 73rd Street Phase 1 STP-U-8477(615)—70-77 Pay Request 9

GENERAL INFORMATION

ATTACHMENTS

1. LTR-73rd Street-Pay App 9
2. payment_9_20250401



**BOLTON
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430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

April 9, 2025

Mr. Adam Plagge
City Administrator
City of Windsor Heights, Iowa

RE: 73rd Street Phase 1
STP-U-8477(615)—70-77
Pay Request 9

Dear Mr. Plagge:

Submitted for your approval is Pay Request 9 for the above-mentioned project. Pay Request 9 is for a total payment of \$188,650.47. The total payments to date: \$2,110,363.64. Please see Pay Request 9 for a full summary of the items completed that are included in this payment.

Bolton & Menk, Inc., recommends the approval of Pay Application 9. Upon approval of Pay Request 9, City Clerk or City Administrator to electronically sign in DocExpress and mail payment to the Absolute Concrete Construction, Inc.

Please let me know if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Justin Ernst, PE
Municipal Assistant Group Leader, Principal



City of Windsor Heights - Iowa

Detailed Payment

77-8477-615

Description	STP-U-8477(615)--70-77, Letting Date- March 19, 2024 73rd st Phase 1
Payment Number	9
Pay Period	01/01/2025 to 03/31/2025
Prime Contractor	ABSOLUTE CONCRETE CONSTRUCTION, INC.
Payment Status	Pending
Awarded Project Amount	\$6,739,027.05
Authorized Amount	\$6,844,587.95

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
Section: 0001 - STP-U-8477(615)--70-77, Roadway Items - Division 1										
0010	2101-0850002	UNIT	\$440.000	22.300	0.000	58.000	58.000	58.000	\$0.00	\$25,520.00
CLEARING AND GRUBBING										
0020	2102-0425071	CY	\$50.000	50.000	0.000	234.000	234.000	234.000	\$0.00	\$11,700.00
SPECIAL BACKFILL										
0030	2102-2710070	CY	\$15.000	10,333.000	862.000	3,444.334	4,306.334	4,306.334	\$12,930.00	\$64,595.01
EXCAVATION, CLASS 10, ROADWAY AND BORROW										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0040	2102-2710080	CY	\$15.000	165.000	0.000	234.000	234.000	234.000	\$0.00	\$3,510.00
EXCAVATION, CLASS 10, UNSUITABLE OR UNSTABLE MATERIAL										
0050	2105-8425015	CY	\$8.000	2,124.000	0.000	354.000	354.000	354.000	\$0.00	\$2,832.00
TOPSOIL, STRIP, SALVAGE AND SPREAD										
0060	2109-8225100	STA	\$1,000.000	53.600	0.000	6.750	6.750	6.750	\$0.00	\$6,750.00
SPECIAL COMPACTION OF SUBGRADE										
0070	2113-0001100	SY	\$5.000	5,000.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
SUBGRADE STABILIZATION MATERIAL, POLYMER GRID										
0080	2115-0100000	CY	\$60.000	4,035.000	0.000	1,013.900	1,013.900	1,013.900	\$0.00	\$60,834.00
MODIFIED SUBBASE										
0090	2115-0100000	CY	\$60.000	181.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
MODIFIED SUBBASE: , TRAIL										
0100	2123-7450020	STA	\$150.000	81.700	0.000	23.500	23.500	23.500	\$0.00	\$3,525.00
SHOULDER FINISHING, EARTH										
0110	2301-1033080	SY	\$75.000	19,678.000	0.000	4,905.780	4,905.780	4,905.780	\$0.00	\$367,933.50
STANDARD OR SLIP FORM PORTLAND CEMENT CONCRETE PAVEMENT, CLASS C, CLASS 3 DURABILITY, 8 IN.										
0120	2301-6911722	LS	\$10,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
PORTLAND CEMENT CONCRETE PAVEMENT SAMPLES										
0130	2304-0101000	SY	\$60.000	1,500.000	0.000	71.750	71.750	71.750	\$0.00	\$4,305.00
TEMPORARY PAVEMENT										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0140	2312-8260051	TON	\$40.000	500.000	75.900	60.250	136.150	136.150	\$3,036.00	\$5,446.00
GRANULAR SURFACING ON ROAD, CLASS A CRUSHED STONE										
0150	2435-0140148	EACH	\$5,500.000	6.000	0.000	1.000	1.000	1.000	\$0.00	\$5,500.00
MANHOLE, STORM SEWER, SW-401, 48 IN.										
0160	2435-0140160	EACH	\$7,800.000	7.000	0.000	4.000	4.000	4.000	\$0.00	\$31,200.00
MANHOLE, STORM SEWER, SW-401, 60 IN.										
0170	2435-0140172	EACH	\$10,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
MANHOLE, STORM SEWER, SW-401, 72 IN.										
0180	2435-0140196	EACH	\$17,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
MANHOLE, STORM SEWER, SW-401, 96 IN.										
0190	2435-0250500	EACH	\$5,600.000	34.000	0.000	9.000	9.000	9.000	\$0.00	\$50,400.00
INTAKE, SW-505										
0200	2435-0250600	EACH	\$12,000.000	17.000	0.000	8.000	8.000	8.000	\$0.00	\$96,000.00
INTAKE, SW-506										
0210	2435-0250900	EACH	\$7,300.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INTAKE, SW-509										
0220	2435-0251000	EACH	\$8,500.000	3.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INTAKE, SW-510										
0230	2435-0251230	EACH	\$4,100.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$4,100.00
INTAKE, SW-512, 30 IN.										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0240	2435-0251236	EACH	\$4,800.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INTAKE, SW-512, 36 IN.										
0250	2435-0600010	EACH	\$2,300.000	33.000	0.000	10.000	10.000	10.000	\$0.00	\$23,000.00
MANHOLE ADJUSTMENT, MINOR										
0260	2435-0600020	EACH	\$6,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
MANHOLE ADJUSTMENT, MAJOR										
0270	2435-0600110	EACH	\$1,800.000	2.000	0.000	1.000	1.000	1.000	\$0.00	\$1,800.00
INTAKE ADJUSTMENT, MINOR										
0280	2435-0600120	EACH	\$7,500.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INTAKE ADJUSTMENT, MAJOR										
0290	2435-0700010	EACH	\$3,700.000	2.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CONNECTION TO EXISTING MANHOLE										
0300	2502-8212206	LF	\$22.000	5,105.000	0.000	1,226.900	1,226.900	1,226.900	\$0.00	\$26,991.80
SUBDRAIN, PERFORATED PLASTIC PIPE, 6 IN. DIA.										
0310	2502-8221006	EACH	\$800.000	17.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
SUBDRAIN RISER, 6 IN., AS PER PLAN										
0320	2502-8221303	EACH	\$400.000	17.000	0.000	5.000	5.000	5.000	\$0.00	\$2,000.00
SUBDRAIN OUTLET, DR-303										
0330	2503-0114212	LF	\$200.000	8.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 12 IN.										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0340	2503-0114215	LF	\$80.000	991.000	0.000	272.000	272.000	272.000	\$0.00	\$21,760.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 15 IN.										
0350	2503-0114218	LF	\$85.000	778.000	0.000	27.000	27.000	27.000	\$0.00	\$2,295.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 18 IN.										
0360	2503-0114224	LF	\$110.000	2,556.000	0.000	616.000	616.000	616.000	\$0.00	\$67,760.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 24 IN.										
0370	2503-0114230	LF	\$130.000	543.000	0.000	416.000	416.000	416.000	\$0.00	\$54,080.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 30 IN.										
0380	2503-0114236	LF	\$170.000	144.000	0.000	33.000	33.000	33.000	\$0.00	\$5,610.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 36 IN.										
0390	2503-0114248	LF	\$450.000	8.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 48 IN.										
0400	2503-0114254	LF	\$610.000	8.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 54 IN.										
0410	2503-0114266	LF	\$850.000	8.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 2000D (CLASS III), 66 IN.										
0420	2503-0200036	LF	\$25.000	3,335.000	0.000	755.400	755.400	755.400	\$0.00	\$18,885.00
REMOVE STORM SEWER PIPE LESS THAN OR EQUAL TO 36 IN.										
0430	2503-0200136	LF	\$45.000	79.000	0.000	38.000	38.000	38.000	\$0.00	\$1,710.00
REMOVE STORM SEWER PIPE GREATER THAN 36 IN.										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0440	2504-0200404	LF	\$130.000	160.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
SANITARY SEWER SERVICE STUB, POLYVINYL CHLORIDE PIPE (PVC), 4 IN.										
0450	2510-6745850	SY	\$10.000	17,965.000	1,789.000	4,630.490	6,419.490	6,419.490	\$17,890.00	\$64,194.90
REMOVAL OF PAVEMENT										
0460	2510-6750600	EACH	\$900.000	50.000	0.000	20.000	20.000	20.000	\$0.00	\$18,000.00
REMOVAL OF INTAKES AND UTILITY ACCESSES										
0470	2511-0300000	SY	\$10.000	550.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVAL OF RECREATIONAL TRAIL										
0480	2511-0302600	SY	\$49.000	715.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
RECREATIONAL TRAIL, PORTLAND CEMENT CONCRETE, 6 IN.										
0490	2511-0310100	STA	\$750.000	7.700	0.000	0.000	0.000	0.000	\$0.00	\$0.00
SPECIAL COMPACTION OF SUBGRADE FOR RECREATIONAL TRAIL										
0500	2511-6745900	SY	\$10.000	3,506.000	419.800	676.000	1,095.800	1,095.800	\$4,198.00	\$10,958.00
REMOVAL OF SIDEWALK										
0510	2511-7526004	SY	\$49.750	4,023.000	654.777	591.050	1,245.827	1,245.827	\$32,575.15	\$61,979.89
SIDEWALK, P.C. CONCRETE, 4 IN.										
0520	2511-7526006	SY	\$77.000	267.000	20.322	101.263	121.585	121.585	\$1,564.80	\$9,362.05
SIDEWALK, P.C. CONCRETE, 6 IN.										
0530	2511-7528101	SF	\$51.000	362.000	44.000	70.000	114.000	114.000	\$2,244.00	\$5,814.00
DETECTABLE WARNINGS										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0540	2512-1725206	LF	\$79.000	10.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
CURB AND GUTTER, P.C. CONCRETE, 2.0 FT.										
0550	2514-0000200	STA	\$1,000.000	0.500	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVAL OF CURB										
0560	2515-2475006	SY	\$52.500	2,550.000	39.900	728.160	768.060	768.060	\$2,094.75	\$40,323.15
DRIVEWAY, P.C. CONCRETE, 6 IN.										
0570	2515-2475007	SY	\$54.000	1,047.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
DRIVEWAY, P.C. CONCRETE, 7 IN.										
0580	2515-6745600	SY	\$10.000	3,212.000	172.917	738.600	911.517	911.517	\$1,729.17	\$9,115.17
REMOVAL OF PAVED DRIVEWAY										
0590	2523-0000310	EACH	\$1,235.000	6.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
HANDHOLES AND JUNCTION BOXES										
0600	2524-6765110	EACH	\$300.000	72.000	0.000	16.000	16.000	16.000	\$0.00	\$4,800.00
REMOVAL OF TYPE A SIGN										
0610	2524-6765210	EACH	\$100.000	21.000	0.000	4.000	4.000	4.000	\$0.00	\$400.00
REMOVAL OF TYPE A SIGN ASSEMBLY										
0620	2524-9276010	LF	\$35.000	390.000	0.000	50.000	50.000	50.000	\$0.00	\$1,750.00
PERFORATED SQUARE STEEL TUBE POSTS										
0630	2524-9276021	EACH	\$100.000	39.000	0.000	5.000	5.000	5.000	\$0.00	\$500.00
PERFORATED SQUARE STEEL TUBE POST ANCHOR, BREAK-AWAY SOIL INSTALLATION										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0640	2524-9325001	SF	\$35.000	392.500	0.000	70.000	70.000	70.000	\$0.00	\$2,450.00
TYPE A SIGNS, SHEET ALUMINUM										
0650	2525-0000100	LS	\$100,000.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
TRAFFIC SIGNALIZATION										
0660	2527-9263109	STA	\$86.000	136.000	0.000	18.610	18.610	18.610	\$0.00	\$1,600.46
PAINTED PAVEMENT MARKING, WATERBORNE OR SOLVENT-BASED										
0670	2527-9263117	STA	\$116.000	168.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
PAINTED PAVEMENT MARKINGS, DURABLE										
0680	2527-9263137	EACH	\$130.000	25.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
PAINTED SYMBOLS AND LEGENDS, WATERBORNE OR SOLVENT-BASED										
0690	2527-9263143	EACH	\$185.000	25.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
PAINTED SYMBOLS AND LEGENDS, DURABLE										
0700	2527-9270111	STA	\$83.000	168.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
GROOVES CUT FOR PAVEMENT MARKINGS										
0710	2527-9270120	EACH	\$220.000	25.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
GROOVES CUT FOR SYMBOLS AND LEGENDS										
0720	2528-8445110	LS	\$75,000.000	1.000	0.090	0.327	0.417	0.417	\$6,750.00	\$31,275.00
TRAFFIC CONTROL										
0730	2528-9290050	CDAY	\$200.000	60.000	14.000	14.000	28.000	28.000	\$2,800.00	\$5,600.00
PORTABLE DYNAMIC MESSAGE SIGN (PDMS)										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0740	2529-5070110	SY	\$100.000	51.000	0.000	100.678	100.678	100.678	\$0.00	\$10,067.80
PATCHES, FULL-DEPTH FINISH, BY AREA										
0750	2533-4980005	LS	\$600,000.000	1.000	0.000	0.500	0.500	0.500	\$0.00	\$300,000.00
MOBILIZATION										
0760	2552-0000220	CY	\$75.000	975.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL										
0770	2599-9999010	LS	\$15,000.000	1.000	0.097	0.320	0.417	0.417	\$1,455.00	\$6,255.00
('LUMP SUM' ITEM): MAINTENANCE OF SOLID WASTE COLLECTION										
0780	2599-9999010	LS	\$1,850.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('LUMP SUM' ITEM): REMOVE AND REINSTALL ELECTRONIC SPEED SIGN										
0790	2599-9999010	LS	\$7,200.000	1.000	0.090	0.327	0.417	0.417	\$648.00	\$3,002.40
('LUMP SUM' ITEM): SWPPP MANAGEMENT										
0800	2599-9999010	LS	\$80,000.000	1.000	0.000	0.440	0.440	0.440	\$0.00	\$35,200.00
('LUMP SUM' ITEM): VIBRATION MONITORING										
0810	2601-2634105	ACRE	\$4,110.000	2.630	0.010	0.300	0.310	0.310	\$41.10	\$1,274.10
MULCHING, BONDED FIBER MATRIX										
0820	2601-2639010	SQ	\$65.000	1,150.000	0.000	170.000	170.000	170.000	\$0.00	\$11,050.00
SODDING										
0830	2601-2643110	MGAL	\$75.000	690.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
WATERING FOR SOD, SPECIAL DITCH CONTROL, OR SLOPE PROTECTION										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0840	2602-0000150	LF	\$15.000	300.000	25.000	0.000	25.000	25.000	\$375.00	\$375.00
STABILIZED CONSTRUCTION ENTRANCE, EC-303										
0850	2602-0000309	LF	\$3.000	10,000.000	70.000	155.000	225.000	225.000	\$210.00	\$675.00
PERIMETER AND SLOPE SEDIMENT CONTROL DEVICE, 9 IN. DIA.										
0860	2602-0000351	LF	\$0.010	10,000.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
REMOVAL OF PERIMETER AND SLOPE OR DITCH CHECK SEDIMENT CONTROL DEVICE										
0870	2602-0000500	LF	\$10.000	32.000	0.000	16.000	16.000	16.000	\$0.00	\$160.00
OPEN-THROAT CURB INTAKE SEDIMENT FILTER, EC-602										
0880	2602-0000530	EACH	\$95.000	110.000	20.000	20.000	40.000	40.000	\$1,900.00	\$3,800.00
GRATE INTAKE SEDIMENT FILTER BAG, EC-604										
0890	2602-0010010	EACH	\$600.000	1.000	1.000	3.000	4.000	4.000	\$600.00	\$2,400.00
MOBILIZATIONS, EROSION CONTROL										
0900	2602-0010020	EACH	\$1,200.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
MOBILIZATIONS, EMERGENCY EROSION CONTROL										
8001	2599-9999005	EACH	\$14,250.000	1.000	0.000	1.000	1.000	1.000	\$0.00	\$14,250.00
('EACH' ITEM): INTAKE, SW-506 MOD, CAST-IN-PLACE										
8002	2435-0250610	EACH	\$14,410.000	2.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
INTAKE, SW-506 MOD										
8009	2599-9999018	SY	\$0.300	19,678.000	0.000	2,519.817	2,519.817	2,519.817	\$0.00	\$755.95
('SQUARE YARDS' ITEM): (REINFORCEMENT ADJ)										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
8010	2430-0000100	SF	\$74.000	144.000	0.000	144.000	144.000	144.000	\$0.00	\$10,656.00
MODULAR BLOCK RETAIN WALL										
8011	2599-9999005	EACH	\$4,325.750	2.000	0.000	2.000	2.000	2.000	\$0.00	\$8,651.50
('EACH' ITEM): INSTALLATION AND REMOVAL OF TEMPORARY INTAKE										
Section Totals:									\$93,040.97	\$1,646,737.68
Section: 0002 - STP-U-8477(615)--70-77, Roadway Items - Division 2										
0910	2554-0114004	LF	\$65.000	35.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 4 IN.										
0920	2554-0114006	LF	\$60.000	101.000	0.000	124.000	124.000	124.000	\$0.00	\$7,440.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 6 IN.										
0930	2554-0114008	LF	\$55.000	558.000	0.000	175.000	175.000	175.000	\$0.00	\$9,625.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 8 IN.										
0940	2554-0114008	LF	\$80.000	455.000	0.000	99.000	99.000	99.000	\$0.00	\$7,920.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 8 IN.: RESTRAINED JOINT										
0950	2554-0114012	LF	\$80.000	3,703.000	39.000	702.000	741.000	741.000	\$3,120.00	\$59,280.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 12 IN.										
0960	2554-0114012	LF	\$105.000	631.000	0.000	550.000	550.000	550.000	\$0.00	\$57,750.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 12 IN.: RESTRAINED JOINT										
0970	2554-0134008	LF	\$165.000	100.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
WATER MAIN WITH CASING PIPE, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 8 IN.										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
0980	2554-0134012	LF	\$240.000	100.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
WATER MAIN WITH CASING PIPE, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 12 IN.										
0990	2554-0203000	LB	\$20.000	6,162.000	426.000	3,467.000	3,893.000	3,893.000	\$8,520.00	\$77,860.00
FITTINGS BY WEIGHT, DUCTILE IRON										
1000	2554-0207008	EACH	\$2,700.000	12.000	1.000	3.000	4.000	4.000	\$2,700.00	\$10,800.00
VALVE, GATE, DIP, 8 IN.										
1010	2554-0207012	EACH	\$4,500.000	9.000	0.000	2.000	2.000	2.000	\$0.00	\$9,000.00
VALVE, GATE, DIP, 12 IN.										
1020	2554-0210201	EACH	\$8,500.000	15.000	1.000	5.000	6.000	6.000	\$8,500.00	\$51,000.00
FIRE HYDRANT ASSEMBLY, WM-201										
1030	2554-0211002	EACH	\$1,750.000	6.000	0.000	6.000	6.000	6.000	\$0.00	\$10,500.00
FLUSHING DEVICE (BLOWOFF), 2 IN.										
1040	2599-9999005	EACH	\$6,500.000	2.000	0.000	1.000	1.000	1.000	\$0.00	\$6,500.00
('EACH' ITEM): PREPARE EXCAVATION FOR TAPPING SLEEVE & VALVE										
1050	2599-9999005	EACH	\$410.000	51.000	0.000	16.000	16.000	16.000	\$0.00	\$6,560.00
('EACH' ITEM): TAP FEE, 1-IN, REPLACEMENT TAP FOR WATER SERVICE TRANSFER										
1060	2599-9999005	EACH	\$1,725.000	3.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('EACH' ITEM): TAP FEE, 2-IN, REPLACEMENT TAP FOR WATER SERVICE TRANSFER										
1070	2599-9999005	EACH	\$3,800.000	11.000	0.000	1.000	1.000	1.000	\$0.00	\$3,800.00
('EACH' ITEM): WATER SERVICE TRANSFER, COPPER, 1-IN, OPPOSITE SIDE										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
1080	2599-9999005	EACH	\$3,000.000	40.000	0.000	15.000	15.000	15.000	\$0.00	\$45,000.00
('EACH' ITEM): WATER SERVICE TRANSFER, COPPER, 1-IN, SAME SIDE										
1090	2599-9999005	EACH	\$5,400.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('EACH' ITEM): WATER SERVICE TRANSFER, COPPER, 2-IN, OPPOSITE SIDE										
1100	2599-9999005	EACH	\$3,400.000	2.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('EACH' ITEM): WATER SERVICE TRANSFER, COPPER, 2-IN, SAME SIDE										
1110	2599-9999005	EACH	\$6,100.000	1.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('EACH' ITEM): WATER SERVICE TRANSFER, EQUAL TO OR GREATER THAN 3, SAME SIDE										
1120	2599-9999009	LF	\$45.000	1,005.000	0.000	436.000	436.000	436.000	\$0.00	\$19,620.00
('LINEAR FEET' ITEM): REMOVAL OF EXISTING WATER MAIN IN CONFLICT WITH NEW CONSTRUCTION										
1130	2599-9999020	TON	\$65.000	100.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
('TONS' ITEM): FOUNDATION ROCK										
8003	2504-0114018	LF	\$572.000	20.000	0.000	0.000	0.000	0.000	\$0.00	\$0.00
SAN SWR G-MAIN, TRENCHED, PVC, 18"										
8004	2554-0112008	LF	\$247.500	8.000	5.000	0.000	5.000	5.000	\$1,237.50	\$1,237.50
WATER MAIN, TRENCHED, DIP, 8"										
8005	2554-0112012	LF	\$154.000	260.000	280.000	0.000	280.000	280.000	\$43,120.00	\$43,120.00
WATER MAIN, TRENCHED, DIP, 12"										
8006	2554-0207006	EACH	\$3,509.000	3.000	0.000	1.000	1.000	1.000	\$0.00	\$3,509.00
VALVE, GATE, DIP, 6"										

Line Number	Item ID	Unit	Unit Price	Authorized Quantity	Current Paid Quantity	Previous Paid Quantity	Total Quantity Paid To Date	Total Quantity Placed To Date	Current Payment Amount	Total Amount Paid To Date
8007	2554-0112012	LF	\$176.000	83.000	72.000	0.000	72.000	72.000	\$12,672.00	\$12,672.00
WATER MAIN, TRENCHED, DIP, 12": (RESTRAINED JOINT)										
8008	2599-9999005	EACH	\$1,760.000	8.000	10.000	0.000	10.000	10.000	\$17,600.00	\$17,600.00
('EACH' ITEM): 32 LB MAGNESIUM ANODE										
Section Totals:									\$97,469.50	\$460,793.50
Total Payments:									\$190,510.47	\$2,107,531.18

Time Charges

Time Limit	Original Deadline	Authorized Deadline	Charges This Period	Damages This Period	Days Completed To Date	Days Remaining To Date	Damages To Date
Working Days, Late Start Date - 05/06/2024, Liquidated Damage Rate - 2,500	300.0 Days	306.0 Days	11.0 Days	\$0.00	137.0 Days	169.0 Days	\$0.00
Total Damages:							\$0.00

Stockpiles

Stockpile	Fund Package	Current Advancements	Advancements To Date	Current Recoveries	Recoveries To Date
#1 - 2554-0203000	77-8477-615-CAT-2 77-8477-615-CAT-2 77-8477-615	\$0.00	\$12,845.16	\$0.00	\$12,845.16
Totals:		\$0.00	\$58,873.55	\$1,860.00	\$26,041.09

Stockpile	Fund Package			Current Advancements	Advancements To Date	Current Recoveries	Recoveries To Date
FITTINGS BY WEIGHT, DUCTILE IRON							
#2 - 2554-0207008	77-8477-615-CAT-2	77-8477-615-CAT-2	77-8477-615	\$0.00	\$5,580.00	\$1,860.00	\$5,580.00
VALVE, GATE, DIP, 8 IN.							
#3 - 2554-0114012	77-8477-615-CAT-2	77-8477-615-CAT-2	77-8477-615	\$0.00	\$3,430.00	\$0.00	\$3,430.00
WATER MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 12 IN.							
#4 - 2554-0211002	77-8477-615-CAT-2	77-8477-615-CAT-2	77-8477-615	\$0.00	\$185.93	\$0.00	\$185.93
FLUSHING DEVICE (BLOWOFF), 2 IN.							
#5 - 2599-9999005	77-8477-615-CAT-2	77-8477-615-CAT-2	77-8477-615	\$0.00	\$4,000.00	\$0.00	\$4,000.00
('EACH' ITEM): WATER SERVICE TRANSFER, COPPER, 1-IN, SAME SIDE							
#6 - 2525-0000100	77-8477-615-CAT-1	77-8477-615-CAT-1	77-8477-615	\$0.00	\$32,832.46	\$0.00	\$0.00
TRAFFIC SIGNALIZATION							
Totals:				\$0.00	\$58,873.55	\$1,860.00	\$26,041.09

Summary

Current Approved Work:	\$190,510.47
Current Stockpile Advancement:	\$0.00
Current Stockpile Recovery:	\$1,860.00
Current Retainage:	\$0.00
Current Retainage Released:	\$0.00
Current Liquidated Damages:	\$0.00
Current Adjustment:	\$0.00
Current Payment:	\$188,650.47
Previous Payment:	\$249,971.00

Approved Work To Date:	\$2,107,531.18
Stockpile Advancement To Date:	\$58,873.55
Stockpile Recovery To Date:	\$26,041.09
Retainage To Date:	\$30,000.00
Retainage Released To Date:	\$0.00
Liquidated Damages To Date:	\$0.00
Adjustments To Date:	\$0.00
Payments To Date:	\$2,110,363.64
Previous Payments To Date:	\$1,921,713.17

Funding Details

77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615:	\$167,670.47
77-8477-615-CAT-2 77-8477-615-CAT-2 77-8477-615:	\$22,840.00
77-8477-615-CAT-3 NON-PARTICIPATING:	\$0.00
Current Payment:	\$190,510.47

77-8477-615-CAT-1 77-8477-615-CAT-1 77-8477-615 To Date:	\$1,724,876.18
77-8477-615-CAT-2 77-8477-615-CAT-2 77-8477-615 To Date:	\$382,655.00
77-8477-615-CAT-3 NON-PARTICIPATING To Date:	\$0.00
Payments To Date:	\$2,107,531.18

CONTRACTOR'S CERTIFICATION:

Contractor certifies that to the best of Contractor's knowledge, information and belief, the Work covered by this Payment Application has been completed in accordance with the Contract Documents, that all amounts have been paid by Contractor for Work for which payments were issued and payments received from the City of Windsor Heights, and that the current payment applied herein is now due.

By: _____ Date: _____

ENGINEER'S CERTIFICATION:

In accordance with the Contract Documents, based on on-site observations and the data comprising this Payment Application, the Construction Project Manager certifies to the City of Windsor Heights that to the best of the Construction Project Manager's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and Contractor is entitled to payment of Amount Certified.

AMOUNT CERTIFIED: \$ _____

By: _____ Date: _____

CITY OF WINDSOR HEIGHTS REVIEW / APPROVAL:

By: _____ Date: _____

Doc Express® Document Signing History

Contract: 77-8477-615 Document: payment-9-20250401

This document is in the process of being signed by all required signatories using the Doc Express® service. Following are the signatures that have occurred so far.

Date	Signed By
04/03/2025	Logan Petersen Absolute Concrete Construction Inc. Electronic Signature (Approved by Contractor (Optional))
04/09/2025	Justin Ernst Bolton & Menk, Inc. - Iowa Electronic Signature (Recommended by Engineer)
	(Approved by PIRC (when applicable))



STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL

FROM: Nate Weigl

SUBJECT: Approve 2023 Colby Park Improvements Change Order 7

GENERAL INFORMATION

ATTACHMENTS

1. Change Order 7

CHANGE ORDER FORM**NO.: 007**

Owner: City of Windsor Heights Owner's Project No.:
Engineer: Bolton & Menk, Inc. Engineer's Project No.: OT6.128908
Contractor: Caliber Concrete Contractor's Project No.:
Project: 2023 Colby Park Improvement
Contract Name:
Date Issued: April 9, 2025 Effective Date of Change Order: April 9, 2025

The Contract is modified as follows upon execution of this Change Order:

Description:

1. Irrigation adjustments required for installation of picnic table pads in the food truck plaza and west of the playground. This includes moving spray heads, extending irrigation lines, and adding irrigation heads for optimal coverage.

Attachments: Attachment 1: Additional project items.

Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
\$ 2,852,637.72		Substantial Completion:	9/30/2024
		Ready for final payment:	
Increase from previously approved Change Orders No. 1 to No. 6 (Change Order No. 5 was not approved):		Increase from previously approved Change Orders No. 1 to No. 6 (Change Order No. 5 was not approved):	
\$ 439,425.24		Substantial Completion:	N/A
		Ready for Final Payment:	N/A
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 3,292,062.96		Substantial Completion:	9/30/2024
		Ready for final payment:	
Increase this Change Order:		Increase this Change Order:	
\$ 2,102.26		Substantial Completion:	N/A
		Ready for final payment:	N/A
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 3,294,165.22		Substantial Completion:	5/31/2025
		Ready for final payment:	

Recommended by Engineer
By: Nate Weich
Title: Landscape Architect Project Manager
Date: 04/9/2025

Accepted by Contractor
Mike Hill
Office Controller
4-11-2025

Authorized by Owner
By: _____
Title: _____
Date: _____

Approved by Funding Agency (if applicable)

ATTACHMENT 1

BID ITEM #	DESCRIPTION	QUANTITY CHANGE	UNIT	UNIT PRICE (\$)	VALUE OF BID ITEM
89 (NEW)	Irrigation adjustment	1	LS	2,102.26	2,102.26
TOTAL					\$ 2,102.26



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL

FROM: Nate Weigl

SUBJECT: Approve 2023 Colby Park Improvements Pay Request 10

GENERAL INFORMATION

This pay request includes the concrete for food truck plaza seating and irrigation adjustments.

ATTACHMENTS

1. Pay Request 10

Contractor's Application for Payment

Owner: <u>CITY OF WINDSOR HEIGHTS, IOWA</u> Engineer: <u>BOLTON & MENK, INC.</u> Contractor: <u>CALIBER CONCRETE, LLC</u> Project: <u>2023 COLBY PARK IMPROVEMENTS</u> Contract: _____	Owner's Project No.: _____ Engineer's Project No.: <u>OT6.128908</u> Agency's Project No.: _____
Application No.: <u>10</u> Application Date: <u>4/21/2025</u> Application Period: From <u>10/12/2024</u> To <u>3/31/2025</u>	

1. Original Contract Price	\$	2,863,556.27
2. Net Change By Change Orders	\$	430,608.94
3. Current Contract Price (Line 1 + Line 2)	\$	3,294,165.21
4. Total Work Completed And Materials Stored To Date (Sum of Column H Unit Price Total and Column M Stored Materials)	\$	3,105,909.84
5. Retainage		
a. <u>5%</u> X <u>\$ 3,105,909.84</u> Work Completed	\$	155,295.49
b. <u>5%</u> X <u>\$ -</u> Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	155,295.49
6. Amount Eligible To Date (Line 4 - Line 5.c)	\$	2,950,614.35
7. Less Previous Payments	\$	2,937,703.81
8. Amount Due This Application	\$	12,910.54

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: <u>Caliber Concrete LLC</u> Signature: <u>Michael Noland</u> <i>Office Controller</i> Name: <u>Michael Noland</u>	Date: <u>4.11.2025</u> Title: <u>Office Controller</u>
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Recommended by Engineer: Bolton & Menk, Inc. 430 E GRAND, SUITE 101, DES MOINES, IA 50309 By: <u>Nate Weigl</u> Name: <u>Nate Weigl</u> Title: <u>Landscape Architect Project Manager</u> Date: <u>04/11/2025</u>	Approved by Owner: By: _____ Name: _____ Title: _____ Date: _____
---	--

Progress Estimate - Unit Price Work

Owner:	CITY OF WINDSOR HEIGHTS, IOWA	Owner's Project No.:	
Engineer:	BOLTON & MENK, INC.	Engineer's Project No.:	
Contractor:	CALIBER CONCRETE, LLC	Agency's Project No.:	076.128908
Project:	2023 COLBY PARK IMPROVEMENTS		
Contract:			

Contractor's Application for Payment

Application No.: 10			Application Period: From 10/12/24 to 03/31/25		Application Date: 4/21/2025										
A	B		C	D	E		F	F1		F2		G	H	I	J
Bid Item No.	Description	Contract Information		Contract Information		Value of Bid Item (C X E) (\$)		Quantity This App	Estimated Quantity Incorporated in	Value of Work Completed to Date (E X G)	% of Value of Item (H / F)	Balance to Finish (F - H) (\$)			
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Quantity Previous Estimate	Value Previous Estimate								
Original Contract															
1	CLEARING AND GRUBBING	1.00	LS		30,850.00		30,850.00	-	1.00	30,850.00	100%	-			
2	TOPSOIL, COMPOST AMENDED	500.00	CY		85.00		42,500.00	-	500.00	42,500.00	100%	-			
3	EXCAVATION, CLASS 10	2,500.00	CY		12.00		30,000.00	-	2,500.00	30,000.00	100%	-			
4	SUBBASE, MODIFIED, BERM	255.00	TON		42.50		10,837.50	-	242.60	10,310.50	95%	527.00			
5	LINEAR TRENCH DRAIN, 8 INCH	75.00	LF		150.00		11,250.00	-	75.00	11,250.00	100%	-			
6	SUBDRAIN, SOLID WALL PVC, 4 INCH	50.00	EA		32.00		1,600.00	-	60.00	1,920.00	120%	(320.00)			
7	BACKFLOW PREVENTER, SEWER, 4 INCH	1.00	EA		400.00		400.00	-	1.00	400.00	100%	-			
8	SUBDRAIN, SOLID WALL PVC, 8 INCH	288.00	LF		65.00		18,720.00	-	287.00	18,655.00	100%	65.00			
9	SUBDRAIN, HDPE, 8 INCH	85.00	LF		100.00		8,500.00	-	193.00	19,300.00	227%	(10,800.00)			
10	SUBDRAIN CLEANOUT, 8 INCH, TYPE A-1	2.00	EA		1,500.00		3,000.00	-	1.00	1,500.00	50%	1,000.00			
11	SUBDRAIN OUTLETS AND CONNECTIONS, 8 INCH, TYPE A-1	2.00	EA		500.00		1,000.00	-	-	-	-	-			
12	WATER SERVICE	1.00	LS		8,000.00		8,000.00	-	1.00	8,000.00	100%	-			
13	WATER SERVICE, WATER FOUNTAIN	1.00	LS		8,000.00		8,000.00	-	1.00	8,000.00	100%	-			
14	VALVE, GATE, 4 INCH	1.00	EA		3,500.00		3,500.00	-	1.00	3,500.00	100%	-			
15	BACKFLOW PREVENTER	1.00	EA		20,000.00		20,000.00	-	1.00	20,000.00	100%	-			
16	METER PIT	1.00	EA		20,000.00		20,000.00	-	1.00	20,000.00	100%	-			
17	PRESSURE REDUCING VALVE	1.00	EA		12,000.00		12,000.00	-	1.00	12,000.00	100%	-			
18	FLUSHING DEVICE (BLOW OFF), 2 INCH	1.00	EA		2,000.00		2,000.00	-	1.00	2,000.00	100%	-			
19	PREPARE EXCAVATION FOR TAPPING SLEEVE AND VALVE	1.00	EA		2,500.00		2,500.00	-	1.00	2,500.00	100%	-			
20	TAP FEE	1.00	EA		12,000.00		12,000.00	-	1.00	12,000.00	100%	-			
21	INTAKE, SW-512, 48 INCH	2.00	EA		4,500.00		9,000.00	-	2.00	9,000.00	100%	-			
22	NYLOPLAST DRAIN BASIN, 18 INCH	3.00	EA		2,700.00		8,100.00	-	3.00	8,100.00	100%	-			
23	EXTERNAL DROP CONNECTION	1.00	EA		7,000.00		7,000.00	-	1.00	7,000.00	100%	-			
24	MANHOLE ADJUSTMENT, MINOR	1.00	EA		2,500.00		2,500.00	-	2.00	5,000.00	200%	(2,500.00)			
25	MANHOLE ADJUSTMENT, MAJOR	2.00	EA		3,500.00		7,000.00	-	1.00	3,500.00	50%	3,500.00			
26	MANHOLE ADJUSTMENT, MAJOR, WRA	1.00	EA		5,000.00		5,000.00	-	1.00	5,000.00	100%	-			
27	REMOVE INTAKE	2.00	EA		750.00		1,500.00	-	2.00	1,500.00	100%	-			
28	PAVEMENT, PCC, 7 INCH	345.00	SY		97.22		33,540.90	-	356.45	34,654.07	103%	(1,113.17)			
29	PAVEMENT, PCC, 5 INCH, REINFORCED (SPLASHPAD)	258.00	SY		130.62		33,699.96	-	198.79	25,965.95	77%	7,734.01			
30	PAVEMENT, PCC, 7 INCH, INTEGRAL COLOR	305.00	SY		130.12		39,686.60	-	298.00	38,775.76	98%	910.84			
31	CURB AND GUTTER, 2 FT, 7 INCH	45.00	LF		51.60		2,322.00	-	54.00	2,786.40	120%	(464.40)			
32	REMOVAL OF SIDEWALK	1,275.00	SY		11.00		14,025.00	-	1,278.00	14,058.00	100%	(33.00)			
33	SIDEWALK, PCC, 5 INCH	2,555.00	SY		76.79		196,198.45	-	2,154.71	165,460.18	90%	19,250.49			
34	SIDEWALK, PCC, 6 INCH	175.00	SY		82.26		14,395.50	-	306.46	25,209.40	175%	(10,813.90)			
35	PAVEMENT REMOVAL	895.00	SY		11.00		9,845.00	-	1,007.30	11,080.30	113%	(1,235.30)			
36	SALVAGE BRICK PAVERS	250.00	SY		30.00		7,500.00	-	250.00	7,500.00	100%	-			

E/CDC C-620 Contractor's Application for Payment

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Unit Price

Progress Estimate - Unit Price Work

Owner:	CITY OF WINDSOR HEIGHTS, IOWA	Owner's Project No.:	
Engineer:	BOLTON & MENK, INC.	Engineer's Project No.:	OT6.128908
Contractor:	CALIBER CONCRETE, LLC	Agency's Project No.:	
Project:	2023 COLBY PARK IMPROVEMENTS		
Contract:			

Contractor's Application for Payment

Application No.:		10	Application Period:			From	10/12/24	to	03/31/25	Application Date:				4/21/2025
A	B	C	D	E	F	Contract Information		F1	F2	G	H	I	J	
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Previous Estimate		Quantity Previous Estimate	Value Previous Estimate	Quantity This App	Work Completed		Balance to Finish (F - H) (\$)	
						Estimated Quantity Incorporated in	Value of Work Completed to Date (E X G)				% of Item (H / F)			
37	CURB AND GUTTER REMOVAL	45.00	LF	9.00	405.00	54.00	486.00	-	486.00	54.00	486.00	120%	(81.00)	
38	PCC EDGE RESTRAINT, FLUSH, 2 FEET	210.00	LF	52.00	10,920.00	210.00	10,920.00	-	10,920.00	210.00	10,920.00	100%	-	
39	TEMPORARY TRAFFIC CONTROL	1.00	LS	1,000.00	1,000.00	1.00	1,000.00	-	1,000.00	1.00	1,000.00	100%	-	
40	CONVENTIONAL SEEDING, SEEDING, FERTILIZING, AND SOD	1.00	AC	15,000.00	15,000.00	0.13	1,950.00	-	1,950.00	0.13	1,950.00	13%	13,050.00	
41	DECIDUOUS SHRUBS	250.00	SQ	100.00	25,000.00	362.20	36,220.00	-	36,220.00	362.20	36,220.00	145%	(11,220.00)	
42	ORNAMENTAL TREE	195.00	EA	77.50	15,112.50	195.00	15,112.50	-	15,112.50	195.00	15,112.50	100%	-	
43	PERENNIAL GROUND COVER (1 GAL)	18.00	EA	346.50	6,237.00	18.00	6,237.00	-	6,237.00	18.00	6,237.00	100%	-	
44	DECIDUOUS TREE	891.00	EA	36.00	32,076.00	790.00	28,440.00	-	28,440.00	790.00	28,440.00	89%	3,636.00	
45	EVERGREEN TREE	19.00	EA	517.50	9,832.50	19.00	9,832.50	-	9,832.50	19.00	9,832.50	100%	-	
46	SWPPP PREPARATION	7.00	EA	440.50	3,083.50	7.00	3,083.50	-	3,083.50	7.00	3,083.50	100%	-	
47	SWPPP MANAGEMENT	1.00	LS	1,500.00	1,500.00	1.00	1,500.00	-	1,500.00	1.00	1,500.00	100%	-	
48	FILTER SOCK, 8" INSTALL, MAINTAIN, AND REMOVE	5,000.00	LF	3.25	16,250.00	1,575.00	5,118.75	-	5,118.75	1,575.00	5,118.75	32%	11,131.25	
49	HANDRAIL, PAINTED	401.00	LF	110.00	44,110.00	-	-	-	-	-	-	-	44,110.00	
50	MOBILIZATION	1.00	LS	110,000.00	110,000.00	1.00	110,000.00	-	110,000.00	1.00	110,000.00	100%	-	
51	CONCRETE WASHOUT	1.00	LS	1,500.00	1,500.00	1.00	1,500.00	-	1,500.00	1.00	1,500.00	100%	-	
52	TENNIS COURT PAVEMENT AND FENCE REMOVAL	1.00	LS	18,500.00	18,500.00	1.00	18,500.00	-	18,500.00	1.00	18,500.00	100%	-	
53	CONCRETE SURFACE STAIN	1,335.00	SF	10.00	13,350.00	1,201.50	12,015.00	-	12,015.00	1,201.50	12,015.00	90%	1,335.00	
54	NON-SKID RUBBERIZED COATING (SP/ASHPAD)	1,945.00	SF	13.00	25,285.00	1,945.00	25,285.00	-	25,285.00	1,945.00	25,285.00	100%	-	
55	REINFORCED CAST-IN-PLACE CONCRETE RETAINING WALL	30.00	CY	1,250.00	37,500.00	30.00	37,500.00	-	37,500.00	30.00	37,500.00	100%	-	
56	REINFORCED CAST-IN-PLACE CONCRETE PIERS (LEAF SEAT	36.00	EA	300.00	10,800.00	36.00	10,800.00	-	10,800.00	36.00	10,800.00	100%	-	
57	REINFORCED CAST-IN-PLACE CONCRETE WALL (LEAF SEAT	785.00	CF	38.25	30,026.25	-	-	-	-	-	-	-	30,026.25	
58	CONCRETE STEPPING PLANKS	7.00	EA	300.00	2,100.00	7.00	2,100.00	-	2,100.00	7.00	2,100.00	100%	-	
59	DRINKING FOUNTAIN	1.00	EA	10,000.00	10,000.00	1.00	10,000.00	-	10,000.00	1.00	10,000.00	100%	-	
60	SPLASH PAD EQUIPMENT & INSTALLATION	1.00	LS	250,000.00	250,000.00	1.00	250,000.00	-	250,000.00	1.00	250,000.00	100%	-	
61	SALVAGE & REINSTALL FURNISHINGS	1.00	LS	5,000.00	5,000.00	1.00	5,000.00	-	5,000.00	1.00	5,000.00	100%	-	
62	PLAYGROUND EQUIPMENT & INSTALLATION	1.00	LS	690,490.00	690,490.00	1.00	690,490.00	-	690,490.00	1.00	690,490.00	100%	-	
63	FALL ATTENUATION SURFACING, POUR-IN-PLACE	6,825.00	SF	37.09	253,139.25	6,825.00	253,139.25	-	253,139.25	6,825.00	253,139.25	100%	-	
64	FALL ATTENUATION SURFACING, SYNTHETIC TURF	2,000.00	SF	39.96	79,920.00	2,000.00	79,920.00	-	79,920.00	2,000.00	79,920.00	100%	-	
65	BIKE RACK	8.00	EA	800.00	6,400.00	8.00	6,400.00	-	6,400.00	8.00	6,400.00	100%	-	
66	BENCH (WOOD)	4.00	EA	2,446.00	9,784.00	4.00	9,784.00	-	9,784.00	4.00	9,784.00	100%	-	
67	STONE BLOCK BENCH	8.00	EA	1,512.50	12,100.00	8.00	12,100.00	-	12,100.00	8.00	12,100.00	100%	-	
68	ELECTRICAL IMPROVEMENTS, DEMO & SITE PREP	1.00	LS	9,000.00	9,000.00	1.00	9,000.00	-	9,000.00	1.00	9,000.00	100%	-	
69	ELECTRICAL IMPROVEMENTS, CIRCUITS	1.00	LS	55,880.00	55,880.00	1.00	55,880.00	-	55,880.00	1.00	55,880.00	100%	-	
70	ELECTRICAL IMPROVEMENTS, POLETOP LIGHTS	1.00	LS	112,000.00	112,000.00	1.00	112,000.00	-	112,000.00	1.00	112,000.00	100%	-	
71	ELECTRICAL IMPROVEMENTS, BOLLARDS	1.00	LS	47,000.00	47,000.00	1.00	47,000.00	-	47,000.00	1.00	47,000.00	100%	-	
72	ELECTRICAL IMPROVEMENTS, SALVAGE & RELOCATE B-CYCLE	1.00	LS	1,000.00	1,000.00	-	-	-	-	-	-	-	1,000.00	
73														

EICDC C-620 Contractor's Application for Payment
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Unit Price

Progress Estimate - Unit Price Work

Owner:	CITY OF WINDSOR HEIGHTS, IOWA	Owner's Project No.:	
Engineer:	BOLTON & MENK, INC.	Engineer's Project No.:	0716.128908
Contractor:	CALIBER CONCRETE, LLC	Agency's Project No.:	
Project:	2023 COLBY PARK IMPROVEMENTS		
Contract:			

Contractor's Application for Payment

Application No.:		10		Application Period:		From 10/12/24 to 03/31/25		Application Date: 4/21/2025			
A	B	C	D	E	F	F1	F2	G	H	I	J
Bid Item No.	Description	Contract Information		Value of Bid Item (C X E)		Previous Estimate		Quantity This App	Work Completed	% of Value of Item (H / F)	Balance to Finish (F - H) (\$)
		Item Quantity	Units	Unit Price (\$)	Value (\$)	Quantity Previous Estimate	Value Previous Estimate				
A1	PAVEMENT, PCC, 7 INCH	227.00	SY	87.98	19,971.46	227.00	19,971.46	227.00	19,971.46	100%	-
A2	CURB AND GUTTER, 2 FT, 7 INCH	64.00	LF	51.60	3,302.40	64.00	3,302.40	64.00	3,302.40	100%	-
A3	PAVEMENT REMOVAL	155.00	SY	11.00	1,705.00	155.00	1,705.00	155.00	1,705.00	100%	-
A4	CURB AND GUTTER REMOVAL	64.00	LF	9.00	576.00	80.50	724.50	80.50	724.50	126%	(148.50)
B1	SPLASH PAD OVERHEAD STRUCTURES	3.00	EA	39,424.00	118,272.00	3.00	118,272.00	3.00	118,272.00	100%	-
C1	CAST STONE CUSTOM WALLS (LEAF SEAT WALLS)	599.00	CF	78.50	47,021.50	599.00	47,021.50	599.00	47,021.50	100%	-
D1	IRRIGATION MODIFY AND EXTEND	1.00	LS	51,112.00	51,112.00	1.00	51,112.00	1.00	51,112.00	100%	-
E1	CHAIN LINK FENCE, GALVANIZED, 6'	87.00	LF	52.00	4,524.00	-	-	-	-	-	4,524.00
				Original Contract Totals		\$ 2,863,556.27		\$ 2,747,497.92		96.0%	
								\$ 2,758,985.70		\$ 104,570.57	

Change Orders											
CO1	CLEARING AND GRUBBING, TREE STUMP	1.00	LS	500.00	500.00	1.00	500.00	1.00	500.00	100%	-
CO2	CLEARING AND GRUBBING, TREES	1.00	LS	500.00	500.00	1.00	500.00	1.00	500.00	100%	-
1	CLEARING AND GRUBBING	1.00	LS	4,500.00	4,500.00	1.00	4,500.00	1.00	4,500.00	100%	-
2	TOPSOIL, COMPOST AMENDED	35.00	CY	90.00	3,150.00	35.00	3,150.00	35.00	3,150.00	100%	-
3	EXCAVATION, CLASS 10	50.00	CY	50.00	2,500.00	50.00	2,500.00	50.00	2,500.00	100%	-
28	PAVEMENT, PCC, 7 INCH	435.00	SY	109.86	47,789.10	426.90	46,899.23	426.90	46,899.23	98%	889.87
30	PAVEMENT, PCC, 7 INCH, COLORED	455.00	SY	141.11	64,205.05	447.37	63,128.38	447.37	63,128.38	98%	1,076.67
31	CURB AND GUTTER, 2 FT, 7 INCH	285.00	LF	51.60	14,706.00	276.00	14,241.60	276.00	14,241.60	97%	464.40
32	REMOVAL OF SIDEWALK	715.00	SY	11.00	7,865.00	715.00	7,865.00	715.00	7,865.00	100%	-
33	SIDEWALK, PCC, 5 INCH	105.00	SY	76.79	8,062.95	120.80	9,276.23	120.80	9,276.23	115%	(1,213.28)
34	SIDEWALK, PCC, 6 INCH	(93.00)	SY	82.26	(7,650.18)	-	-	-	-	-	(7,650.18)
37	CURB AND GUTTER REMOVAL	313.00	LF	9.00	2,817.00	313.00	2,817.00	313.00	2,817.00	100%	-
39	TEMPORARY TRAFFIC CONTROL	1.00	LS	6,400.00	6,400.00	1.00	6,400.00	1.00	6,400.00	100%	-
41	SOD	35.00	SQ	90.00	3,150.00	-	-	-	-	-	3,150.00
42	DECIDUOUS SHRUBS	47.00	EA	77.50	3,642.50	47.00	3,642.50	47.00	3,642.50	100%	-
43	ORNAMENTAL TREE	(2.00)	EA	346.50	(693.00)	-	-	-	-	-	(693.00)
44	PERENNIAL GROUND COVER (1 GAL)	(12.00)	EA	36.00	(432.00)	-	-	-	-	-	(432.00)
45	DECIDUOUS TREE	11.00	EA	517.50	5,692.50	11.00	5,692.50	11.00	5,692.50	100%	-
46	EVERGREEN TREE	1.00	EA	440.50	440.50	1.00	440.50	1.00	440.50	100%	-
47	SWPPP PREPARATION	1.00	LS	500.00	500.00	1.00	500.00	1.00	500.00	100%	-
49	FILTER SOCK, 8"	600.00	LF	3.25	1,950.00	550.00	1,787.50	550.00	1,787.50	92%	162.50
51	MOBILIZATION	1.00	LS	8,623.00	8,623.00	1.00	8,623.00	1.00	8,623.00	100%	-
54	CONCRETE SURFACE STAIN	90.00	SF	10.00	900.00	90.00	900.00	90.00	900.00	100%	-
76	PAVEMENT MARKINGS REMOVED	2.00	STA	2,000.00	4,000.00	-	-	-	-	-	4,000.00
79	CONCRETE PLANTER CURB	295.00	LF	52.12	15,375.40	295.00	15,375.40	295.00	15,375.40	100%	-

EICDC C-620 Contractor's Application for Payment

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Unit Price

Progress Estimate - Unit Price Work

Owner: CITY OF WINDSOR HEIGHTS, IOWA
Engineer: BOLTON & MENK, INC.
Contractor: CALIBER CONCRETE, LLC
Project: 2023 COLBY PARK IMPROVEMENTS
Contract:

Owner's Project No.:
Engineer's Project No.:
Agency's Project No.:

Contractor's Application for Payment

[illegible]



**STAFF REPORT
CITY COUNCIL**

April 21, 2025

TO: CITY COUNCIL

FROM: Pete Roth

SUBJECT: Approve Resolution No. 2025-29 - A Resolution Approving a 28E Agreement
Between the City of Windsor Heights and Polk County, Iowa

GENERAL INFORMATION

This replaces and extends the 28E agreement providing Polk County the authority to persecute state and criminal and motor vehicle violations arising in Windsor Heights.

ATTACHMENTS

1. 2025 28E Agreement - Windsor Heights Polk County City Prosecutions
2. 2022 28E Agreement- Windsor Heights - Polk Co. City Prosecutions

**28E AGREEMENT BETWEEN
CITY OF WINDSOR HEIGHTS, IOWA
and POLK COUNTY, IOWA**

THIS AGREEMENT is entered into on the ____ day of _____, 2025, by and between the City of Windsor Heights, Iowa, hereinafter designated as “the City” and Polk County, Iowa, a governmental subdivision organized and existing under the laws of the State of Iowa, hereinafter designated as “the County.” Collectively referred to as “Party” or “Parties.” The purpose of this Agreement is to transfer authority to prosecute motor vehicle violations and simple misdemeanors from the Polk County Attorney to the City Attorney to provide for uniform and efficient prosecution of such criminal charges under the Code of Iowa, except for stated exceptions provided within this Agreement, which occur within the city limits of the City of Windsor Heights, immediately adjacent to, or adjoining the City as follows:

WHEREAS, the Polk County Attorney has the authority to prosecute state criminal and motor vehicle violations arising in Windsor Heights: and

WHEREAS, the City is desirous of assuming the prosecution of certain simple misdemeanor state criminal and motor vehicle violations arising in the City of Windsor Heights and the Polk County Attorney is agreeable to such practice.

NOW THEREFORE, Polk County hereby agrees and confers upon the City and the City Attorney designated by the City all authority pursuant to Iowa Code Section 331.756 to prosecute, pursue and otherwise act in conformity with said Section all offenses committed within the City’s jurisdictional limits, immediately adjacent to, or adjoining the City and which are categorized by state law as motor vehicle violations and simple misdemeanors under the Code of Iowa, except for stated exceptions provided within this Agreement. The City agrees to prosecute such offenses within its City limits, immediately adjacent to, or adjoining the City that were investigated and charged by the City’s Police Department and be identified as the plaintiff, City of Windsor Heights or the State of Iowa, at the discretion of the City Attorney.

The Polk County Attorney’s Office will continue to prosecute the following state criminal charges categorized as simple misdemeanors of the Code of Iowa that occur within the City of Windsor Heights: Violations of the Code of Iowa section 708.2A(2)(a) (Domestic abuse assault), including any related violations of no-contact orders, filed pursuant to Iowa Code section 664A.7.

The Polk County Attorney’s Office will continue to prosecute charges categorized as motor vehicle violations and as simple misdemeanors of the Code of Iowa that occur within the City of Windsor Heights that have been committed in conjunction with a criminal offense greater than a simple misdemeanor and resulted from the same incident.

This Agreement shall be in full force and effect upon the happening of all of the following: a) Its execution by the parties to this Agreement; b) An executed counter-part

or photocopy of this Agreement is filed with the Secretary of State, and c) An executed counterpart of this Agreement being recorded in the Office of the Recorder of Polk County.

This Agreement shall remain in effect for approximately five (5) years thereafter, which expires January 14, 2030, unless terminated earlier by either party. The party desiring to terminate this Agreement shall provide written notice of termination to the other party at least sixty (60) days prior to the effective date of termination. The notice of termination shall be sent by certified mail, return receipt requested. Termination does not require any showing of cause.

No new legal or administrative entity is created by this Agreement. No transfer of funds will be made, nor will any other financial mechanism be created. No joint or cooperative budget will be created. No property will be purchased jointly to fulfill this Agreement. The rights and interests under this Agreement are not assignable. Any notices required to be sent by the terms of this Agreement shall be mailed by certified mail to:

Chief of Police
1133 66th Street
Windsor Heights, IA 50324

Polk County Attorney
Polk County Justice Center
222 Fifth Avenue
Des Moines, IA 50309

This Agreement constitutes the entire agreement of the parties conferring authority upon the City to prosecute motor vehicle violations and simple misdemeanors under the Code of Iowa occurring within the city limits of the City, immediately adjacent to, or adjoining the City, except for the simple misdemeanors previously and specifically identified as being retained by the Polk County Attorney's Office and simple misdemeanors occurring in conjunction with criminal offenses greater than simple misdemeanors. This Agreement replaces any and all prior agreements, whether written or oral, regarding the substance of this Agreement.

Pursuant to Iowa Code 28E.6, the Windsor Heights City Attorney shall be the administrator of this Agreement.

If any terms or provisions of this Agreement, or the application thereof to any person or circumstances, is held to be invalid by a decision in any court of law, such invalidity shall be grounds for either party to withdraw and hold this Agreement invalid in its entirety and cease to operate pursuant to the terms of this Agreement. Said withdrawal shall be made only after giving thirty days' notice to the other governmental body which is a party of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the _____ day of _____, 2025.

**POLK COUNTY
BOARD OF SUPERVISORS**

ATTEST:

Matthew McCoy, Chair

Jamie Fitzgerald, Auditor

APPROVED AS TO FORM:

Ralph E. Marasco, Jr.
Assistant County Attorney

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2025, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Matthew McCoy and Jamie Fitzgerald to me personally known, and who, being by me duly sworn did state that they are the Chair of the Polk County Board of Supervisors and the Auditor, respectively, of the County of Polk, a municipal corporation, that the instrument was signed on behalf of Polk County Iowa, by authority of its Board of Supervisors, as contained in Resolution adopted by the Board of Supervisors and that Matthew McCoy and Jamie Fitzgerald acknowledge the execution of the instrument to be the voluntary act and deed of Polk County, Iowa, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

CITY OF WINDSOR HEIGHTS ATTEST:

Attest:

Mike Jones, Mayor

Adam Strait, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2025, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Mike Jones and Adam Strait to me personally known, and who, being by me duly sworn did state that they are the Mayor and the Acting City Clerk, respectively, of the City of Windsor Heights, Iowa, a municipal corporation, that the instrument was signed on behalf of City of Windsor Heights, Iowa by authority of City Council as contained in Resolution adopted by the City Council and that Mike Jones and Adam Strait acknowledge the execution of the instrument to be the voluntary act and deed of Windsor Heights, Iowa, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

**28E AGREEMENT BETWEEN
CITY OF WINDSOR HEIGHTS, IOWA
and POLK COUNTY, IOWA**

THIS AGREEMENT is entered into on the ____ day of _____, 2022, by and between the City of Windsor Heights, Iowa, hereinafter designated as “the City” and Polk County, Iowa, a governmental subdivision organized and existing under the laws of the State of Iowa, hereinafter designated as “the County.” Collectively referred to as “Party” or “Parties.” The purpose of this Agreement is to transfer authority to prosecute motor vehicle violations and simple misdemeanors from the Polk County Attorney to the City Attorney to provide for uniform and efficient prosecution of such criminal charges under the Code of Iowa, except for stated exceptions provided within this Agreement, which occur within the city limits of the City of Windsor Heights, immediately adjacent to, or adjoining the City as follows:

WHEREAS, the Polk County Attorney has the authority to prosecute state criminal and motor vehicle violations arising in Windsor Heights: and

WHEREAS, the City is desirous of assuming the prosecution of certain simple misdemeanor state criminal and motor vehicle violations arising in the City of Windsor Heights and the Polk County Attorney is agreeable to such practice.

NOW THEREFORE, Polk County hereby agrees and confers upon the City and the City Attorney designated by the City all authority pursuant to Iowa Code Section 331.756 to prosecute, pursue and otherwise act in conformity with said Section all offenses committed within the City’s jurisdictional limits, immediately adjacent to, or adjoining the City and which are categorized by state law as motor vehicle violations and simple misdemeanors under the Code of Iowa, except for stated exceptions provided within this Agreement. The City agrees to prosecute such offenses within its City limits, immediately adjacent to, or adjoining the City that were investigated and charged by the City’s Police Department and be identified as the plaintiff, City of Windsor Heights or the State of Iowa, at the discretion of the City Attorney.

The Polk County Attorney’s Office will continue to prosecute the following state criminal charges categorized as simple misdemeanors of the Code of Iowa that occur within the City of Windsor Heights: Violations of the Code of Iowa section 708.2A(2)(a) (Domestic abuse assault), including any related violations of no-contact orders, filed pursuant to Iowa Code section 664A.7.

The Polk County Attorney’s Office will continue to prosecute charges categorized as motor vehicle violations and as simple misdemeanors of the Code of Iowa that occur within the City of Windsor Heights that have been committed in conjunction with a criminal offense greater than a simple misdemeanor and resulted from the same incident.

This Agreement shall be in full force and effect upon the happening of all of the following: a) Its execution by the parties to this Agreement; b) An executed counter-part

or photocopy of this Agreement is filed with the Secretary of State, and c) An executed counterpart of this Agreement being recorded in the Office of the Recorder of Polk County.

This Agreement shall remain in effect until January 2030 unless terminated earlier by either party. The party desiring to terminate this Agreement shall provide written notice of termination to the other party at least sixty (60) days prior to the effective date of termination. The notice of termination shall be sent by certified mail, return receipt requested. Termination does not require any showing of cause.

No new legal or administrative entity is created by this Agreement. No transfer of funds will be made, nor will any other financial mechanism be created. No joint or cooperative budget will be created. No property will be purchased jointly to fulfill this Agreement. The rights and interests under this Agreement are not assignable. Any notices required to be sent by the terms of this Agreement shall be mailed by certified mail to:

Chief of Police
1133 66th Street
Windsor Heights, IA 50324

Office of the Polk County Attorney
Polk County Justice Center
222 Fifth Avenue
Des Moines, IA 50309

This Agreement constitutes the entire agreement of the parties conferring authority upon the City to prosecute motor vehicle violations and simple misdemeanors under the Code of Iowa occurring within the city limits of the City, immediately adjacent to, or adjoining the City, except for the simple misdemeanors previously and specifically identified as being retained by the Polk County Attorney's Office and simple misdemeanors occurring in conjunction with criminal offenses greater than simple misdemeanors. This Agreement replaces any and all prior agreements, whether written or oral, regarding the substance of this Agreement.

Pursuant to Iowa Code 28E.6, the Windsor Heights City Attorney shall be the administrator of this Agreement.

If any terms or provisions of this Agreement, or the application thereof to any person or circumstances, is held to be invalid by a decision in any court of law, such invalidity shall be grounds for either party to withdraw and hold this Agreement invalid in its entirety and cease to operate pursuant to the terms of this Agreement. Said withdrawal shall be made only after giving thirty days' notice to the other governmental body which is a party of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the
_____ day of _____, 2022.

POLK COUNTY, IOWA

ATTEST:

Angela Connolly, Chair
Chair, Polk County Board of Supervisors

Jamie Fitzgerald, Auditor

APPROVED AS TO FORM:

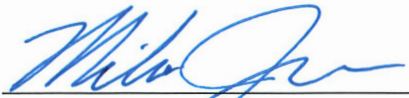
Ralph E. Marasco, Jr.
Assistant County Attorney

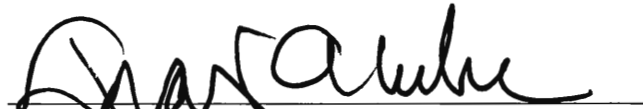
STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2022, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Angela Connolly and Jamie Fitzgerald to me personally known, and who, being by me duly sworn did state that they are the Chair of the Polk County Board of Supervisors and the Auditor, respectively, of the County of Polk, a municipal corporation, that the instrument was signed on behalf of Polk County Iowa, by authority of its Board of Supervisors, as contained in Resolution adopted by the Board of Supervisors and that Angela Connolly and Jamie Fitzgerald acknowledge the execution of the instrument to be the voluntary act and deed of Polk County, Iowa, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

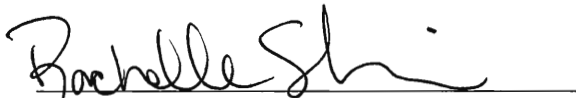
CITY OF WINDSOR HEIGHTS ATTEST:


Mike Jones, Mayor


Travis Cooke, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 23rd day of March, 2022, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Mike Jones and Travis Cooke to me personally known, and who, being by me duly sworn did state that they are the Mayor and the City Clerk, respectively, of the City of Windsor Heights, Iowa, a municipal corporation, that the instrument was signed on behalf of City of Windsor Heights, Iowa by authority of City Council as contained in Resolution adopted by the City Council and that Mike Jones and Travis Cooke acknowledge the execution of the instrument to be the voluntary act and deed of Windsor Heights, Iowa, by it and by them voluntarily executed.


Notary Public in and for the State of Iowa





STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL

FROM: Nate Leuthold, Deputy City Clerk

SUBJECT: Approve Resolution No. 2025-30 A Resolution Waiving CEC Fees for the Women in Government Quarterly Meeting

GENERAL INFORMATION

Women in Government is a group of women elected as city, county, and state officials. They are invited to attend events quarterly. Women in Government rotates around venues among various cities and organizations within the metro. As City Councilmember Susan Skeries is involved in the group, they have asked if the CEC in Windsor Heights is available. They have requested the use of the CEC on August 27, 2025, for their quarterly meeting regarding homelessness.

Women in Government has requested the use of the full space in the CEC from 11 AM to 2 PM on August 27th, 2025. There are no events currently scheduled for this date.

The non-profit rate for the full space is \$176 per hour on Wednesdays, for a total amount of \$528.00. They have committed to returning the event space to the state in which it was found (no cleaning fees required). They are requesting that all rental fees be waived.

ATTACHMENTS

1. Resolution No. 2025-30 A Resolution Waiving CEC Fees for The Women in Government Meeting August 27th, 2025

RESOLUTION NO. 2025-30

**A RESOLUTION WAIVING CEC FEES FOR THE WOMEN IN GOVERNMENT
QUARTERLY MEETING**

WHEREAS, Women in Government intends to host their quarterly meeting with a focus on homelessness on Wednesday, August 27th, 2025; and

WHEREAS, Women in Government intends to use the Windsor Heights Community Event Center for this event from 11:00 AM to 2:00 PM; and

WHEREAS, Women in Government is requesting that the City waive all fees for this event.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF WINDSOR HEIGHTS, IOWA:**

That rental fees associated with the rental of the Windsor Heights Community Event Center by Women in Government on August 27th, 2025 be waived.

Passed and approved this 21st day of April, 2025.

Mike Jones, Mayor

Adam Strait, City Clerk



STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL
FROM: Joseph Jones, Council Member

SUBJECT: Discuss Reimagine DART

GENERAL INFORMATION

Information will be provided on the dais.

ATTACHMENTS

None



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL
FROM: Adam Strait, City Clerk
SUBJECT: Discuss Code Update Project

GENERAL INFORMATION

Overview

Last year, we began a full code update with Simmering-Cory, excluding the zoning code. The last comprehensive review was in 2015. This update ensures our code aligns with state law, reflects current city operations, and highlights areas for improvement. The review and updating process for the first 60 Chapters is ongoing, tonight's update is intended as an opportunity for City Council to provide additional direction for focus areas within the first 60 Chapters as work also gets underway on remaining Chapters.

Draft updates may range from minor changes—like replacing "City Treasurer" with "Finance Director"—to more significant revisions, as outlined below.

Removal of jail time for most municipal ordinance violations -Various Chapters

Legislation passed in 2017 (SF374) requiring legal counsel be provided to all indigent persons facing any offense where incarceration is a sentencing option, including those facing incarceration as a result of violating a city ordinance. In cases involving violation of city ordinances, the new law places financial responsibility for providing legal counsel to indigent defendants that are prosecuting. To avoid financial responsibility, we are removing jail time mentions from the code.

Planning And Zoning Appointments – Chapter 23.02

Revision to allow for four- or five-year appointments to align Commission terms with the existing requirement no more than one-third expire in any one year. Currently four Commissioner terms expire at the end of 2025.

2021 International Fire Code – Chapter 37.01 – 37.10

Update from 2012 IFC to 2021 IFC. Please see separate staff report from Fire Marshal Blake Boyle.

Nuisances Enumerated -Chapter 50.02 & Chapter 51.01 – 51.03

A cleaned-up list of violations has been created, aligning with other sections of the code where these violations are already defined. If a violation is listed elsewhere, it will follow the standard abatement process. This update also fixes a previous issue where the same violation appeared in multiple places, but only one section would be updated, leading to inconsistencies.

Significant revisions were made to Chapter 51, which addresses Junk and Junk Vehicles. The current language makes it difficult to enforce rules on damaged or inoperable vehicles. The existing list of criteria for what qualifies as a junk vehicle is overly detailed and often requires staff to inspect vehicles or rely on the vehicle owner's input—both of which take time and delay resolution.

The revised chapter introduces a simplified definition of junk vehicles, based on the practices of nearby communities. This change makes it easier and faster for staff to determine whether a vehicle qualifies as junk.

Another important update is reducing the amount of time a vehicle can remain unmoved from 180 days to 30. The previous 180-day allowance was too long and difficult for staff to monitor. The shorter timeframe addresses concerns from both staff and residents and will greatly improve enforcement efficiency.

Noise Control – Chapter 54.01 – 54.09

The updated version of Chapter 54, now titled “Noise Control,” replaces the previous version titled “Noise Pollution” and reflects a comprehensive reorganization and modernization of the ordinance. The structure has been significantly streamlined, reducing the number of sections from 21 to just 9, consolidating many specific provisions under broader categories for clarity and enforceability. Technical definitions and acoustic terminology from the current code were simplified, with references to ANSI standards replacing more granular language. Instead of complex tables outlining permissible sound levels by zoning category and time of day, the new version adopts straightforward decibel limits using both A- and C-weighted measurements, making enforcement more practical. For instance, residential zones (R-1, R-2, R-3) now have a clear daytime limit of 65 dBA and a nighttime limit of 55 dBA. For reference, 65 dBA is similar to the noise level of a normal conversation, a car traveling at 60 mph, or a quiet vacuum cleaner. Other metro communities such as Waukee, Pleasant Hill and Clive stipulate similar daytime/evening hours, enforcement protocol and zoning district noise limits within +/- 10dBA.

In terms of permitting, the previous 60-day variance process involving public notice and hearings has been replaced with a simpler noise permit system for amplified sound equipment, allowing more administrative discretion and shorter processing times. Restrictions on the use of sound equipment have been clarified, limiting operation to 10 p.m. on weekdays and 11 p.m. on weekends unless otherwise approved by the Council, and limiting nighttime permits to no more than three events per year. The revised ordinance also explicitly addresses noise from wind energy systems, setting a maximum of 55 dBA and introducing the concept of “disturbance to a reasonable person” as a standard for enforcement. The draft Ordinance also provides for Council determination that, by reason of public acceptance of the activity producing a particular noise or

noises, such noise is deemed acceptable to the residents of the City.[\[AP1\]](#) Event noise from Fall Festival or Nights In The Heights could fall into this determination.

Several older sections were removed or folded into general prohibitions—such as those relating to animals, musical instruments, stationary devices, and vehicle noise—resulting in a more general but easier-to-enforce framework. The updated chapter eliminates references to a Noise Control Division and formal appeal procedures though permit request denials may be appeal to City Council, shifting enforcement authority to the City Clerk or their designee. Overall, the changes aim to modernize the code, simplify enforcement, and make the regulations more responsive to community needs and practical for day-to-day administration.

Community Cats and Trapping – Chapter 55.35 – 55.36

The proposed ordinance amendments would allow residents to humanely trap feral cats on their own property as part of the City’s formal TNR program in partnership with the ARL.

Requirements for participation include:

- Scheduling a veterinary appointment
- Transporting the cat to and from the veterinarian
- Paying the currently \$60 fee per cat

Unless a cat’s health prohibits safe return, it would be reintroduced to its original neighborhood as a “community cat.” Trapping of any animals outside of this program—including other animals or cats not scheduled for TNR—would remain prohibited and subject to fines. Any unintentionally trapped animals must be released at the capture site. Expanding trapping more broadly would require additional research and discussion due to challenges related to releasing or disposing of trapped animals.

The program and partnership with the ARL will be further discussed in the following agenda item.

Explosives and Fireworks (*subject to any further state law changes*) – Chapter 56

The City Fire Marshal has reviewed and recommended the proposed updates to the fireworks ordinance. These amendments aim to modernize and strengthen the City’s regulations on the sale, use, and enforcement of fireworks.

A key update expands definitions within the code, moving beyond state references to include detailed classifications for consumer fireworks, display fireworks, and novelties. These definitions align with industry standards, such as the APA 87-1, providing clearer guidance for users and enforcement.

The ban on using consumer fireworks within city limits remains, but the new language reinforces the restriction by labeling such fireworks a public safety threat or nuisance. Prohibited activities now extend beyond unauthorized use to include the unlicensed sale, display, or offering of fireworks and explosives. This closes gaps in the previous code.

Retail sales of consumer fireworks must now meet zoning, building, and State Fire Marshal

requirements, including licensing, registration, and adherence to state-defined sales periods.

Permit requirements for display fireworks have been revised, lowering insurance thresholds and mandating certification from a recognized organization like the Pyrotechnics Guild International (PGI) to improve safety standards.

The ordinance also introduces a new enforcement tool, authorizing the Code Official to seize and dispose of illegal fireworks, with disposal costs recoverable from violators. Lastly, the list of exemptions has been expanded for clarity, replacing the prior limited exceptions with ten specific scenarios.

Chapter 60

Removal of Automated Traffic Enforcement Section -Chapter 60.02

To align with State law.

On Street Parking - Chapter 60.10.07

The revised ordinance introduces a few notable clarifications and modifications in the management of on-street parking. A new provision was added (Section 60.10.07(23)) that explicitly prohibits parking in areas marked by signs that restrict stopping, standing, or parking—a measure likely intended to reinforce compliance where signage is already in place.

Another procedural enhancement is the expanded snow removal enforcement protocol. In the updated Section 60.10.10, the public works director, police chief, or their designees are now formally authorized to proclaim, extend, and enforce snow emergency parking bans. Notably, code enforcement officials and public works employees now have the power to issue citations and impound vehicles in violation of snow emergency rules, broadening enforcement beyond police officers. The City must also publish vehicle owner responsibilities annually, and any snow emergency notice or extension must be posted online, ensuring better public communication and awareness.

Overall, these changes reflect an effort to better codify enforcement roles, improve public notification procedures, and ensure consistent compliance with posted parking regulations throughout Windsor Heights.

Snow Ordinance – Chapter 60.10.10

In the revised version of Section 60.10.10, the language has been significantly expanded and formalized to clarify enforcement authority, notification procedures, and the scope of the snow emergency parking ban. While the original section briefly prohibited parking on public streets, alleys, or city-owned lots during a snow emergency and defined its duration, the updated version introduces a more detailed framework.

The new language specifies that the snow emergency must be "proclaimed" by either the Public Works Director or the Police Chief, and it elaborates that the proclamation must define the expiration time of the emergency. It further explains that if the emergency is to be extended, a new notice must be issued using the same publication method as the original. The revised section also clarifies that the snow emergency parking ban applies in addition to, and not in

place of, other parking restrictions already established in the City Code.

Moreover, the updated section broadens the scope of enforcement authority by explicitly including not only police officers but also code enforcement officials and public works employees, who are authorized to issue citations and have vehicles removed. Additionally, it introduces a new requirement that the City must annually publish notice of the public's responsibilities under this section. The revised language thus transforms the original, concise rule into a comprehensive and formal procedure emphasizing notification, layered regulation, and multi-agency enforcement.

Next steps

The next steps include discussing the proposed changes with Erin to ensure they receive legal approval. Following that, the council should be given adequate time to review the updates and provide their feedback. Work will then begin on the second half of the code review. A reasonable target for bringing the updated code back for codification and a public hearing is August. This timeline also aligns with the conclusion of the current legislative session, allowing for any necessary updates to laws taking effect on July 1.

ATTACHMENTS

1. Staff Report - Fire Code Update
2. City Code Chapters 1-60 REDLINED



STAFF REPORT
CITY COUNCIL
April 16, 2025

TO: CITY COUNCIL

FROM: Blake Boyle, Fire Captain/Fire Marshal

SUBJECT: Consider adopting the 2021 International Fire Code and local amendments.

GENERAL INFORMATION

Current Status:

The City of Windsor Heights currently operates under the 2012 International Fire Code (IFC). The IFC is updated every three years, which means our current code is four cycles behind the latest update. Surrounding metro communities have adopted the 2021 IFC with local amendments, with the exception of Urbandale, which remains on the 2018 IFC. Many of these communities, along with the State of Iowa, are in the process of transitioning to the 2024 IFC.

Proposed Adoption:

In collaboration with Safe Building, the proposed adoption of the 2021 IFC is designed to mirror the adoption of the 2021 International Building, Residential, and Existing Building Codes. The updated 2021 IFC includes new provisions that were not part of the 2012 code, including but not limited to:

- Regulations for solar panel installations
- Standards for lithium-ion battery storage
- Requirements for automated parking garages

These updates reflect advancements in technology and construction practices, ensuring that our fire safety regulations align with modern standards.

Local Amendments:

The proposed local amendments will bring Windsor Heights' fire safety standards in line with neighboring communities and enhance the safety of both residents and first responders. Key amendments include:

- **Sprinkler System Requirements:** A reduction in the thresholds for requiring sprinkler systems in buildings. Importantly, these requirements will not be retroactive; they will only apply to new construction or Level 3 alterations as defined by the Existing Building Code.
- **Open Burning Restrictions:** Amended to incorporate the changes made to our code in 2022.
- **False Alarm Fees:** Updates our code to implement fees for negligent and nuisance false alarms while giving a “grace period” of 2 false alarms before fees are assessed.

Conclusion:

Adopting these updated codes and amendments will bring Windsor Heights in line with widely accepted standards across the metro area and enhance the safety of our community. Therefore, I recommend the adoption of the proposed 2021 International Fire Code with the local amendments at this time.

ATTACHMENTS

1. Windsor Heights Fire Code adoption document with amendments list.

CHAPTER 1 CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
1.04 Indemnity	1.11 Severability
1.05 Personal Injuries	1.12 Warrants
1.06 Rules of Construction	1.13 General Standards for Action
1.07 Extension of Authority	1.14 Penalties

1.01 TITLE.

This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Windsor Heights, Iowa.

1.02 DEFINITIONS.

Where words and phrases used in this Code of Ordinances are defined in the Code of Iowa, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Windsor Heights, Iowa.
3. "Clerk" means the city clerk of Windsor Heights, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Windsor Heights, Iowa.
6. "Council" means the city council of Windsor Heights, Iowa.

7. "County" means Polk County, Iowa.
8. "May" confers a power.
9. "Measure" means an ordinance, amendment, resolution, or motion.
10. "Must" states a requirement.
11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Windsor Heights, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
15. "Shall" imposes a duty.
16. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
17. "State" means the State of Iowa.
18. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
19. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Words that are not defined in this Code of Ordinances or by the Code of Iowa have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

1.03 CITY POWERS.

The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, and each and every provision of this Code of Ordinances

shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY.

The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for any injury to or death of any person or persons whomsoever, and any loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.05 PERSONAL INJURIES.

When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION.

In the construction of this Code of Ordinances, the rules of statutory construction as set forth in Chapter 4 of the Code of Iowa shall be utilized to ascertain the intent of the Council

with the understanding that the term “statute” as used therein will be deemed to be synonymous with the term “ordinance” when applied to this Code of Ordinances.

1.07 EXTENSION OF AUTHORITY.

Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.08 AMENDMENTS.

All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES.

The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, section and subsection), editor’s notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1.10 ALTERING CODE.

It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

1.11 SEVERABILITY.

If any section, provision, or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

1.12 WARRANTS.

If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care, or control of any dwelling unit, rooming unit, structure, building, or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1.13 GENERAL STANDARDS FOR ACTION.

Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.14 PENALTIES.

~~—A violation of the Windsor Heights Code of Ordinances constitutes a simple misdemeanor. If the punishment for a violation of a statute of the State of Iowa which has been incorporated by reference into Windsor Heights Code of Ordinances, or is the same as an ordinance of the Windsor Heights Code of Ordinances, and punishment for violation of such statute is different from that provided under the Windsor Heights Code of Ordinances for a simple misdemeanor, the punishment set out in the Code of Iowa shall prevail. Anyone violating any other provision of the Windsor Heights Code of Ordinances shall be guilty of a simple misdemeanor, and upon conviction, shall be subject to a fine of not more than six hundred twenty five dollars (\$625.00) and/or imprisonment not to exceed thirty (30) days. The penalties for and what may constitute a Municipal Infraction are designated and defined in Chapter 4 of this Code of Ordinances~~

~~The doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code or any technical code adopted in this Code by reference or the omission or failure to perform any act or duty required by this Code or any technical code adopted in this Code by reference is, unless another penalty is specified, punishable by a fine in a sum not exceeding the maximum punishable under Iowa law for commission of a simple misdemeanor in addition to applicable surcharges and costs.~~

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

(Ord. 16-05 – Aug. 16 Supp.)

Commented [AS1]: Add to Fee Schedule

Commented [AS2]: Removing mentions of imprisonment re: SF374

CHAPTER 2 CHARTER

2.01 Title	2.04 Number and Term of Council
2.02 Form of Government	2.05 Term of Mayor
2.03 Powers and Duties of City Officers	2.06 Copies on File

2.01 TITLE.

This chapter may be cited as the charter of the City of Windsor Heights, Iowa. † [1](#)

Notes

- [1](#) † EDITOR'S NOTE: Ordinance No. 75-6, adopting a charter for the City was passed and approved by the Council on September 15, 1975, and was published on September 16, 1975.

2.02 FORM OF GOVERNMENT.

The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES OF CITY OFFICERS.

The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City.

2.04 NUMBER AND TERM OF COUNCIL.

The Council consists of five Council Members elected at large for overlapping terms of four years.

Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR.

The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE.

The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

CHAPTER 3 BOUNDARIES

3.01 Corporate Limits 3.02 Voting Precincts

3.01 CORPORATE LIMITS.

The corporate boundaries of the City are described and confirmed as follows:

CITY OF WINDSOR HEIGHTS, IOWA

CORPORATE BOUNDARY

[A] Commencing at the intersection of the centerline of Center Street and the centerline of 63 rd Street (which point is the center of Sec. 2, T. 78N, R. 25W); thence northerly along the centerline of 63 rd Street (which line is the east line of the NW¼ of Sec. 2, T. 78N, R. 25W) a distance of 3,150 feet, more or less, to the centerline of University Avenue (which point is the NE corner of the NW¼ of Sec. 2, T. 78N, R. 25W); thence westerly along the centerline of University Avenue (which line is the south line of the SE¼ of Sec. 36, T. 79N, R. 25W) a distance of 15 feet, more or less, to the centerline of 63 rd Street (which point is 989.8 feet, more or less, east of the SW corner of the SE¼ of Sec. 36, T. 79N, R. 25W); thence northerly along the centerline of 63 rd Street a distance of 2,620 feet, more or less, to an extension to the east of the centerline of College Avenue (which point is 992 feet, more or less, east of the center of Sec. 36, T. 79N, R. 25W); thence east along an extension to the east of the centerline of College Avenue (which line is the south line of the NE¼ of Sec. 36, T. 79 N, R. 25 W) a distance of 8 feet, more or less, to the centerline of 63 rd Street (which point is 1,000 feet east of the center of Sec. 36, T. 79N, R. 25W); thence northerly along the centerline of 63 rd Street a distance of 2,260 feet, more or less, to the south right-of-way line of Hickman Road (which point is 33 feet east of the NE corner of Lot 1, SUBURBAN

FARMS, an Official Plat, and 33 feet south of the north line of the NE¼ of Sec. 36, T. 79N, R. 25W)[B] (the line between[A] and[B] being the common corporate boundary line between the City of Windsor Heights and the City of Des Moines); thence westerly along the south right-of-way line of Hickman Road (the location of which line was established pursuant to a Joint Public Improvement Agreement dated May 1, 1969, between the Iowa State Highway Commission and the City of Windsor Heights, Iowa, identified as No. 68-P-175 in connection with Polk County Project No. U-6-4(4)-40-77, which agreement is recorded in the office of the Polk County Recorder in Book 4027, commencing at Page 601, as amended by Amendment to Joint Public Improvement Agreement dated June 16, 1975, between the same parties regarding the same project, which amendment is recorded in the office of the Polk County Recorder in Book 4530, commencing at Page 663) in the NE¼ of Sec. 36, T. 79N, R. 25W, the NW¼ of Sec. 36, T. 79N, R. 25W and the NE¼ of Sec. 35, T. 79N, R. 25W a distance of 6,216.9 feet, more or less, to the NW corner of Lot 18, PLAZA HILLS PLAT 5, an Official Plat (which point is 74.1 feet south of the NW corner of the NE¼ of Sec. 35, T. 79N, R. 25W)[C]; thence southerly along the west lines of PLAZA HILLS PLAT 5 and PLAZA HILLS PLAT 6, an Official Plat (which line is the west line of the NE¼ of Sec. 35, T. 79N, R. 25W) a distance of 2,353.9 feet, more or less, to the northwest corner of Lot 135, PLAZA HILLS PLAT 5; thence easterly along the north lines of Lots 135 and 136, PLAZA HILLS PLAT 5, a distance of 342 feet, more or less, to the west right-of-way line of College Drive (which point is the northeast corner of Lot 136, PLAZA HILLS PLAT 5); thence southerly along the west right-of-way line of College Drive (which line is the east line of Lot 136, PLAZA HILLS PLAT 5) a distance of 254 feet, more or less, to the north right-of-way line of Harbach Boulevard (which point is the southeast corner of Lot 136, PLAZA HILLS PLAT 5); thence easterly along an easterly extension of the north right-of-way line of Harbach Boulevard a distance of 50 feet, more or less, to a point on the east right-of-way line of College Drive (which point is on the west line of Lot 61, PLAZA HILLS PLAT 5); thence southerly along the east right-of-way line of College Drive (which line is the west line of Lot 61, PLAZA HILLS PLAT 5) a distance of 33 feet, more or less, to the southwest corner of Lot 61, PLAZA HILLS PLAT 5 (which point is on the south line of the NE¼ of Sec. 35, T. 79N, R. 25W); thence easterly along the south lines of PLAZA HILLS PLAT 5 and PLAZA HILLS PLAT 4, an Official Plat (which line is on the south line of the NE¼ of Sec. 35, T. 79N, R. 25W) a distance of 1,577.5 feet, more or less, to the northwest corner of PROGRESSO PLAT 10, an Official Plat; thence southerly along the west lines of PLAT 10 and MOTT PLACE, an Official Plat, a distance of 2,410.5 feet, more or less, to the southwest corner of Lot 25, MOTT PLACE; thence easterly along the south line of Lot 25, MOTT PLACE, a distance of 95 feet, more or less, to the northwest corner of Lot 27, MOTT PLACE; thence southerly along the west line of Lot 27, MOTT PLACE, a distance of 208 feet, more or less, to the north right-of-way line of University Avenue (which point is the southwest corner of Lot 27, MOTT PLACE); thence easterly along the north right-of-way line of University Avenue (which line is the south line of Lot 27, MOTT PLACE) a distance of 8.5 feet, thence south 0° 00¢ east a distance of 80.0 feet to the south right-of-way line of University Avenue; thence south 90° 00¢ east along the south right-of-way line of University Avenue; (which line is 40 feet south of and parallel to the north line of Sec. 3, T. 78N, R. 25W) a distance of 146.6 feet, to a point 40 feet south of and 21.9 feet east of the NW corner of the NE¼ of the NE¼ of Sec. 3, T. 79N, R. 25W[D]; thence south 0° 00¢ east a distance of 10 feet; thence north 90° 00¢ east a distance of 22 feet; thence south 2° 18¢ east, 40 feet west of and parallel to the centerline of

73 rd Street, a distance of 117.5 feet; thence southerly 40.0 feet west of and parallel to the centerline of 73 rd Street, along a curve concave westerly with a radius of 1,100.57 feet and an internal angle of 10° 15¢, with said curve tangent to the preceding and following courses, a distance of 196.89 feet; thence south 7° 57¢ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 386 feet; thence south 6° 32¢ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 220 feet; thence north 83° 28¢ west, perpendicular to the centerline of 73 rd Street, a distance of 28 feet; thence south 6° 32¢ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 300 feet, more or less, to the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; (the line between[C] and[E] being the common corporate boundary line between the City of Windsor Heights and the City of Clive) (the line between[D] and[E] being the line which was established pursuant to an Intergovernmental Corporation Boundary Agreement dated March 18, 1971, between the City of Windsor Heights and the City of Clive, which agreement is recorded in the office of the Polk County Recorder in Book 4198, commencing at Page 413, and which agreement was legalized by Acts 1971 (64 G.A., 1 st Sess.) ch. 284); thence south 6° 32¢ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 150 feet, more or less, to the southwesterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence southerly and easterly along the west and south right-of-way lines of 73 rd Street (formerly Rancho Grande Boulevard) a distance of 293 feet, more or less, to the northwest corner of RANCHO GRANDE, an Official Plat; thence southerly along the west line of RANCHO GRANDE (which line is the west line of the SE¼ of the NE¼ of Sec. 3, T. 78N, R. 25W) a distance of 1,003.7 feet, more or less, to a point which is 415.5 feet north of the southwest corner of RANCHO GRANDE[F]; thence southeasterly a distance of 55 feet, more or less, to a point on the west line of Lot 13, RANCHO GRANDE, which point is 48 feet north of the southwest corner of Lot 13, RANCHO GRANDE; thence southeasterly a distance of 180 feet, more or less, to the southeast corner of Lot 15, RANCHO GRANDE; thence southeasterly a distance of 320 feet, more or less, to the northeast corner of Lot 25, RANCHO GRANDE; thence southeasterly a distance of 65 feet, more or less, to the northwest corner of Lot 26, RANCHO GRANDE; thence southeasterly to a point on the south line of Lot 29, RANCHO GRANDE, which point is 20 feet east of the southwest corner of Lot 29, RANCHO GRANDE[G] (the line between[F] and[G] being the line which is the south right-of-way line of Interstate Highway 235); thence east along the south line of RANCHO GRANDE, and an extension thereof to the east, a distance of 614.4 feet, more or less, to the centerline of Eighth Street (which point is 33 feet east of the southeast corner of RANCHO GRANDE); thence northerly along the centerline of Eighth Street (which is the east line of Sec. 3, T. 78N, R. 25W) a distance of 99.7 feet to the centerline of Center Street (which point is the southwest corner of the NW¼ of Sec. 2, T. 78N, R. 25W); thence easterly along the centerline of Center Street (which line is the south line of the NW¼ of Sec. 2, T. 78N, R. 25W) a distance of 977.5 feet to the east line of Lot 44, JANET'S WOODS, an Official Plat[H] (the line between[E] and[H] being the common corporate boundary line between the City of Windsor Heights and the City of West Des Moines); thence easterly along the centerline of Center Street (which line is the south line of the NW¼ of Sec. 2, T. 78N, R. 25W) a distance of 1,662.5 feet, more or less, to the point of beginning (the line between[H] and[A] being the common corporate boundary line between the City of Windsor Heights and the City of Des Moines).

Said boundaries may also be described as follows:

CITY OF WINDSOR HEIGHTS, IOWA

CORPORATE BOUNDARY

Commencing at the intersection of the centerline of Center Street and the centerline of 63 rd Street; thence northerly along the centerline of 63 rd Street a distance of 3,150 feet, more or less, to the centerline of University Avenue; thence westerly along the centerline of University Avenue a distance of 15 feet, more or less, to the centerline of 63 rd Street; thence northerly along the centerline of 63 rd Street a distance of 2,620 feet, more or less, to an extension to the east of the centerline of College Avenue; thence east along an extension to the east of the centerline of College Avenue a distance of 8 feet, more or less, to the centerline of 63 rd Street; thence northerly along the centerline of 63 rd Street a distance of 2,260 feet, more or less, to the south right-of-way line of Hickman Road; thence westerly along the south right-of-way line of Hickman Road in the NE¼ of Sec. 36, T. 79N, R. 25W, the NW¼ of Sec. 36, T. 79N, R. 25W and the NE¼ of Sec. 35, T. 79N, R. 25W a distance of 6,216.9 feet, more or less, to the NW corner of Lot 18, PLAZA HILLS PLAT 5, an Official Plat; thence southerly along the west lines of PLAZA HILLS PLAT 5 and PLAZA HILLS PLAT 6, an Official Plat a distance of 2,353.9 feet, more or less, to the northwest corner of Lot 135, PLAZA HILLS PLAT 5; thence easterly along the north lines of Lots 135 and 136, PLAZA HILLS PLAT 5, a distance of 342 feet, more or less, to the west right-of-way line of College Drive; thence southerly along the west right-of-way line of College Drive a distance of 254 feet, more or less, to the north right-of-way line of Harbach Boulevard; thence easterly along an easterly extension of the north right-of-way line of Harbach Boulevard a distance of 50 feet, more or less, to a point on the east right-of-way line of College Drive; thence southerly along the east right-of-way line of College Drive a distance of 33 feet, more or less, to the southwest corner of Lot 61, PLAZA HILLS PLAT 5; thence easterly along the south lines of PLAZA HILLS PLAT 5 and PLAZA HILLS PLAT 4, an Official Plat a distance of 1,577.5 feet, more or less, to the northwest corner of PROGRESSO PLAT 10, an Official Plat; thence southerly along the west lines of PROGRESSO PLAT 10 and MOTT PLACE, an Official Plat, a distance of 2,410.5 feet, more or less, to the southwest corner of Lot 25, MOTT PLACE; thence easterly along the south line of Lot 25, MOTT PLACE, a distance of 95 feet, more or less, to the northwest corner of Lot 27, MOTT PLACE; thence southerly along the west line of Lot 27, MOTT PLACE, a distance of 208 feet, more or less, to the north right-of-way line of University Avenue; thence easterly along the north right-of-way line of University Avenue a distance of 8.5 feet; thence south 00° 00¢ east a distance of 80.0 feet to the south right-of-way line of University Avenue; thence south 90° 00¢ east along the south right-of-way line of University Avenue a distance of 146.6 feet, to a point 40 feet south of and 21.9 feet east of the NW corner of the NE¼ of the NE¼ of Sec. 3, T. 78N, R. 25W; thence south 0° 00¢ east a distance of 10 feet; thence north 90° 00¢ east a distance of 22 feet; thence south 2° 18¢ east, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 117.5 feet; thence southerly, 40.0 feet west of and parallel to the centerline of 73 rd Street, along a curve concave westerly with a radius of 1,100.57 feet and an internal angle of 10° 15¢, with said curve tangent to the preceding and following courses, a distance of 196.89 feet; thence south 7° 57¢ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 386 feet; thence south 6° 32¢ west, 40 feet west

of and parallel to the centerline of 73 rd Street, a distance of 220 feet; thence north $83^{\circ}28'$ west, perpendicular to the centerline of 73 rd Street, a distance of 28 feet; thence south $6^{\circ}32'$ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 300 feet, more or less, to the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence south $6^{\circ}32'$ west, 40 feet west of and parallel to the centerline of 73 rd Street, a distance of 150 feet, more or less, to the southwesterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence southerly and easterly along the west and south right-of-way lines of 73 rd Street a distance of 293 feet, more or less, to the northwest corner of RANCHO GRANDE, an Official Plat; thence southerly along the west line of RANCHO GRANDE a distance of 1,003.7 feet, more or less, to a point which is 415.5 feet north of the southwest corner of RANCHO GRANDE; thence southeasterly a distance of 55 feet, more or less, to a point on the west line of Lot 13, RANCHO GRANDE, which point is 48 feet north of the southwest corner of Lot 13, RANCHO GRANDE; thence southeasterly a distance of 180 feet, more or less, to the southeast corner of Lot 15, RANCHO GRANDE; thence southeasterly a distance of 320 feet, more or less, to the northeast corner of Lot 25, RANCHO GRANDE; thence southeasterly a distance of 65 feet, more or less, to the northwest corner of Lot 26, RANCHO GRANDE; thence southeasterly to a point on the south line of Lot 29, RANCHO GRANDE, which point is 20 feet east of the southwest corner of Lot 29, RANCHO GRANDE; thence east along the south line of RANCHO GRANDE, and an extension thereof to the east, a distance of 614.4 feet, more or less, to the centerline of Eighth Street; thence northerly along the centerline of Eighth Street a distance of 99.7 feet to the centerline of Center Street; thence easterly along the centerline of Center Street a distance of 977.5 feet to the east line of Lot 44, JANET'S WOODS, an Official Plat; thence easterly along the centerline of Center Street a distance of 1,662.5 feet, more or less, to the point of beginning.

3.02 VOTING PRECINCTS.

There are two election precincts, known as Windsor Heights 1 and Windsor Heights 2, within the corporate limits of the City for all purposes under the laws of the United States and the State of Iowa.

1. Boundaries – Windsor Heights 1. The boundaries of the voting precinct known as Windsor Heights 1 are as follows:

Commencing at the western boundary line and the south right-of-way line of Hickman Road;

thence extending east along the south right-of-way line of Hickman Road;

thence south along the east boundary line of Lot 1 through 13, Wilshire Manor;

thence south along the east boundary line of Lot 401 through 411, Progresso Plat No 9;

thence south along the east boundary line of Lot 254, Progresso Plat No 7;

thence south along the east boundary line of Lot 224, Progresso Plat No 7;

thence south along the east boundary line of Lot 223, Progresso Plat No 6;
thence south along the east boundary line of Lot 194, Progresso Plat No 6;
thence south along the east boundary line of Lot 167 and 168, Progresso Plat No 5;
thence south along the east boundary line of Lot 131, Progresso Plat No 4;
thence south along the east boundary line of Lot 137, Progresso Plat No 4;
thence south along the east boundary line of Lot 1, Mott Plat;
thence south along the east boundary line of Lot 97, Mott Plat;
thence south along the east boundary line of Lot 83 and 84, Mott Plat;
thence south along the east boundary line of Lot 69 and 70, Mott Plat;
thence south along the east boundary line of Lot 55 and 56, Mott Plat;
thence south along the east boundary line of Lot 41 and 42, Mott Plat;
thence west along the centerline of University Avenue;
thence south along the east line of Sec 3-78-25 extending to the centerline of Center Street;
thence west along the centerline of Center Street to the corporate boundary line;
thence following the corporate boundary line south, west, and north to the point of beginning.

2. Boundaries – Windsor Heights 2. The boundaries of the voting precinct known as Windsor Heights 2 are as follows:

Commencing at the west boundary line of Lot 9, Suburban Knolls Plat 2 line extended and the south right-of-way line of Hickman Road;

thence east along the south right-of-way line of Hickman Road to the centerline of 63rd Street;

thence south along the centerline of 63rd Street to the centerline of Center Street;

thence west along the centerline of Center Street;

thence north along the east line of Sec 3-78-25 extending to the centerline of University Avenue;

thence east along the centerline of University Avenue;

thence north along the east boundary line of Lot 41 and 42, Mott Plat;

thence north along the east boundary line of Lot 55 and 56, Mott Plat;

thence north along the east boundary line of Lot 69 and 70, Mott Plat;
thence north along the east boundary line of Lot 83 and 84, Mott Plat;
thence north along the east boundary line of Lot 97, Mott Plat;
thence north along the east boundary line of Lot 1, Mott Plat;
thence north along the east boundary line of Lot 137, Progresso Plat No 4;
thence north along the east boundary line of Lot 131, Progresso Plat No 4;
thence north along the east boundary line of 167 and 168, Progresso Plat No 5 Lot;
thence north along the east boundary line of Lot 194, Progresso Plat No 6;
thence north along the east boundary line of Lot 223, Progresso Plat No 6;
thence north along the east boundary line of Lot 224, Progresso Plat No 7;
thence north along the east boundary line of Lot 254, Progresso Plat No 7;
thence north along the east boundary line of Lot 401 through 411, Progresso Plat No 9;
thence north along the east boundary line of Lot 1 through 13, Wilshire Manor to the
point of beginning.

(Section 3.02 – 21-06 – Feb. 22 Supp.)

CHAPTER 4 MUNICIPAL INFRACTIONS

4.01 Municipal Infraction	4.05 Alternative Relief
4.02 Environmental Violation	4.06 Alternative Penalties
4.03 Penalties	4.07 Failure to Pay a Civil Citation
4.04 Civil Citations	4.08 Habitual Offenders

4.01 MUNICIPAL INFRACTION.

A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein. † [2](#)

(Code of Iowa, Sec. 364.22[3])

Notes

- 2 † EDITOR'S NOTE: For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

4.02 ENVIRONMENTAL VIOLATION.

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

(Code of Iowa, Sec. 364.22[1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES.

A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22[1])

1. Standard Civil Penalties.

- A. First offense – not to exceed \$750.00
- B. Each repeat offense – not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

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

(2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS.

Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

4.05 ALTERNATIVE RELIEF.

Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22[8])

4.06 ALTERNATIVE PENALTIES.

This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])

4.07 FAILURE TO PAY A CIVIL CITATION.

(Repealed by Ordinance No. 18-15 – Nov. 18 Supp.)

4.08 HABITUAL OFFENDERS.

“Habitual offender” means any person that on at least three (3) occasions within a 12-month period has: (i) received a citation, either civil or criminal, of a violation of this Code of Ordinances; or (ii) has had abatement action initiated against any property the habitual offender owns. It shall be a separate citable offense to be a habitual offender of this Code. A habitual offender administrative fee ~~of thirty-five dollars (\$35.00)~~ outlined in the City Fee Schedule may be assessed for each citation above three (3) issued to the same violator within any 12-month period, which fee shall be in addition to any fine otherwise due pursuant to this Code.

Commented [AS3]: Removed to move fees from Code to the Fee Schedule

CHAPTER 5 OPERATING PROCEDURES

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| 5.01 Oaths | 5.08 Conflict of Interest |
| 5.02 Bonds | 5.09 Resignations |
| 5.03 Powers and Duties | 5.10 Removal of Appointed Officers and Employees |
| 5.04 General Responsibility of Appointed Officers | 5.11 Vacancies |
| 5.05 Books and Records | 5.12 Gifts |

5.06 Transfer to Successor
5.07 Meetings

5.13 Duty to Defend

5.01 OATHS.

The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. ~~Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected but not later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.~~

A. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath and by giving, when required, a bond:

(1) City Administrator.

(2) City Clerk.

(3) Deputy City Clerk.

(4) Police Officers.

(5) Fire Chief.

B. The oath shall be taken, and bond provided, after being certified as elected but not later than 12:00 p.m. of the first day, which is not a Sunday or a legal holiday, in January of the first year of the term for which the officer was elected.

Commented [AS4]: This clarifies and explicitly states non-elected officials need to take oath

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Windsor Heights as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices:

A. Mayor

B. City Clerk

C. Members of all boards, commissions, or bodies created by law.

(Code of Iowa, Sec. 63A.2)

5.02 BONDS.

Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23[6])

4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive.

(Code of Iowa, Sec. 64.24[3])

5.03 POWERS AND DUTIES.

Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

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

5.04 GENERAL RESPONSIBILITY OF APPOINTED OFFICERS.

The responsibility of appointed officers is as follows:

1. Council. The Mayor Pro Tem, City Administrator, City Attorney, and City Engineer shall be directly responsible to the Council.

2. City Administrator. All other appointed officers shall be directly responsible to the City Administrator.

3. Appointed Officers. All appointed officers shall be directly responsible for employees of the City under their direct control and supervision.

5.05 BOOKS AND RECORDS.

All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records which are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 & 22.3A)

5.06 TRANSFER TO SUCCESSOR.

Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.

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

5.07 MEETINGS.

All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date, and place of each meeting and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

4. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

6. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.8)

5.08 CONFLICT OF INTEREST.

A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, Sec. 362.5[3a])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, Sec. 362.5[3b])

3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.

(Code of Iowa, Sec. 362.5[3c])

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection

does not apply to a contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, Sec. 362.5[3e])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[3f])

6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5[3g])

7. Volunteers. Contracts with volunteer firefighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[3h])

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, Sec. 362.5[3i])

9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5[3d])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[3j])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[3l])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

(Code of Iowa, Sec. 362.5[3m])

5.09 RESIGNATIONS.

An elected officer who wishes to resign may do so by submitting the resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office during the term for which that person is elected is not eligible for appointment to any City office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation of the office has been increased.

(Code of Iowa, Sec. 372.13[9])

5.10 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within 30 days after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.11 VACANCIES.

A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13[2] of the Code of Iowa.

5.12 GIFTS.

Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

5.13 DUTY TO DEFEND.

The City shall defend any of its officers, employees and agents, whether elected or appointed, and shall save harmless and indemnify the officers and employees against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties. However, the duty to save harmless and indemnify does not apply to awards of punitive damages. The duty to save harmless and indemnify does not apply and the City is entitled to restitution by an officer or employee if, in an action commenced by the City against the officer or employee, it is determined that the conduct of the officer or employee upon which the tort claim or demand was based constituted a willful and wanton act or omission. The duty to defend, save harmless, and indemnify shall apply whether or not the City is a party to the action and shall include but not be limited in cases arising under Title 42 of the United States Code. In the event the officer or employee fails to cooperate in the defense against the claim or demand, the City shall have a right of indemnification against that officer or employee.

(Code of Iowa, Sec. 670.8)

CHAPTER 6 CITY ELECTIONS

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|-----------------------------------|---|
| 6.01 Nominating Method to be Used | 6.04 Preparation of Petition and Affidavit |
| 6.02 Nominations by Petition | 6.05 Filing, Presumption, Withdrawals, Objections |
| 6.03 Adding Name by Petition | 6.06 Persons Elected |

6.01 NOMINATING METHOD TO BE USED.

All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION.

Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION.

The name of the candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT.

Nomination papers shall include a petition of an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by Code of Iowa, and shall be signed in accordance with Code of Iowa.

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

6.05 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS.

The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED.

The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

(Ch. 6 – Ord. 16-06 – Aug. 16 Supp.)

CHAPTER 7

FISCAL MANAGEMENT

- | | |
|-----------------------------------|----------------------------|
| 7.01 Purpose | 7.06 Budget Amendments |
| 7.02 Finance Officer | 7.07 Accounting |
| 7.03 Cash Control | 7.08 Financial Reports |
| 7.04 Fund Control | 7.09 Purchasing Procedures |
| 7.05 Operating Budget Preparation | |

7.01 PURPOSE.

The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 FINANCE OFFICER.

The City Finance Director ~~/Treasurer~~ is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

Commented [A55]: Removing mentions of Treasurer as title is now Finance Director

7.03 CASH CONTROL.

To assure the proper accounting and safe custody of moneys, the following shall apply:

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the Finance Director. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the Finance Director and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance, or Council directive.

2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

3. Petty Cash Fund. The Finance Director shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges, and small fees customarily paid at the time of rendering a service, for which payments the Finance Director shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the Finance Director shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

7.04 FUND CONTROL.

There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance, or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

4. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

5. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Road Use Tax Fund, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

(IAC, 545-2.5[384,388], Sec. 2.5[5])

6. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

7.05 OPERATING BUDGET PREPARATION.

The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The Finance Director is responsible for preparation of the annual budget detail, for review by the City Administrator, Mayor, and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the Finance Director for inclusion in the proposed city budget at such time and in such form as required by the Council.

3. Submission to Council. The Finance Director shall submit the completed budget proposal to the Council no later than ~~February~~April 15 of each year.

Commented [AS6]: Updated to match State Timeline

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing, and final adoption.

5. Notice of Hearing. Upon adopting a proposed budget, the Council shall set a date for public hearing thereon to be held before ~~March~~April 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) or more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

Commented [AS7]: Updated to match State Timeline

(Code of Iowa, Sec. 384.16[3])

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Finance Director shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations and have them available for distribution at the offices of the Mayor and City Clerk and have a copy posted at one of the places designated for the posting of notices.

(Code of Iowa, Sec. 384.16[2])

7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Finance Director shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

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

7.06 BUDGET AMENDMENTS.

A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.

(IAC, 545-2.2[384, 388])

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

(IAC, 545-2.3[384, 388])

3. Activity Transfers. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4[384, 388])

4. Administrative Transfers. The Finance Director shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

(IAC, 545-2.4[384, 388])

7.07 ACCOUNTING.

The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

3. Checks. Checks shall be prenumbered and, following Council approval, signed in accordance with the following, except as provided by subsection 5 hereof.

~~A. Payroll checks shall be signed by the Finance Director and the Mayor, the Mayor Pro Tem or City Administrator. Each check must be signed by any combination of the aforementioned that included one elected and one appointed official. Checks may be electronic in nature.~~

AB. Other checks shall be signed by the Finance Director, City Administrator, City Clerk, Deputy City Clerk, and Mayor, or Mayor Pro Tem. Each check must be signed by any combination of the aforementioned. Checks may be electronic in nature.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

5. Immediate Payment Authorized. The Council may by resolution authorize the Finance Director to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment.

Commented [AS8]: Removed to consolidate with the following line. Simplify as there is no difference in signing payroll checks versus other types of checks

The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

~~6. Utilities. The Finance Director shall perform and be responsible for accounting functions of the municipally owned utilities.~~

Commented [AS9]: Removed as the City does not own utilities

7.08 FINANCIAL REPORTS.

The Finance Director shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.

2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

~~7.09 PURCHASING PROCEDURES.~~

Commented [AS10]: Removed due to Purchasing Procedures are a policy and do not need codified

~~1. Competitive Bids. The City will observe State of Iowa bidding requirements as outlined in the Code of Iowa.~~

~~2. Contracts. Contracts exceeding \$5,000.00 will be presented to the City Council for consideration.~~

~~3. Change Orders under \$10,000. The Finance Director may authorize a change order for an additional unit of material, equipment, or service under \$10,000.00 to an existing or recent purchase order previously approved by Council, if the circumstances requiring the change order were unforeseen or unanticipated, and the Finance Director certifies that the low compliant bidder agrees to hold the same price per unit open to allow the City to make the additional purchase, and the change order is limited to 10% of the original contract price.~~

~~4. Annual Purchase Agreements. The Finance Director is hereby expressly authorized to enter into annual purchase agreements for the purchase of materials, equipment, supplies, or services that are consistently needed by City departments, that because of the type of materials, equipment, supplies, or services or unknown required quantity of the materials, equipment, supplies, or services a purchase agreement for a fixed amount is not reasonable or cost efficient. Such annual purchase agreements shall state that the Finance Director may purchase necessary materials, equipment, supplies, or services with the successful~~

~~bidder for that particular material, equipment, supplies, or services at the determined price as needed by the City. Such annual purchase agreements shall, as much as possible, be negotiated or rebid annually.~~

CHAPTER 8 URBAN RENEWAL

The City shall document and make available upon request urban renewal areas.

Commented [AS11]: Added text as amendments can be numerous. Not having to update the ordinance with every amendment will provide proficiency gains for staff.

EDITOR'S NOTE

The following ordinances, not codified herein and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.

ORDINANCE NO.

ADOPTED

NAME OF AREA

16-10

November 7, 2016

Second Amended and Restated Urban Renewal Area

CHAPTER 9 HOTEL-MOTEL TAX

9.01 Definitions 9.03 Tax Exemption
9.02 Tax Imposed 9.04 Collection and Use

9.01 DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have, for the purpose of this chapter, the following meanings:

1. "Extended stay hotel or motel" means any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, eating, contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a minimum stay of more than thirty days and a maximum stay of ten months within the

dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the Fire Marshal for extended stay temporary residence purposes. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. Weekly services for each dwelling unit of linen change, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each extended stay dwelling unit and facilities are subject to the City's rental inspection outlined in Chapter 156 of this Code of Ordinances (Rental Housing Code). For the purposes of parking requirements, extended stay hotel or motels will have to meet the Multi-Family Residential parking requirements.

2. "Hotel" means one or more buildings containing 20 or more guest rooms, with such rooms being designed or intended to be used, or which are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 24-hour daily basis are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Access to all rooms shall be provided through one or more common entrances. Accessory uses are encouraged and permitted accessory uses include restaurants, cocktail lounges, banquet halls, ballrooms, or meeting rooms.

3. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, extended stay hotel or motel, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.

4. "Motel" means a building or group of buildings containing dwelling units, intended to be used or which are used as temporary or overnight accommodations for guests, in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Each living or sleeping unit shall have an individual entrance from outside the building. Living or sleeping units may be equipped with cooking facilities. Parking close to the entrance of each living or sleeping unit should be made available.

5. "Renting" or "rent" means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.

6. "Sales price" means the consideration for renting of lodging and means the same as the term is defined in Section 423.1 of the Code of Iowa.

All other words and phrases used in this chapter have the meaning provided by this Code of Ordinances or, if unavailable, by Section 423.1 of the Code of Iowa.

9.02 TAX IMPOSED.

There is hereby imposed a seven percent (7%) local hotel and motel tax upon the sales price from the renting of lodging within the City.

9.03 TAX EXEMPTION.

There is exempted from the provisions of this chapter and from the computation of any amount of tax imposed by Section 9.02 all of the following:

1. The sales price from the renting of lodging which is rented by the same person for a period of more than 31 consecutive days.
2. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under Section 427.1, subsection 8, of the Code of Iowa, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.
3. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the City.
4. Pursuant to Section 427.1 of the Code of Iowa, the sales price of lodging furnished to the guests of eligible religious institution if the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guest generally.

5. The sales price of lodging furnished to the guests of a nonprofit lodging provider and the purpose of renting is to provide a place for the friends and family of a hospital patient during a time of medical need of the patient and the length of stay is based upon the needs of the friends, family, or patient. For purposes of this subsection, "nonprofit lodging provider" means a nonprofit entity which is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code that maintains an established facility that provides lodging to friends and family of a hospital patient during a time of medical need of the patient.

(Code of Iowa, Sec. 423A.5)

9.04 COLLECTION AND USE.

The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law, and the

Commented [AS12]: Recommended addition by Cory Simmering. Staff does not have objection

proceeds of such tax shall be used for the purposes stated in Section 423A.7(4) of the Code of Iowa, to-wit:

4. The revenue derived from any hotel and motel tax authorized by Section 423A.4 shall be used as follows:

a. Each county or city which levies the tax shall spend at least fifty percent of the revenues derived therefrom for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the county or city for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the city or county and surrounding areas.

b. The remaining revenues may be spent by the city or county which levies the tax for any city or county operations authorized by law as a proper purpose for the expenditure within statutory limitations of city or county revenues derived from ad valorem taxes.

c. Any city or county which levies and collects the local hotel and motel tax authorized by Section 423A.4 may pledge irrevocably an amount of the revenues derived therefrom for each of the years the bonds remain outstanding to the payment of bonds which the city or county may issue for one or more of the purposes set forth in paragraph a. Any revenue pledged to the payment of such bonds may be credited to the spending requirement of paragraph a.

CHAPTER 10

DEFERRED COMPENSATION FOR CITY EMPLOYEES

Commented [AS13]: Removed as this is a policy

10.01 Definitions

10.02 Designation of Companies

10.03 Purchase of Deferred Compensation Contract

10.04 Administration

10.05 Designation of Beneficiary

10.06 Deferral of Compensation

10.07 Payment of Benefits

10.08 Borrowing from Account

10.01 DEFINITIONS.

—For the purposes of this chapter, the following terms have the meanings ascribed herein:

—1. “Employee” means any person employed by the City on a non-temporary basis and who is required to work a minimum of thirty (30) hours per week. The term includes the

City Administrator, Chief of Police, and Fire Chief, but does not include any elected or appointed officials.

—2. “Beneficiary” means any person designated by an employee to receive a retirement, death, or other benefit under the provisions of a deferred compensation contract.

—3. “Compensation” means all wages or salaries to be paid by the City to an employee.

—4. “Contracting company” means each insurance company designated by the Council from which an employee may purchase an individual deferred compensation contract.

—5. “Deferred compensation” means that portion of an employee’s includible compensation which a participant has elected to defer in accordance with Section 457 of the Internal Revenue Code.

—6. “Participation agreement” means the agreement or agreements by which the City and the employee agree that a portion of the employee’s compensation will be deferred.

—7. “Separation of service” means the termination of an employee’s service with the City on account of death, retirement, or separation from service for causes other than death or retirement.

—8. “Unforeseeable emergency” means a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant’s dependent, loss of the participant’s property due to casualty or other extraordinary and unforeseeable circumstances arising as a result of events beyond the participant’s control, as determined by the City Administrator.

10.02 DESIGNATION OF COMPANIES.

—The Council shall by resolution designate one or more companies from which an employee may choose to acquire an individual deferred payment contract. Only a company authorized to do business in the State shall be eligible for designation hereunder.

10.03 PURCHASE OF DEFERRED COMPENSATION CONTRACT.

—At the request of an employee, the Council shall enter into a contractual agreement with a company designated by the Council acquiring an individual deferred compensation contract. Each request for participation made by an employee shall be on a form approved by the City Administrator. The employee and the City shall thereafter execute a participation agreement setting forth the company designated by the employee and the amount of compensation to be deferred each pay period.

10.04 ADMINISTRATION.

~~—The City Administrator shall administer the deferred compensation program with advice from the City Attorney. The City Administrator shall adopt such forms and agreements as are necessary to facilitate the administration of this program. The City Administrator shall be empowered to sign each deferred compensation contract as the City's authorized representative.~~

~~10.05 DESIGNATION OF BENEFICIARY.~~

~~—Each employee participating in the deferred compensation program shall designate one or more persons to receive any retirement, death, or other benefit paid under the provisions of the program. Such designation must be on a form approved by the City Administrator and signed by the employee. If a participant dies without designating one or more beneficiaries, all payments shall be made to the properly appointed fiduciary of the employee's probate estate.~~

~~10.06 DEFERRAL OF COMPENSATION.~~

~~—The City shall withhold each employee's deferred compensation from each pay period and remit that sum once each month to the company designated by the employee. The minimum amount which may be withheld during each pay period is \$12.50.~~

~~10.07 PAYMENT OF BENEFITS.~~

~~—Any payment of benefits to an employee or former employee shall be made in accordance with the terms and conditions of the contract entered into between the City and the company issuing the contract. Payments may be made following separation of service in accordance with the terms of the deferred compensation contract and federal law.~~

~~10.08 BORROWING FROM ACCOUNT.~~

~~—Participating employees may borrow money from their deferred compensation accounts by submitting loan requests directly to the contracting company.~~

CHAPTER 11 URBAN REVITALIZATION

11.01 Purpose

11.02 2018 Windsor Heights Urban Revitalization Area

11.03 Designation of Revitalization Area

11.01 PURPOSE.

The purpose of this chapter is to designate an area of the City as a revitalization area upon the completion of procedures specified in the Code of Iowa, Chapter 404.

11.02 2018 WINDSOR HEIGHTS URBAN REVITALIZATION AREA.

The City Council of the City of Windsor Heights, Iowa (the "City") has by resolution determined, with respect to an area within the City, and known as the 2018 Windsor Heights Urban Revitalization Area, that:

1. The 2018 Windsor Heights Urban Revitalization Area is an area which is appropriate as an economic development area as defined in Section 403.17 of the Code of Iowa.
2. The 2018 Windsor Heights Urban Revitalization Area is an area which is appropriate for public improvements related to housing and residential development or construction of housing and residential development, including single, family and multifamily housing.
3. The economic development and promotion of housing and residential development in the 2018 Windsor Heights Urban Revitalization Area is necessary in the interest of the public welfare of the residents of the City and the 2018 Windsor Heights Urban Revitalization Area substantially meets the criteria set forth in Section 404.1 of the Act.

11.03 DESIGNATION OF REVITALIZATION AREA.

In accordance with the Code of Iowa and in consideration of the recitations set out in the preamble hereof, such property lying within the City and being described as follows:

All real property situated within the incorporated municipal limits of the City of Windsor Heights, Polk County, State of Iowa as of November 1, 2018.

is hereby designated as the 2018 Windsor Heights Urban Revitalization Area.

15.01 Term of Office 15.04 Compensation
15.02 Powers and Duties 15.05 Voting
15.03 Appointments

15.01 TERM OF OFFICE.

The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES.

The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Act as the chief executive officer of the City and have the powers and duties provided in this Code of Ordinances and by law except to the extent that any of such powers or duties are specifically delegated to another officer of the City by ordinance or resolution.

(Code of Iowa, Sec. 372.14[1])

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

(Code of Iowa, Sec. 372.14[2])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. 372.14[1])

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(Code of Iowa, Sec. 380.5 & 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

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

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS.

The Mayor shall appoint and/or remove the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Chief of Police, subject to approval of the Council.

15.04 COMPENSATION.

Beginning with calendar year 2008, the annual salary of the Mayor is \$7,000.00. Each calendar year the Mayor's compensation amount is increased by a percentage equal to the increase in the Consumer Price Index (CPI) for the calendar year immediately preceding the increase in compensation, rounded to the closest \$100.00. If there is no increase in the CPI in a given year, the Mayor's compensation remains the same in the subsequent year.

15.05 VOTING.

The Mayor is not a member of the Council and shall not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

CHAPTER 16 MAYOR PRO TEM

- | | |
|---------------------------------|---------------------|
| 16.01 Vice President of Council | 16.03 Voting Rights |
| 16.02 Powers and Duties | 16.04 Compensation |

16.01 VICE PRESIDENT OF COUNCIL.

The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

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

16.02 POWERS AND DUTIES.

Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to appoint, employ, or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge without the approval of the Council.

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

16.03 VOTING RIGHTS.

The Mayor Pro Tem shall have the right to vote as a member of the Council.

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

16.04 COMPENSATION.

If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

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

CHAPTER 17 CITY COUNCIL

17.01 Number and Term of Council	17.05 Appointments
17.02 Powers and Duties	17.06 Compensation
17.03 Exercise of Power	17.07 Expectations
17.04 Council Meetings	

17.01 NUMBER AND TERM OF COUNCIL.

The Council consists of five Council members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES.

The powers and duties of the Council include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.

(Code of Iowa, Sec. 372.13[7])

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement, or repairs which may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])

4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.

(Code of Iowa, Sec. 364.2[1])

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

(Code of Iowa, Sec. 26.10)

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

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

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

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

17.03 EXERCISE OF POWER.

The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3[1])

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

B. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

C. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor vetoes an ordinance, amendment or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

E. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.1[a])

17.04 COUNCIL MEETINGS.

Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Meetings of the Council shall be as follows:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place, and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the Clerk.

(Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.

(Code of Iowa, Sec. 372.13[1])

4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13[5])

5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

6. Rules of Conduct. The following rules are hereby adopted for the conduct of those attending regular and special meetings of the City Council in the Council Chamber in the City Hall:

(Code of Iowa, Sec. 21.7)

A. No person shall be permitted to stand in the Council Chamber during Council sessions between the audience seats and the Council members except the persons addressing the Council, who shall do so from the speaker's stand, and except City officials and employees on City business.

B. No person shall enter the raised area at the east and west ends of the Council table except upon invitation of the Council or a member thereof, and except City officials and employees on City business.

C. Any person desiring to address the Council may do so when recognized by the presiding officer, but the Council reserves the right to limit the speaker's time and the order in which the speakers may address the Council.

D. No person shall be interrupted while addressing the Council except by a member of the Council.

E. No member of the public shall be permitted to sit or lean upon the Council table during sessions of the Council.

F. No person shall use unreasonably loud or abusive language or any other language in the Council Chamber which disrupts or is intended to disrupt the peace, quiet, and good order of a Council meeting.

G. Those having business before the Council shall have the right to speak to items as they appear on the Council agenda, subject to the foregoing constraints; those wishing to address matters not on the Council agenda must wait until the agenda is completed and until recognized to speak by the presiding officer.

H. Any person violating any of the foregoing rules shall be guilty of a disorderly conduct and disturbing a public assembly and upon conviction shall pay a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00).

I. The Chief of Police shall enforce the provisions of this section and upon request shall provide sufficient officers therefor.

17.05 APPOINTMENTS.

The Council shall appoint the following officials and prescribe their powers, duties, compensation, and term of office:

- ~~1. 1.~~ City Administrator
- ~~2. /City Clerk~~
2. City Attorney
3. ~~City Treasurer~~Finance Director
4. Planning and Zoning Commission
5. Zoning Board of Adjustment

Commented [AS14]: Separated as they are two distinct appointments

Commented [AS15]: Updated as title is now Finance Director

17.06 COMPENSATION.

Beginning with calendar year 2008, each member of the Council is paid as compensation the sum of \$51.00 for each meeting of the Council which he or she attends, plus the sum of \$584.00 for each calendar quarter. Each calendar year, the compensation amount is increased by a percentage equal to the increase in the Consumer Price Index (CPI) for the calendar year immediately preceding the increase in compensation. Meeting pay is rounded up to the closest one dollar (\$1.00). Quarterly pay is rounded to the closest ten dollars (\$10.00). If there is no increase in the CPI in a given year, then the Council compensation shall remain the same in the subsequent year.

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

17.07 EXPECTATIONS.

A Council member is expected to be dedicated to the concepts of effective and democratic local government by responsible elected officials. Additionally, the following ethical expectations are set forth. A Council member will:

1. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant;
2. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the other officials and of the general public;
3. Recognize that the chief function of local government at all times is to serve the best interests and greater good of all people;

4. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service;

5. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern decisions, pertaining to appointments and pay adjustments;

6. Keep confidential all employee records and any other information that is not yet available to the general public;

7. Seek no personal favor and seek no favors for those with whom the Council member has a personal relationship.

CHAPTER 18 CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Publication of Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	18.14 Additional Duties

18.01 APPOINTMENT AND COMPENSATION.

The City Council shall appoint by majority vote, upon recommendation by the City Administrator, a City Clerk pursuant to a term as shall be established by resolution by the Council and has the duties, powers, and functions prescribed in this chapter, by State law, and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

(Code of Iowa, Sec. 372.13[3])

18.02 POWERS AND DUTIES: GENERAL.

The Clerk or, in the Clerk's absence or inability to act, the Deputy Clerk has the powers and duties as provided in this chapter, this Code of Ordinances, and the law.

18.03 PUBLICATION OF MINUTES.

Within fifteen (15) days following a regular or special meeting, the Clerk shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

(Code of Iowa, Sec. 372.13[6])

18.04 RECORDING MEASURES.

The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

(Code of Iowa, Sec. 380.7[1 & 2])

18.05 PUBLICATION.

The Clerk shall cause to be published all ordinances, enactments, proceedings, and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published as provided in the Code of Iowa.

(Code of Iowa, Sec. 362.3[1])

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper circulated in the City, except that ordinances and amendments may be published by posting in the following places:

- A. Windsor Heights City Hall
1145 66 th Street Suite 1
Windsor Heights, Iowa
- B. Windsor Heights Public Safety Building
1133 66 th Street
Windsor Heights, Iowa
- C. Hy-Vee Food Store
7101 University Avenue
Windsor Heights, Iowa
- D. City website and social media platforms.

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of

the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

(Code of Iowa, Sec. 362.3[2])

(Section 18.05 – Ord. 19-10 – Jan. 20 Supp.)

18.06 AUTHENTICATION.

The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

(Code of Iowa, Sec. 380.7[4])

18.07 CERTIFY MEASURES.

The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City. The Clerk shall also record all 28E Agreements and file such agreement with the Secretary of State.

(Code of Iowa, Sec. 380.11)

18.08 RECORDS.

The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

(Code of Iowa, Sec. 380.7[5])

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

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

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

(Code of Iowa, Sec. 372.13[3 & 5])

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

(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

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

18.09 ATTENDANCE AT MEETINGS.

The Clerk shall attend all regular and special Council meetings, and at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 ISSUE LICENSES AND PERMITS.

The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

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

18.11 NOTIFY APPOINTEES.

The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

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

18.12 ELECTIONS.

The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the Code of Iowa.

18.13 CITY SEAL.

The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "WINDSOR HEIGHTS, IOWA," and around the margin of which are the words "CITY SEAL."

18.14 ADDITIONAL DUTIES.

The Clerk shall perform other duties as specified by the Council by resolution, ordinance of motion, or by the City Administrator. The work performance of the Clerk shall be supervised and evaluated by the City Administrator.

(Ch. 18 – Ord. 17-08 – Dec. 17 Supp.)

CHAPTER 19

FINANCE DIRECTOR/~~TREASURER~~

Commented [AS16]: Removing mentions of Treasurer.
The position is Finance Director.

19.01 Appointment 19.03 Duties of Treasurer
19.02 Compensation

19.01 APPOINTMENT.

The City Clerk is the Finance Director/~~Treasurer~~ and performs all functions required by the position of Finance Director/~~Treasurer~~.

19.02 COMPENSATION.

The City Clerk receives no additional compensation for performing the duties of Finance Director/~~Treasurer~~.

19.03 DUTIES OF ~~TREASURER~~ FINANCE DIRECTOR.

The duties of the ~~Finance Director~~~~Treasurer~~ are as follows:

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money, or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the ~~Finance Director~~~~Treasurer~~ from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the ~~Finance Director~~~~Treasurer~~'s custody and belonging to the City, deposit the same in depositories selected by the Council, in amounts not exceeding monetary limits authorized by the Council.
7. Reconciliation. Reconcile depository statements with the ~~Finance Director~~~~Treasurer~~'s books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Depository Declaration. Determine the anticipated level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 453 of the Code of Iowa, and make such filings and comply with such rules as required by Chapters 452A, 452B and 453 of the Code of Iowa.
10. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

(Ch. 19 – Ord. 18-05 – Apr. 18 Supp.)

CHAPTER 20 CITY ATTORNEY

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|------------------------------------|--------------------------------------|
| 20.01 Appointment and Compensation | 20.05 Review and Comment |
| 20.02 Attorney for City | 20.06 Provide Legal Opinion |
| 20.03 Power of Attorney | 20.07 Attendance at Council Meetings |
| 20.04 Ordinance Preparation | 20.08 Prepare Documents |

20.01 APPOINTMENT AND COMPENSATION.

The Council shall appoint by majority vote a City Attorney to serve for an indefinite term. The City Attorney shall receive such compensation as established by resolution of the Council.

20.02 ATTORNEY FOR CITY.

The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney may obtain assistance from an assistant city attorney, subject to approval by the Council.

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

20.03 POWER OF ATTORNEY.

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

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

20.04 ORDINANCE PREPARATION.

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

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

20.05 REVIEW AND COMMENT.

The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

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

20.06 PROVIDE LEGAL OPINION.

The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor, Council as a whole, ~~or~~ the City Administrator, or department heads inclusive of City Clerk.

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

Commented [AS17]: Adds more flexibility in who can request legal opinion providing efficiency gains for staff

20.07 ATTENDANCE AT COUNCIL MEETINGS.

The City Attorney shall attend one regular meeting of the Council each month, when it is requested that he or she be present, and shall attend those special meetings of the Council at which he or she is requested to be present. The City Attorney shall also attend those meetings of City boards and commissions at which he or she is requested to be present.

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

20.08 PREPARE DOCUMENTS.

The City Attorney shall prepare those contracts, forms, and other legal documents and writings which may be required for the use of the City. The City Attorney shall examine and render an opinion upon the legality and form of and recommended alterations for any legal document which binds or obligates the City prior to the time that such documents become binding or obligatory upon the City.

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

CHAPTER 21 CITY ADMINISTRATOR

- | | |
|------------------------------------|-------------------------|
| 21.01 Appointment and Compensation | 21.04 Combined Offices |
| 21.02 Term | 21.05 Powers and Duties |
| 21.03 Chief Administrative Officer | |

21.01 APPOINTMENT AND COMPENSATION.

The City Administrator shall be appointed by majority vote of the Council and receive such compensation as shall be established by resolution.

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

21.02 TERM.

The City Administrator shall serve pursuant to a term as shall be established by resolution of the Council.

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

21.03 CHIEF ADMINISTRATIVE OFFICER.

The City Administrator shall be the chief administrative officer of the City.

21.04 COMBINED OFFICES.

The Council may, by resolution passed by a majority of the entire Council, combine the office of City Administrator with the offices of City Clerk, Building Official, and/or Zoning Administrator, and so long as the duties of any of those offices are performed by the City Administrator, there shall be no appointment to those offices.

21.05 POWERS AND DUTIES.

The City Administrator shall have the following powers and duties:

1. Administration. Supervise and direct the administration of the City government.
2. Supervise Officers. Supervise and direct the official conduct of all appointed officers of the City except the Mayor Pro Tem and City Attorney.
3. Personnel. Appoint, promote, reassign, reclassify, discipline, demote, and discharge all employees in compliance with law and ordinance.
4. Compensation of Employees. Fix the compensation of all employees appointed by him or her, subject to the approval of the Council.
5. Investigation. Investigate, summarily and without notice, the conduct and affairs of any department, agency, officer, or employee of the City.
6. Law Enforcement. Supervise the enforcement and execution of all laws and ordinances within the City.
7. Contracts. Supervise the performance of all contracts for work to be done for the City.
8. Purchasing. Supervise the purchase and receipt of all materials, services, and supplies for and on behalf of the City.

9. Public Works. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements, and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements.

10. Attend Meetings. Attend all meetings of the Council and City administrative agencies.

11. Recommendations. Recommend to the Council any measures as are necessary or expedient for the good government and general welfare of the City.

12. Cooperation. Cooperate with any administrative agency of the City.

13. Accounting. Supervise the City ~~Treasurer/Finance Officer~~ Finance Director and ensure that the business affairs of the City are conducted by modern and efficient accounting methods and cause accurate records to be kept.

14. Budget. Prepare and submit to the Council annually the required budgets.

15. Financial Reports. Submit a written, itemized financial report to the Council not later than the fifteenth day of each month, showing receipts, disbursements, and investments for the preceding month.

16. Licenses. Provide for the issuance, suspension, and revocation of all licenses and permits authorized or required by law or ordinance.

17. Oaths. Administer oaths.

18. Powers Assumed. Assume the powers and duties of the City Clerk and Zoning Administrator.

19. Other. Exercise such other powers and perform such other duties as may be directed by the Council.

CHAPTER 22

PUBLIC WORKS DIRECTOR

22.01 Public Works Director Appointed 22.03 Water Service
22.02 Duties of Public Works Director 22.04 Removal of Trees

22.01 PUBLIC WORKS DIRECTOR APPOINTED.

The Public Works Director shall be appointed and discharged by the City Administrator, with approval of the Council.

(Ord. 23-03 – Oct. 23 Supp.)

22.02 DUTIES OF PUBLIC WORKS DIRECTOR.

The Public Works Director shall be responsible for the direction and control of all operations and affairs of the Public Works Department and shall be vested with all powers and duties for managing public works in the City, including maintenance of public property in the City. The Director's responsibilities include but are not limited to the following:

1. Supervise the installation of water service pipes and their connection to the water main and enforce regulations pertaining to water services.
2. Inspect sidewalks and driveways.
3. Supervise the upkeep and repair of streets, their markings, and traffic signs.
4. Maintain the City's property, park facilities, sewer system, and water system.
5. Perform such other duties as may be directed by the City Administrator.

22.03 WATER SERVICE.

This chapter applies to all replacements of existing water service pipes as well as to new pipes. The Public Works Director shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency, the Director may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

22.04 REMOVAL OF TREES.

The Public Works Director shall remove, on the order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. The Director shall, additionally, remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, Sec. 364.12[2c] and 372.13[4])

CHAPTER 23

PLANNING AND ZONING COMMISSION

- | | |
|--------------------------------------|-------------------------|
| 23.01 Planning and Zoning Commission | 23.04 Compensation |
| 23.02 Term of Office | 23.05 Powers and Duties |

23.03 Vacancies

23.01 PLANNING AND ZONING COMMISSION.

The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven members appointed by the Council. 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)

23.02 TERM OF OFFICE.

The term of office of the members of the Commission shall be four or five years at the Mayor's discretion to ensure. ~~The terms of not more than one-third of the members will~~ expire in any one year.

(Code of Iowa, Sec. 392.1)

Commented [AS18]: Added as there are times when a commissioner may leave a board and off-set the -one-third balance. This will allow the Mayor to correct any imbalance at appointments

23.03 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)

23.04 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)

23.05 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. 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)

CHAPTER 30 POLICE DEPARTMENT

30.01 Department Established	30.076 Peace <u>Police</u> Officers Appointed
30.02 Organization	30.087 Chief of Police: Duties
30.03 Peace <u>Police</u> Officer Qualifications	30.098 Departmental Rules
30.04 Required Training	30.1009 Summoning Aid
<u>30.05</u>	30.110 Taking Weapons
30.065 Compensation	<u>30.12 Unbiased Policing</u>

Commented [AS19]: Updated references throughout the code to Peace Officer to Police Officer to match working titles.

30.01 DEPARTMENT ESTABLISHED.

The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City and elsewhere as provided by law.

Commented [AS20]: State law and mutual aid agreements allow us to enforce state laws within Iowa

30.02 ORGANIZATION.

The department consists of the Chief of Police and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

30.03 ~~PEACE-POLICE~~ OFFICER QUALIFICATIONS.

In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy and the City.

(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING.

All ~~peace-police~~ officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. ~~Peace-Police~~ officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11[2])

(IAC, 501-3 and 501-8)

30.05 OATH

Every police officer before taking the position, shall qualify for office by taking the oath prescribed by this Code.

30.065 COMPENSATION.

Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

30.076 ~~PEACE-POLICE~~ OFFICERS APPOINTED.

The Mayor shall appoint and dismiss the Chief of Police subject to the consent of a majority of the Council. A super majority vote of the Council is needed for the removal of the Chief of Police. The Chief of Police shall select the other members of the department, subject to the approval of the City Administrator.

(Co de of Iowa, Sec. 372.4)

30.087 CHIEF OF POLICE: DUTIES.

The Chief of Police has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the Chief of Police by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Chief of Police.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City officers, boards, and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the ~~Mayor or Council~~ Mayor, Council, or City Administrator.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

11. Other Duties. Have such other duties as lawfully assigned.

~~30.098~~ DEPARTMENTAL RULES.

The Chief of Police shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

~~30.1009~~ SUMMONING AID.

Any ~~peace-police~~ officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

30.10~~1~~ TAKING WEAPONS.

Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

CHAPTER 30.1~~21~~ UNBIASED POLICING POLICY

Commented [AS21]: Bring under Chapter 30 as this does not need to be it's own chapter and fits under the content of Chapter 30

30.11(A) Policy Statement	30.11(D) Complaints & Compliance
30.11(B) Definitions	30.11(E) Training
30.11(C) Procedures	30.11(F) Annual Review

30.11(A) POLICY STATEMENT.

~~—The Windsor Heights Police Department shall be committed to the unbiased, equitable treatment of all. Department employees shall treat all in a fair, impartial and objective manner, in accordance with law, and without consideration of their individual demographics as defined in this policy.~~

30.11(B) DEFINITIONS.

~~—The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~—1. "Biased policing" means differential treatment in the performance of law enforcement duties or delivery of police services towards a person or classes of persons when one or more individual demographics was a motivating factor in the action taken. If a person's individual demographics played a motivating factor in the City employee's decision, then that personal characteristic was a motivating factor of the action taken.~~

~~—2. "Fair and impartial treatment" means the belief that persons, irrespective of individual demographics, shall be treated in the same basic manner under the same or similar circumstances. Reasonable concessions and accommodations may be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.~~

~~—3. "Individual demographics" means personal characteristics to include, but not limited to: race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, socioeconomic status, disability, immigration status, housing status,~~

occupation, language fluency, cultural group, political status or any other identifiable characteristics.

—4. "Police services" means actions and activities that contribute to the overall well-being and safety of the public. These tasks include but are not limited to: crime prevention and investigation, preventive patrol, traffic control, traffic accidents, medical emergencies and lifesaving services, assistance at fire scenes, public information and education.

—5. "Racial profiling" means a law enforcement action where a motivating factor of the action taken is based on an individual's race, color, ethnicity, religion or national origin rather than on the individual's behavior or on information of the type and kind customarily and reasonably relied upon in identifying the individual as having engaged in prohibited activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of prohibited activity. Racial profiling includes but is not limited to vehicle, pedestrian, and bicycle stops where race, color, ethnicity, religion or national origin was a motivating factor for the stop or enforcement action taken during the stop. Illegal discriminatory pretextual stops under state or federal law are prohibited by this ordinance.

30.11(C) PROCEDURES.

—1. Fair & Impartial Treatment.

—A. Biased policing is prohibited both in enforcement of the law and the delivery of police services by any employee.

—B. Racial profiling is prohibited both in enforcement of the law and the delivery of police services by any employee.

—C. Employees shall exercise their authority, take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.

—D. Employees shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.

—E. Employees shall not intentionally use any terms, language or remarks that are commonly viewed by society as derogatory, tend to belittle, show contempt for or defame any individual demographic, except when necessary for the preparation of official reports or testimony.

—F. Employees must be able to articulate reasonable suspicion or probable cause supporting any police action.

—2. Department Policies and Procedures Accessible to the Public. All department policies and procedures shall be made available to the public through readily accessible publication. Publication shall occur on the department webpage; hard copies shall be available at the department headquarters and available for reading there. Hard copies will be provided when requested, however copies are subject to current City of Windsor

Heights fee schedule costs and such costs must be paid prior to the hard copies being provided.

30.11(D) COMPLAINTS & COMPLIANCE.

—1. Anyone may file a complaint if they feel they had an encounter of biased policing or racial profiling. No person shall be discouraged, intimidated or coerced from filing such a complaint, nor shall they be discriminated against because they have filed a complaint of this nature.

—A. Employees who witness or who are aware of instances of biased policing or racial profiling shall report the incident to a supervisor and shall provide all information known to them before the end of the shift during which they make the observation or become aware of the incident or as soon thereafter as practicable under the circumstances. Furthermore, employees shall intercede anytime they witness or suspect biased policing or racial profiling incidents occurring. Where use of force occurs, officers have a duty to intervene to prevent or stop the use of unreasonable force by another officer when it is safe and a reasonable opportunity exists.

—2. Supervisors will ensure the working environment is free of bias and free of racial profiling. This may include periodic inspections of body and in-car audio/video systems, reports and field inspections during police/citizen interaction. Supervisors will:

—A. Take the appropriate action when a violation of this policy occurs.

—B. Ensure that there is no retaliation for individuals reporting such violations.

—3. All complaints of biased policing or racial profiling shall be directed to the Support Services Division Commander for investigation. The Support Services Commander will immediately notify the Chief of Police of any such complaint and shall regularly update the Chief of Police on the status of the investigation.

—A. The Support Services Division Commander will ensure a thorough investigation is completed, consistent with the established complaint process, for review by the Chief of Police.

—B. If the complaint is substantiated, the department will take appropriate measures commensurate to the severity of the substantiated complaint.

—C. The Support Services Division Commander shall maintain data relating specifically to complaints of biased policing and racial profiling. Information shall be provided to the Chief of Police or designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions to prevent biased policing and racial profiling.

30.11(E) TRAINING.

~~—All employees will receive training and guidance in regard to unbiased policing and prohibited racial profiling while conducting law enforcement activities. At least annually all sworn officers shall receive said training, which shall include de-escalation and implicit bias and may include, but is not limited to: training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops, implicit bias, and related topics suitable for preventing incidents of biased policing and racial profiling.~~

30.11(F) ANNUAL REVIEW.

~~—This topic and policy under this Article will be reviewed annually and the City Administrator shall certify such review to the City Council no later than the first day of the fiscal year.~~

~~(Ch. 30.11 – Ord. 20-05 – Aug. 20 Supp.)~~

30.11(A) UNBIASED POLICING

30.11(B) Definitions

30.11(C) PROHIBITIONS

30.11(D) COMPLAINT PROCESS

30.11(E) Training

30.11(F) Annual Review

30.11(A) UNBIASED POLICING

The Windsor Heights Police Department shall be committed to the unbiased, equitable treatment of all persons. The Department shall ensure all employees observe, respect and protect the constitutional rights of all persons.

30.11(B) DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Biased policing differential treatment in the performance of law enforcement duties or delivery of police services towards a person or classes of persons when one or more individual demographics were a motivating factor in the action taken.

2. "air and impartial treatment the belief that persons, irrespective of individual demographics, shall be treated in the same basic manner under the same or similar circumstances. Reasonable concessions and accommodations may be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

3. Individual demographics, personal characteristics to include, but not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, socioeconomic status, disability, immigration status, housing status, occupation, language fluency, cultural group, political status or any other identifiable characteristics.

Commented [AS22]: The redlined version of the unbiased policing section expands definitions, adds clear prohibitions against discriminatory practices (including pretextual stops), and introduces a structured complaint process with anti-retaliation protections. It also outlines detailed training requirements on topics like bias, de-escalation, and ethics. Additionally, it strengthens accountability by requiring an annual review by the Police Chief, certified by the City Administrator and reported to the Council.

5. Racial profiling.

The selection of individuals based solely on a common trait of a group. This includes and is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, disability, political affiliation, national origin or cultural group.

6. EMPLOYEE. Any member of the Windsor Heights Police Department including volunteers.

30.11(C) PROHIBITIONS.

(A) No employee shall engage in bias based policing or profiling while providing police services.

(B) Bias based profiling shall not constitute probable cause or a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual, the investigatory stop of a motor vehicle, custody or arrest, search or frisk, field contact, or seizure and forfeiture of property.

(C) Employees shall not use any terms, language, or remarks that are derogatory, tend to belittle, show contempt for, or defame any individual demographic, except when necessary to include such terms, language, or remarks used by another for the preparation of an official report or testimony.

(D) Employees shall not take any law enforcement action based on information from members of the public or other employees they know, or reasonably should know, under all circumstances present is the product of, or motivated by bias based profiling unless the circumstances indicate that harm is imminent or a crime has been committed.

(E) Discriminatory pretextual stops are prohibited under state and federal law and are prohibited by this subchapter.

30.11(D) COMPLAINT PROCESS

1. Any person claiming to be aggrieved or to have witnessed bias based profiling may file a complaint. Further, no person shall be discouraged, intimidated or coerced from filing such a complaint, nor shall any person be discriminated or retaliated against because they have filed a complaint with the Department. 2. Any employee observing bias based profiling by another employee shall immediately direct the employee displaying the behavior to stop or immediately report the incident to a supervisor. Any employee who stops or reports any practice in violation of this subchapter shall not be discriminated against in any manner for opposing such conduct, testifying, assisting, or participating in any investigation, proceeding, or hearing arising out of a violation of this subchapter.3. Employee complaints shall be filed with the employee's supervisor or the Police Chief. Any external complaints shall be filed with the Police Department or the City Administrator's office.

4. Bias based profiling complaints received by the Police Department or City Administrator shall be investigated as outlined in Department Policy. When necessary, an alternate investigator may be assigned by the Chief of Police.

30.11(E) TRAINING.

All employees shall receive annual training on the prevention of bias based policing and profiling that may include but are not limited to:

- (1) Ethics;
- (2) De-escalation;
- (3) Motor vehicle and Terry stops;
- (4) Citizen contacts;
- (5) Probable cause and reasonable suspicion;
- (6) Diversity;
- (7) Implicit bias; and
- (8) Racial profiling.

30.11(F) ANNUAL REVIEW.

The Police Chief shall review this ordinance at least annually. The City Administrator shall certify this review to the City Council.

(Ch. 30.11 - Ord. 20-05 - Aug. 20 Supp.)

CHAPTER 31
ALARM SYSTEMS

31.01 Declaration	31.07 Police Call Records
31.02 Definitions	31.08 Administration and Enforcement
31.03 Penalties for False Alarms	31.09 Operational Defects to be Remedied
31.04 Right to Hearing and Appeal	31.10 Automatic Dialing and Prerecorded Message Alarm Systems
31.05 Deliberate False Alarms	31.11 City Liability Limitations
31.06 Local Police Alarm System; Cutoff Required	

31.01 DECLARATION.

—It is hereby declared that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of: (i) the traffic danger inherent in the emergency response of public safety vehicles; (ii) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred; and (iii) the cost in money and staffing to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of citizens to enact the following provisions governing alarm systems.

31.02 DEFINITIONS.

—For the purposes of this chapter, the following words and phrases have the meanings set forth herein:

—1. “Alarm business” means any person engaged in the business of installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving, or removing alarm systems in the City.

—2. “Alarm coordinator” means the individual designated by the Chief of Police to enforce the provisions of this chapter.

—3. “Alarm system” means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

—A. Devices that do not register alarms that are audible, visible, or perceptible outside the protected premises.

—B. Devices that are not installed, operated or used for the purpose of reporting an emergency to the City of Windsor Heights.

—C. Alarm devices affixed to motor vehicles.

—D. Alarm devices installed on a temporary basis by the Windsor Heights Police Department.

—4. “Alarm user” means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

—5. “Central station” means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.

—6. “City of Windsor Heights” means the sworn and non-sworn personnel assigned by the City to the Windsor Heights Police Department, members of the Windsor Heights Fire Department, and the contracted Communication Center that provides radio and alarm information to these departments.

—7. “Emergency” means the commission or attempted commission of a robbery, burglary or other criminal action.

—8. “False alarm” means the activation of an alarm system, which results in a response by the City of Windsor Heights, where an emergency does not exist and for which no evidence or indication of criminal activity or other hazard is discovered. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature that are normal for that area. False alarm does not include an alarm signal caused by extraordinarily violent conditions of nature, which cannot be reasonably anticipated by the alarm user.

—9. “Local alarm” means any noise-making alarm device and any alarm which emits a visual signal, such as a strobe light.

—10. “User instructions” means written instructions which every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the City shall furnish to such user and which instructions enable the user to operate the alarm system properly.

31.03 PENALTIES FOR FALSE ALARMS.

—1. For each false alarm to which emergency personnel respond, the alarm user shall be issued a notice of a municipal infraction with a penalty of:

—A. First false alarms —\$50.00

—B. Second and subsequent false alarms within a 365-day period —\$75.00

—2. If any fine is not paid within ten (10) days of receipt of notice, an additional notice of a municipal infraction will be filed against the alarm user for nonpayment.

—3. The City may use all available legal remedies to collect delinquent service fees and late penalties. Any fees or costs incurred by the City shall be charged to the offender.

31.04 RIGHT TO HEARING AND APPEAL.

—1. An alarm user shall have the right to a hearing to contest the imposition of any penalty under this chapter. A court date will be provided with citation.

—2. For cases involving a municipal infraction, the alarm user must file a written request for a hearing with the Alarm Coordinator within five (5) business days of the date of mailing of the notice of imposition of the penalty. The request for a hearing shall include the alarm user's name, address, telephone number, and a statement of the reasons for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm and the imposition of an administrative service fee shall be considered final if the alarm user fails to request a hearing within the time period set forth above.

—3. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address.

—4. The City Administrator shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented.

—5. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of proving the existence of an emergency shall be upon the alarm user.

31.05 DELIBERATE FALSE ALARMS.

—No person shall cause any alarm to be transmitted to the City of Windsor Heights knowing the same to be false or without basis in fact. A violation of this section shall be a municipal infraction.

31.06 LOCAL POLICE ALARM SYSTEM; CUTOFF REQUIRED.

—Alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic cutoff device which will terminate the audible or visual alarm within fifteen (15) minutes. However, this section does not apply to fire alarms, strobe lights, and fire gongs. A violation of this section shall be a municipal infraction.

31.07 POLICE CALL RECORDS.

—Alarm businesses which request the response of emergency personnel to alarm signals shall maintain a record of all alarms reported to the Windsor Heights Police Department, stating the time, date, and location of the alarm and the name, address, and phone number of the alarm user from which the alarm originated. The records shall indicate the cause of

the alarm, if known. This record shall be current and shall be available to the Alarm Coordinator during normal business hours.

31.08 ADMINISTRATION AND ENFORCEMENT.

—Subject to the approval of the City Administrator, the Chief of Police shall have the authority to make such reasonable rules and regulations as may be deemed necessary to implement the provisions of this chapter.

31.09 OPERATIONAL DEFECTS TO BE REMEDIED.

—1. The sensory mechanisms used in connection with alarm systems shall be adjusted to suppress false alarms so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, radio frequency energy, non-intrusive motion, or other forces unrelated to genuine alarms.

—2. All components of an alarm system must be maintained in good repair by the alarm user so as to assure reliability of operation.

31.10 AUTOMATIC DIALING AND PRERECORDED MESSAGE ALARM SYSTEMS.

—It is unlawful to maintain, operate, connect, or allow to be maintained, operated, or connected, any alarm system or automatic dialing device which automatically dials the City of Windsor Heights and then relays any prerecorded message indicating the existence of an emergency situation.

31.11 CITY LIABILITY LIMITATIONS.

—Nothing in this chapter shall create or be construed to create a duty upon the City of Windsor Heights to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service, may be responded to within the resources of the City of Windsor Heights in light of other responses required at the time of the alarm.

31.01 Definitions

31.02 Purpose

31.03 Enforcement and Administration

31.04 Nonliability of City

31.05 Penalty

30.01 DEFINITIONS.

For purposes of this chapter, the following terms are defined:

1. "Alarm company" means a business providing among its services alarm sales, installation, service, monitoring, or billing of alarm users or the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the emergency dispatch center or such other places as directed by the City.

3. "Alarm system" means any device used to detect or prevent intrusion, criminal activity, or other such emergency situation which, when activated, causes notification to be made directly or indirectly to the Police Department or Fire Department, or any such device or system designed primarily for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity, fire, or other such emergency. An alarm system, for the purpose of this chapter, does not include an alarm installed on a motor vehicle.

4. "Alarm system operator" means an alarm user or other person using an alarm system.

5. "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building who owns, leases, installs, or contracts for, or otherwise obtains an alarm system and thereafter contracts with or hires an alarm company to monitor or service the alarm device, or who owns or operates an alarm system.

6. "Building" means any single-family housing, multi-family dwelling, apartment, commercial business, school, church, religious facility, structure, or place within the City.

7. "Chief" means the Police Chief or Fire Chief or designated representative who is authorized by the Chief to exercise any power or duty conferred to the Chief under this chapter.

8. "Coordinator" means an individual designated to enforce the provisions of this chapter.

9. "False alarm" means any alarm signal that is activated by error or mistake, system malfunction, malicious misuse, or on purpose, when an emergency situation requiring a response did not exist at or about the time of the response. "False alarm" does not include unintentional activations.

A. Error or Mistake. Any action by an alarm user, or any action by an agent or employee of the alarm user, or any other person in the building which results in the activation of the alarm system when no emergency exists, and no attempt to cancel the alarm by contacting the 911 call center was made.

B. System Malfunction. Any unintentional activation of an alarm system caused by a mechanical malfunction, flaw in the design, installation, or maintenance of the alarm system. This does not include any activation caused by extraordinary violent conditions of nature.

Commented [AS23]: The updated Alarm Systems chapter expands definitions and introduces a clearer structure, including a new purpose section and detailed enforcement provisions. It adds a 14-day grace period for new alarm systems, requires inspections after repeated false alarms, and allows fines for alarm companies if their staff trigger false alarms. The new code also categorizes false alarms by cause and removes several older provisions, such as appeal procedures, bans on autodialers, and explicit City liability disclaimers. Overall, the changes aim to streamline enforcement while placing more responsibility on alarm users and providers.

C. Malicious Misuse. Any intentional activation of an alarm system when no emergency exists.

D. Unintentional Activation. Any system activation that did not constitute an emergency; however, the system operated properly based on conditions or human actions at that time. (Examples include smoke detector activation from burned food, children activating a pull station, unintentional security system activation with prompt follow up to the 911 call center, or extraordinary violent conditions of nature.)

The burden of proving that such an alarm signal was not a false alarm shall be on the alarm user.

10. "Monitoring" means the process by which an alarm company or its designated alarm answering service receives signals from an alarm system and relays an alarm dispatch request to the emergency dispatch center, or other places as directed by the City, for the purpose of summoning police or fire personnel to the building.

31.02 PURPOSE.

It is the finding of the Council that false alarms seriously undermine the morale and safety of Fire and Police Department personnel as well as unnecessarily expose to danger the citizens of the City who encounter emergency vehicles responding to false alarms, result in a waste of City resources, and result in citizens ignoring alarm system signals. The purpose of this chapter is to provide regulations applicable to alarm systems and to encourage the effective use of alarm systems. The most significant desired result of this chapter is to enhance public safety and more efficiently and safely use City emergency response resources by reducing the number of false alarms received.

31.03 ENFORCEMENT AND ADMINISTRATION.

1. Grace Period After Installation of an Alarm System.

A. Upon the installation date of a new or replacement alarm system, a grace period of 14 calendar days will be allowed for the alarm user and alarm system operators to become familiar with the operations of the alarm system and to make corrections to the operation of the alarm system. Service charges for false alarms shall be waived during the grace period, provided the number of false alarms during the grace period is not excessive. An excessive number of false alarms is:

(1) Equal to three or more false alarms in one calendar day or 24-hour period.

(2) Equal to six or more false alarms in the first 14 calendar days since installation of the alarm system.

B. The appropriate Chief, or Chief's designated representative, may waive the service charge fee for an excessive number of false alarms during the grace period, at their discretion, due to extenuating circumstances as determined on a case-by-case review.

2. Excessive False Alarms; Service Charge Fees.

A. Because a false alarm for security, intrusion, robbery, and other non-fire causes usually requires from one to three police officers to respond in individual vehicular units, depending on the type of alarm, and a false alarm for fire suppression or other firefighting incidents usually requires multiple firefighters from the Fire Department to respond in multiple and specialized firefighting equipment, depending on the type of alarm, the City shall assess a service charge fee to any alarm user that generates an unnecessary number of false alarm responses during a calendar year. The alarm user shall pay the City the assessed false alarm fee within 20 days of the date an invoice is given to the alarm user for any false alarm created by the alarm user's alarm system in accordance with the City Fee Schedule.

B. After the second false alarm, the alarm user shall receive a written notice from the Chief. The notice shall require that by a specified date the alarm user shall have their alarm system inspected by an alarm company and alarm user shall review operational procedures with the alarm system operator and any other individuals having access to the use and operation of the alarm system. Notice or billing from the City to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, addressed to the alarm user at the address shown for the alarm user. The alarm user shall notify the applicable Chief, in writing, after the inspection by the alarm company has been completed, and shall provide to the Chief a copy of any report of service, repair or inspection of the alarm system given by the alarm company. An alarm company providing an inspection or repair of an alarm system shall notify the Chief in advance of such service. The alarm company shall be assessed a fee set in the City Fee Schedule by the City when the Police Department or Fire Department respond to a false alarm and it is determined by the City that an on-site employee of the alarm company directly caused the false alarm. In such a circumstance, the false alarm shall not count against the alarm user.

3. Appeal Process for False Alarm Service Charges. An alarm user assessed a false alarm fee may appeal the false alarm fee in writing to the Public Safety Committee. The filing of an appeal with the Public Safety Committee stays the assessment of the false alarm fee until the Public Safety Committee makes a final decision.

A. The alarm user shall file a written appeal to the Public Safety Committee by setting forth the reasons for the appeal within 10 days after receipt of the false alarm fee invoice. The Public Safety Committee will review relevant information, including conditions of nature for the date and time of the occurrence of the false alarm. The Public Safety Committee may reverse the assessment of the false alarm fee only if there was no false alarm or the false alarm was not contributed to by the act(s) or omission(s) of the alarm user or the alarm user's family, pets, guests, employee(s), or invitees.

B. The Public Safety Committee shall notify the alarm user, the alarm company, and the coordinator of its decision within five working days. The decision of the Public Safety Committee is final as to administrative remedies of the City.

31.04 NONLIABILITY OF CITY.

The City shall not be liable for any defects in the operation of any alarm system, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, for any failure or neglect of any person in connection with the installation, operation, disconnection, or removal of equipment, the transmission of alarm signals, or the relaying of such signals or messages.

31.05 PENALTY.

Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to the standard penalty as stated in Section 1.14.

CHAPTER 35 FIRE DEPARTMENT

35.01 Establishment and Purpose	35.05 Department Members
35.02 Organization	35.06 Duties of Members
35.03 Fire Chief Appointed	35.07 Fires Outside City Limits
35.04 Fire Chief Duties	35.08 Authority to Cite Violations

35.01 ESTABLISHMENT AND PURPOSE.

A Fire Department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to provide out-of-hospital emergency medical services, to respond to and mitigate hazardous materials incidents, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION.

The Fire Department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

35.03 FIRE CHIEF APPOINTED.

The Fire Chief shall be appointed and discharged by the City Administrator, with approval of the Council.

(Ord. 23-04 – Oct. 23 Supp.)

35.04 FIRE CHIEF DUTIES.

The Fire Chief shall have the following powers and duties:

(Code of Iowa, Sec. 372.14[4])

1. Personnel. Appoint, assign, reassign, promote, reclassify, discipline, demote, and discharge all personnel of the Fire Department in compliance with law and ordinance.
2. Set Compensation. Fix the compensation of all personnel appointed by the Fire Chief, subject to the approval of the Council.
3. Management. Be responsible for the direction and control of all operations and affairs of the Fire Department; be vested with all powers, rights, and privileges attending the responsibility of management; and exercise the same, where appropriate, by rules, directives, or other orders which shall be binding on all personnel of the Fire Department when duly promulgated.
4. Organization. Determine and establish the form of organization of the Fire Department; create subordinate organizational subdivisions or sections within the Fire Department; and determine and define the functions, duties, and responsibilities of each.
5. Classification Plan. Determine and establish such classifications or ranks, grades, and positions for personnel within the Fire Department as the Fire Chief may deem appropriate as provided in the Department Rules and Regulations; prescribe the uniform and uniform insignia for all ranks; define and designate the authority, responsibility, duties, assignments, rights, and privileges for each such rank, grade, or position; and establish the order of succession to positions of command within the Fire Department.
6. Employee Performance. Regulate attendance, conduct, training, discipline, and procedures for all personnel of the Fire Department; make all other rules, regulations, and orders as may be deemed necessary for the management of the Fire Department and its personnel; and institute a system of periodic performance evaluation for all members of the Fire Department.

7. Property. Acquire, hold, control, and maintain all property, equipment, facilities, and premises necessary to the operation of the Fire Department; and dispose of the same in such manner as may be authorized by law.

8. Records. Establish and modify systems for the reception, processing, and maintenance of reports and records of all occurrences, or alleged occurrences of fire, arson, and Fire Code violations in the City, and of the administration, management, and operations of the Fire Department; and establish procedures, not inconsistent with law, for the safekeeping, photocopying, and destruction of records of the Fire Department.

9. Reports. Compile annually an analytical report based upon the records maintained by the Fire Department and summarizing the activities of the Fire Department for the year. The report shall be filed with the Council and may contain recommendations for the improvement of the Fire Department.

10. Fire Prevention. Enforce all laws and ordinances regulating fire prevention requirements with the City.

11. Right of Entry. Have the power of entry into any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which, under law or ordinance, the Fire Chief may consider necessary to be made.

12. Fire Hazards. Make such recommendations to owners, occupants, managers, or caretakers of buildings for the purposes of eliminating fire hazards as are provided for by law or ordinance.

13. State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid such Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

14. Building Plans. Review all commercial building and remodeling plans for compliance with appropriate Fire Codes; file a report of findings to appropriate departments or agencies.

15. Water Supply. Review and monitor the City water system as it relates to fire protection, making recommendations to the Public Works Director regarding repairs, modifications, or additions to said system as required to maintain or improve fire protection.

16. Emergency Management. Serve in capacity of emergency management officer for the City; coordinate activities with the Polk County Emergency Management Agency; write and update a disaster plan for the City; develop and maintain the emergency operations center as a functional system capable of operating effectively in a disaster mode; seek available State and federal moneys to improve disaster response capabilities; assure that all City personnel are aware of their duties in a disaster situation; conduct at least one disaster drill each year to test response capabilities; and perform other tasks assigned by the Council and the County Emergency Management Agency.

17. Council Meetings. Attend all Council meetings unless excused by the City Administrator.

18. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

19. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the Fire Department.

(Code of Iowa, Sec. 102.2)

20. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

35.05 DEPARTMENT MEMBERS.

Persons eighteen (18) years of age or older who meet established entrance requirements for the Fire Department shall be appointed to serve as paid-on-call firefighters, fire medics and staff specialists.

35.06 DUTIES OF MEMBERS.

When called by the Fire Chief or the Dispatcher, all members shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other officer who has been appointed by the Chief to be in command. Members shall follow all rules and regulations established for the Fire Department.

35.07 FIRES OUTSIDE CITY LIMITS.

The Fire Department shall answer calls to fires and other emergencies outside the City limits within the limits established by Mutual Aid and Automatic Aid agreements.

35.08 AUTHORITY TO CITE VIOLATIONS.

Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of State and/or local fire safety regulations. In addition, fire officials acting under the authority of Section 1.03 and Chapter 35 of this Code of Ordinances may issue citations for violations of Subchapter 60.10 of this Code of Ordinances.

(Code of Iowa, Sec. 100.41)

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 PURPOSE.

In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS.

For purposes of this chapter the following terms are defined:

1. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through

decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. "Responsible person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED.

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS.

The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Chief of Police of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Chief of Police shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Chief of Police, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY.

If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and

2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY.

The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

~~CHAPTER 37~~
~~FIRE CODE~~

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37.01 Short Title	37.03 Amendments, Modifications, Additions, and Deletions
37.02 Adoption of the Fire Code	
-	

37.01 SHORT TITLE.

—This chapter shall be known as the Fire Code, and may be cited as such, and may be referred to herein as this chapter.

37.02 ADOPTION OF THE FIRE CODE.

—The City of Windsor Heights has adopted, as a part of the City's Building Code (Chapter 155 of this Code of Ordinances) the International Fire Code, and Appendix Chapters, 2012 Edition, including Appendices B, C, D, E, F and G (hereinafter referred to as the IFC), as published by the International Code Council, Inc. The provisions of said Fire Code shall be controlling for the safeguarding of life and property from the hazards of fire and explosion arising from storage, handling, and using of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use of occupancy of buildings or premises and in all matters covered by said Fire Code within the corporate limits of the City. A copy of this chapter is on file in the office of the Code Official.

37.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS.

—The IFC is amended as follows:

—1. Deletion. Subsection 102.6, Historic Buildings, Section 108, Board of Appeals, is deleted from the IFC and is of no force or effect in this chapter.

—2. Subsection 101.1, Title, of the IFC is hereby deleted and there is enacted in lieu thereof the following section:

101.1 Title. These regulations shall be known as the Fire Code of Windsor Heights, Iowa, hereinafter referred to as "this code."

—3. The title of Section 103, Department of Fire Prevention, of the IFC is hereby repealed and replaced with a new title, to read as follows:

SECTION 103 FIRE MARSHAL'S OFFICE

—4. Subsection 103.1, General, of the IFC is hereby modified by replacing the words Department of Fire Prevention with the words Fire Marshal's Office, as follows:

103.1 General. The Fire Marshal's Office is established within the jurisdiction under the direction of the Fire Code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

—5. Subsection 103.4.1, Legal Defense, of the IFC is hereby amended by replacing the words Department of Fire Prevention with the words Fire Marshal's Office, as follows:

103.4.1 Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Fire Code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code; and officers of the Fire Marshal's Office, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

—6. Subsection 104.3, Right of Entry, of the IFC is hereby amended by adding a second paragraph in order after said subsection to read as follows:

—No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Fire Chief or an authorized representative for the purpose of inspection or examination under such exigent circumstances affecting the safety of persons and/or property, or to take such prudent action to extinguish a fire or abate a fire hazard.

—7. Subsection 104.3, Right of Entry, of the IFC is hereby amended by adding subsection 104.3.2, Photographic Documentation, to read as follows:

104.3.2 Photographic documentation. Members of the Fire Department making such examinations, inspections, or enforcements shall have the right, with proper credentials, and be authorized to take a reasonable number of photographs or videotapes for evidence and for records for use by the Fire Department to study hazards and scientific control for fire safety.

—8. Subsection 104.4, Identification, of the IFC is hereby amended by adding subsection 104.4.1, Impersonation, to read as follows:

104.4.1 Impersonation. A person shall not impersonate the Fire Code official or his designee through the use of a uniform, identification card, badge, or any other means. And such impersonation shall be a violation of this code.

—9. Section 104, General Authority and Responsibilities, of the IFC is hereby amended by adding subsection 104.13, Stopping Use, Evacuation, to read as follows:

104.13 Stopping use, evacuation. The Fire Code official is authorized to order an operation or use stopped or the evacuation of any premises, building, or vehicle or portion thereof which has or is a fire life safety hazard.

—10. Subsection 105.1.2, Types of Permits, of the IFC is hereby amended by adding the following paragraphs to said subsection:

105.1.2.1 Certificate of occupancy. A certificate of occupancy issued pursuant to provisions of the International Building Code may be assumed to comply with Section 1, Operational Permit.

150.1.2.2 Other permits. Building, Mechanical, Electrical, and Plumbing permits issued pursuant to provisions of their respective codes may be assumed to comply with Section 2, Construction Permit.

—11. Section 106, Inspections, of the IFC is hereby amended by adding subsection 106.5, Compliance with Orders and Notices, to read as follows:

106.5 Compliance with orders and notices. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the order or notice pertains. In case of extreme danger to persons or property, immediate compliance is required.

—12. Subsection 108.1, Board of Appeals Established, of the IFC is hereby repealed and replaced with a new section, as follows:

108.1 Board of Appeals established.

—13. Subsection 113.3, Work Commencing Before Permit Issuance, of the IFC is hereby amended by adding the following sentence after said subsection:

Said fee shall be 100 percent of the usual permit fee in addition to the required permit fee.

—14. Subsection 113.6, Permit Fees and Departmental Charges, is added as follows:

113.6 Permit fees and departmental charges. The City Council of the City of Windsor Heights, Iowa, may by resolution prescribe the occasions when permits are required and may also prescribe the fees required for such permits. The City Council of the City of Windsor Heights, Iowa, may by resolution prescribe the occasions when other fees for response or other fire department services are required.

—15. Chapter 1, Scope and Administration, of the IFC is hereby amended by adding Section 114, Citations, and following subsections to read as follows:

SECTION 114 CITATIONS

114.1 Citation. Persons operating or maintaining an occupancy, premises, or vehicle subject to the requirements of this code who allow a hazard to exist, or fail to take immediate action to abate a hazard in regard to such occupancy, premises, or vehicle, when ordered or notified to do so by the Fire Code official shall be guilty of a misdemeanor. Fire code officials, or designees, are herewith authorized to issue and deliver citations on forms

prepared and approved by the City of Windsor Heights, Iowa, to persons accused of violating any of the provisions of this chapter.

~~114.2 Failure to Pay Civil Citation. A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The City Attorney may retain attorneys and/or private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of the fine or penalty. Any fees or cost incurred by the City with respect to attorneys or private collection agents retained under this Section shall be charged to the offender.~~

~~—16— Chapter 1, Scope and Administration, of the IFC is hereby amended by adding Section 115, Licenses and Plan Review, and following subsections to read as follows:~~

~~SECTION 115 LICENSE AND PLAN REVIEW~~

~~115.1 Licenses. All installations, modifications, maintenance, or servicing of life safety systems are to be performed by an approved licensed business or person. A business or person shall obtain a license to do work in the City of Windsor Heights from the West Des Moines Finance Director Office.~~

~~115.2 Life Safety Plans. All life safety plans submitted for review shall include, but not be limited to, fire sprinkler system plans, fire alarm plans, and clean agent system plans, shall be designed and stamped by a person with a minimum of NICET III certification, fire protection engineer, qualified engineer with two (2) years' demonstrated experience in life safety system design, or equivalency, as determined by the Code Official. Plan approval will be based upon the plans submitted by the equipment supplier utilizing the above requirements.~~

~~115.3 Penalties for Violation of Licenses. Violation of rules and regulations pertaining to licensing shall result in a fine of \$500.00 for the first violation. A second violation within one year of license issuance shall result in a fine of \$750.00. A third violation within one year of license issuance shall result in a fine of \$1,000.00 and revocation of the license for the remainder of the license issuance period.~~

~~—17— Chapter 1, Scope and Administration, of the IFC is hereby amended by adding Section 116, Inspection Tags, and following subsection to read as follows:~~

~~SECTION 116 INSPECTION TAGS~~

~~116.1 General. Tags for inspection of fire suppression systems, fire extinguishers, and fire alarm systems are required to be purchased from West Des Moines Fire Prevention Bureau for use in the City of Windsor Heights. West Metro tags are also acceptable.~~

~~—18— Chapter 1, Scope and Administration, of the IFC is hereby amended by adding Section 117, Additions to Buildings or Structures, and following subsections to read as follows:~~

~~SECTION 117 ADDITIONS TO BUILDINGS OR STRUCTURES~~

117.1 General. Additions to buildings or structures shall comply with all of the requirements of Section 903.2 of the Code for new buildings or structures. The entire building or structure, existing and proposed additions, shall comply with all of the requirements of the fire sprinkler Section 903.2 of the Fire Code for new buildings and structures when the total square footage of the building exceeds 5,999 square feet, including outside wall dimensions, attached overhangs, and structures within 20 feet of the footprint of the building.

117.2 Occupancy Requirement. When a building is used for more than one occupancy purpose or use, the entire building shall meet the requirements of the fire sprinkler Section 903.2 of the Fire Code based on the requirements for the most restrictive occupancy group as defined in Chapter 2 of the 2012 International Fire Code.

—19.— Section 202, General Definitions, of the IFC shall be amended by adding the following definitions:

ALARM USER. Any person or business on whose premises a fire alarm system or sprinkler system is located within the City of Windsor Heights, Iowa.

CHARCOAL GRILL. An outdoor cooking device using solid fuels as a heat source for cooking food. Examples are (not limited to): charcoal, wood, wood chips, coal, or coke.

FALSE ALARM. The willful and knowing initiation or transmission of signal, message or other notification of an event of fire when no such danger exists or an alarm caused by careless use, improper maintenance, or negligence of a fire alarm system or sprinkler system which causes response of fire department apparatus and personnel.

MULTIFAMILY COMPLEX/DEWLING. A residential occupancy such as apartment building, condominium, or townhouse, or similar buildings with similar use.

QUALIFIED PERSON.

Sprinkler or fire alarm system design. A qualified person for plan design shall have the minimum National Institute for Certification in Engineering Technologies (NICET) Level III certification for sprinkler system design OR have NICET Level III certification for fire alarm system design. Other qualifications for sprinkler or fire alarm system design may be approved by the Fire Code official, including a licensed engineer with experience in life safety system design.

Sprinkler system installation or inspection, testing, and maintenance. A qualified person for automatic sprinkler system installation shall have a minimum National Institute for Certification in Engineering Technologies (NICET) Level II certification for automatic sprinkler system installation. A qualified person for automatic sprinkler system inspection, testing, and maintenance shall have a minimum NICET Level II certification for automatic sprinkler system inspection and testing of water based systems. Other qualifications for fire sprinkler system installation or inspection, testing, and maintenance may be approved by the Fire Code official, including a person who successfully completes a five-year approved apprenticeship program as a journeyman sprinkler fitter (e.g., American Fire Sprinkler Association [AFSA], National Fire Sprinkler Association [NFSA]).

Fire alarm system installation or inspection, testing, and maintenance. A qualified person for fire alarm system installation shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level II certification for fire alarm systems OR be factory trained and certified for the specific fire alarm system, OR be international municipal signal association fire alarm certified, OR be a trained and qualified person employed by an organization listed by a national testing laboratory for the servicing of fire alarm systems. Other qualifications may be approved by the Fire Code official.

—20. Section 305, Ignition Sources, of the IFC is hereby amended by adding Subsection 305.5, Reckless Use of Fire, to read as follows:

305.5 Reckless Use of Fire. No person shall so use fire or discharge any incendiary device or material as to recklessly endanger any property or safety of another.

—21. Section 307.2, Permit Required, of the IFC is hereby amended by adding Subsection 307.2.2, Businesses that Sell Fire Pits, Chimineas, Sky Lanterns, and other Outdoor Recreational Devices, to read as follows:

307.2.2 Businesses that sell fire pits, Chimineas, sky lanterns, and other outdoor recreational devices. Within the City limits of Windsor Heights, any business that sells fire pits, sky lanterns, and other outdoor recreational fire/ember producing devices are required to have signage installed on the display devices notifying customers these devices may not be allowed to be used in the City of Windsor Heights.

(Subsection 21 -- Ord. 22-08 -- Oct. 22 Supp.)

—22. Subsection 308.1.4, Open-Flame Cooking Devices, of the IFC is amended by deleting exception 2 to renumber and read as follows:

308.1.4. Open flame cooking devices. Charcoal burners and other open flame cooking devices which produce ash or embers shall not be operated on combustible balconies or within 10 feet of multi-story buildings, such as apartment buildings and/or condominiums. Cooking devices and/or propane cylinders shall not be stored inside the living unit of apartment buildings and/or condominiums. A maximum of one 20-pound propane cylinder attached to the cooking device shall be allowed per living unit.

Exceptions:

—1. One- and two-family dwellings.

—2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 47.7 pounds

—23. Subsection 308.1, General, of the IFC is amended by adding the subsection 308.1.9, Projection of Ignited Materials, to read as follows:

308.1.9 Projection of ignited materials. No person shall drop, throw, or release into the atmosphere ignited material from the ground, a structure, or vehicle.

~~—24. Subsection 401.3, Emergency Responder Notification, of the IFC is amended by adding subsection 401.3.4, False Alarm, to read as follows:~~

~~401.3.4 False alarm. An alarm user may be charged a fee for each false alarm to which the Fire Department responds.~~

~~—25. Subsection 405.2, Frequency, is amended by adding subsection 405.2.2, Fire Drills for E Occupancies, to read as follows:~~

~~405.2.2 Fire drills for E occupancies. The Fire Chief may require a fire drill at any E occupancy at any time.~~

~~—26. Section 503, Fire Apparatus Access Roads, is amended by adding subsections 503.7, Fire Marshal Authority to Designate Fire Lanes, 503.8, Signs and Markings, 503.9, Summons to be Issued for Parking Violation, 503.10, Removal of Vehicle by Property Owner, 503.11, Removal of Vehicle by Fire Chief, 503.12, Abandonment of Fire Lane, and 503.13, Maintenance of Fire Lane, to read as follows:~~

~~503.7 Fire Marshal authority to designate fire lane. The Fire Marshal is hereby authorized to designate fire lanes on designated premises where such areas must be free of parked vehicles and other obstructions to provide ready access to buildings, therein, in case of fire or other emergencies. The Fire Marshal's designation of such fire lanes does not obviate the owners of such property of their responsibility to maintain the area. Further, owners of the private property or their designated representative may request that additional fire lanes be designated by the Fire Marshal.~~

~~503.8 Signs and markings. Wherever a fire lane has been designated, the Code Official shall cause appropriate signs and markings to be placed identifying such fire lane. Fire lanes may be painted traffic red in addition to fire lane signage. Fire lane signs shall be permanently mounted and the front of the sign set 90 degrees to the street facing the direction of travel, or as otherwise approved by the Code Official. Signs shall be 18 inches tall by 12 inches wide with red letters on a white reflective background to read "Fire Lane—No Parking Except for Emergency Vehicles, Fine \$50.00," unless otherwise directed and approved by the Code Official, conforming to State law.~~

~~503.9 Summons to be issued for parking violation. A summons or notice to appear in answer to a charge of parking in violation of this section specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by any police officer or any member of the Fire Department designated by the Fire Chief.~~

~~503.10 Removal of vehicle by property owner. Except for an authorized emergency vehicle, the owners of private property, or their agent, may have any motor vehicle that is parked in a legally designated fire lane removed and stored, either at their own expense or that of the vehicle operator. The owners of the premises, or their agent, who has a vehicle removed and stored, is not liable for damages incurred as a result of removal or storage, if the vehicle is removed by a vehicle wrecker service insured against liability for property~~

damage incurred in towing vehicles and is stored by a storage company insured against liability for property damage incurred in the storage of vehicles.

503.11 Removal of Vehicle by Fire Chief. Any vehicle parked in any designated fire lane may be removed at the vehicle owner's expense upon the authorization of the Fire Chief under the following conditions:

- 1. When the vehicle violates Ordinance number WH60.10.07.23 (the Fire Lane Ordinance) by parking in a fire lane; or
- 2. When a vehicle blocks the ingress/egress of a business, educational facility, theater, night club, apartment complex, gymnasium, or place of assembly; or
- 3. When a vehicle's presence threatens the life safety of the public by impeding the ability of the fire apparatus and emergency medical equipment to respond to an emergency.

The Fire Chief shall cause such vehicle to be removed by the towing service operating under a contract with the City and shall further cause such vehicle to be impounded.

503.12 Abandonment of fire lane. No owner, manager, or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without the written permission of the Fire Marshal.

503.13 Maintenance of fire lanes. Maintenance of the fire lane signage and painting shall be the responsibility of the property owner/tenant.

—27. Section 506, Key Boxes, is amended by adding subsection 506.3, Key Box (Installation Requirements) to read as follows:

506.3 Key box installation requirements. Buildings provided with an alarm system or a sprinkler system shall be provided with a key box at the front of the building, typically adjacent to the main front door(s) at a height of five (5) feet above grade or at a location approved by the Code Official.

—28. Subsection 507.5, Fire Hydrant Systems, of the IFC is hereby amended by adding subsection 507.5.7, Fire Hydrant Markers and Identification Color, to read as follows:

507.5.7 Fire hydrant markers and identification color. When required by the Code Official, hydrant locations shall be identified by the installation of an approved reflective marker. Both public and private hydrants shall be painted to the City of Des Moines Water Works specifications.

—29. Section 806, Decorative Vegetation in New and Existing Buildings, of the IFC is hereby amended by adding subsection 806.6, Length of Display to read as follows:

806.6 Length of Display. No cut natural Christmas tree shall be displayed in a nonresidential occupancy for more than 15 days from the date it was purchased or cut, whichever is sooner.

—30. Subsection 807.4.3.2, Artwork, of the IFC is hereby amended to read as follows:

807.4.3.2 Artwork. Artwork and teaching material shall be limited to the walls of corridors and classroom walls to not more than 20 percent of the wall area.

~~—31. Subsection 906.5, Conspicuous Location, of the IFC is hereby amended by adding a second paragraph in order to read as follows:~~

906.5 Conspicuous location. In addition to other areas listed herein or in NFPA 10, fire extinguishers in R-occupancies may also be placed in any of the following locations to satisfy the requirements:

~~—1. On a wall in the unit.~~

~~—2. Inside the closet or pantry, mechanical closet, or storage closet as long as the door has a label indicating that there is a fire extinguisher inside and there is no locking device on the door that requires a key, combination, or special knowledge to open.~~

~~—32. Subsection 907.2.11, Single and Multi-Station Smoke Alarms, of the IFC is hereby amended by deleting said subsection and inserting in lieu thereof the following:~~

907.2.11 Single and multi-station smoke alarms. Listed single and multi-station smoke alarms complying with UL-217 shall be installed in accordance with provisions of the code and the household fire warning equipment provisions of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases. Note: Section 907.2.11 only applies to R-1, R-2, R-4 and I-1 occupancy classifications.

~~—33. Section 1004, Occupant Load, of the IFC is hereby amended by adding Subsection 1004.7, Overcrowding, to read as follows:~~

1004.7 Overcrowding. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The Fire Code Official, upon finding overcrowding conditions, obstructions in aisles, passageways, or other means of egress, or upon finding a condition which constitutes a serious menace to life, is authorized to cause the performance, presentation, spectacle, or entertainment to be stopped until such condition or obstruction is corrected.

~~—34. Subsection 1007.2, Continuity and Components, of the IFC is amended by adding the following paragraph 11 to said subsection to read as follows:~~

1007.2 Continuity and components.

~~—11. Components of exterior walking surfaces shall be hard surfaced.~~

~~—35. Subsection 1008.1.6, Landings at Doors, of the IFC is hereby amended by adding subsection 1008.1.6.1, Frost Protection, to read as follows:~~

1008.1.6.1 Frost protection. Exterior landings at doors shall be provided with frost protection.

~~—36.— Subsection 1009.15, Handrails, of the IFC is amended by adding the following exception to said subsection to read as follows:~~

~~1009.15 Handrails.~~

~~Exceptions.~~

~~—6.— Change in elevation of four or more risers within individual units of Group R-2 and R-3 occupancies requires a handrail on at least one side.~~

~~—37.— Subsection 1012.4, (Handrail) Continuity, of the IFC is amended by adding the following exception to said subsection to read as follows:~~

~~1012.4 Continuity.~~

~~Exceptions.~~

~~—5.— Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.~~

~~—38.— Subsection 1027.5, Access to a Public Way, of the IFC is amended by adding subsection 1027.5.1, Walking Surfaces, to read as follows:~~

~~1027.5.1 Walking surfaces. Components of exterior walking surfaces shall be hard surfaced.~~

~~—39.— Subsection 1029.3, Maximum Height from Floor, of the IFC is hereby amended by adding the following exception after said subsection to read as follows:~~

~~—1029.3 Maximum height from floor.~~

~~Exception. Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor of landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and to the wall under the openable area of the window it serves.~~

~~—40.— Chapter 11, Construction Requirements for Existing Buildings, of the IFC is amended by adding the following subsections: 1103.7.6.1, Manual Fire Alarms, Group R-2, Including Multi-Family Rental Dwelling Units and Buildings, 1103.9.1, Carbon Monoxide Alarms, Group R-2, Including Existing Multi-Family Rental Units and Buildings, 1104.3.1, Exit Sign Illumination, Group R-2, Including Existing Multi-Family Rental Dwellings Units and Buildings, 1104.5.1, Illumination Emergency Power, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings, and an effective date for these requirements in multi-family residential buildings including rental dwelling units to read as follows:~~

~~1103.7.6.1 Manual fire alarms, Group R-2, including multi-family rental dwelling units and buildings. Effective July 1, 2015, a manual fire alarm system shall be installed in buildings with more than 16 units in accordance with subsection 1103.7.6 of the IFC and for rental~~

dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1103.9.1 Carbon monoxide alarms, Group R-2, including existing multi-family rental units and buildings. Effective July 1, 2015, carbon monoxide alarms shall be installed in accordance with subsection 1103.9 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1104.3.1 Exit sign illumination, Group R-2, including existing multi-family rental dwelling units and buildings. Effective July 1, 2015, exit sign illumination shall be installed in accordance with subsections 1104.3 and 1104.4 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1104.5.1 Illumination emergency power, Group R-2, including existing multi-family rental dwelling units and buildings. Effective July 1, 2015, illumination emergency power shall be installed in accordance with subsection 1104.5 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

—41. Subsection 5003.5, Hazard Identification Signs, of the IFC is hereby amended by adding subsection 5003.5.2, Iowa Right to Know, to read as follows:

5003.5.2 Iowa right to know. Hazard identification signs shall also comply with the Iowa Right to Know law.

—42. Subsection 5601.7, Seizure, of the IFC is hereby amended by adding subsection 5601.7.1, Seizure of Fireworks, to read as follows:

5601.7.1 Seizure of fireworks. Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, sell at retail, or use or explode any fireworks; provided, the Fire Code official or authorized official may issue permits for supervised public displays of fireworks by jurisdiction, fair association, amusement parks, and other organizations for the use of fireworks by artisans in pursuit of their trade in accordance with the Fire Code. Every such use or display shall be handled by a competent operator approved by the Fire Code official or authorized official and shall be of such character and so located, discharged, or fired so as, in the opinion of the Fire Code official, after proper investigation, not to be hazardous to property or endanger any person. The Fire Code official or authorized official shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered, or exposed for sale, stored, or held in violation of this section.

CHAPTER 37 FIRE CODE

37.01: SHORT TITLE

37.02: ADOPTION OF INTERNATIONAL FIRE CODE

37.03: DUTIES OF FIRE DEPARTMENT

37.04: STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED

Commented [AS24]: A staff report from Fire Marshall Blake Boyle is available within the 4/21/25 Council Packet summarizing the update and his recommendation to adopt this fire code

37.05: AMENDMENTS TO INTERNATIONAL FIRE CODE

37.06: LIABILITY FOR DAMAGES

37.07: OUTSTANDING PERMITS

37.08: INDEMNITY

37.09: REPEAL OF CONFLICTING STANDARDS

37.10: VIOLATIONS; PENALTIES

37.01: SHORT TITLE

This chapter shall be known as the Fire Code, and may be cited as such, and may be referred to herein as this chapter.

37.02: ADOPTION OF INTERNATIONAL FIRE CODE:

The International Fire Code (IFC) 2021 Edition, recommended by the participating communities of the Central Iowa Code Consortium, is hereby adopted by the City Council for the purpose of prescribing regulations governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises in the city of Windsor Heights; providing for the issuance of permits for hazardous use or operations; that a certain document known as the International Fire Code, including Appendix Chapters B, C and D as published by the International Fire Code Council, being particularly the 2021 Editions thereof and the whole thereof, save and except those portions as are hereinafter deleted, modified or amended by section 37.05, one copy of the local amendments which have been and are now filed in the office of the City Clerk and one complete set of the International Fire Code, 2021 edition, to include local amendments filed in the fire administrative offices, and the same are hereby adopted and incorporated as fully set out at length herein, and from the date on which this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.

37.03: DUTIES OF FIRE DEPARTMENT:

The International Fire Code as adopted and amended herein shall be enforced by the Fire Prevention Bureau of the city, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

37.04: STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED:

Establishment of limits and districts referred to and placed upon certain sections of the International Fire Code 2021 Edition are as follows.

A. The limits referred to in section 5806.2 in which flammable cryogenic fluids storage in stationary containers are prohibited are hereby established as follows: the entire City of Windsor Heights, Iowa except M-1 Light Industrial and M-2 Heavy Industrial District.

B. The limits that are placed on Chapter 57 in which outside aboveground storage of flammable or combustible liquids is restricted are hereby established as follows: the entire City of Windsor Heights, Iowa except as allowed as a principal, accessory or conditional use in the M-1 Light Industrial District; M-2 Heavy Industrial District. Exceptions:

1. An aggregate amount of 1,000 gallons or less may be stored above ground on a premises if used exclusively for heating fuel oil. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

2. After July 1, 2005 any new above ground installations of Class I liquids shall have an aggregate total of not more than 1,100 gallons; Class II liquids shall have an aggregate total of not more than 5,000 gallons; and storage of more than 1,100 gallons shall be restricted to an approved vaulted tank above ground where allowed as a principal, accessory or conditional use in the M-1 and M-2 zoning districts; or ten thousand (10,000) gallons or less of Class I and/or Class II liquids on construction sites, per legal lot or contiguous lots under common ownership. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

3. After July 1, 2005 any new outside installation of a generator shall be limited to a maximum of one thousand five hundred (1,500) gallons of type II fuel in a NFPA/UL compliant sub-base tank; quantities greater than 1,500 gallons but less than 5,001 gallons of a type II fuel shall be stored in an approved vaulted tank. Exception: Fuel storage requirements for generator use only shall not be limited to only M-1 and M2 districts.

C. The limits that are placed on Chapter 57 in which new bulk plants and terminals for flammable or combustible liquids are prohibited are hereby established as follows: the entire City of Windsor Heights, Iowa.

D. The limits that are placed on section 6104.2 (see section 37.05, "Amendments to International Fire Code", of this chapter) in which storage of liquefied petroleum gases is to be restricted are hereby established as follows: the entire City of Windsor Heights, Iowa.

E. The limits that are placed on section 5601.1 in which storage of explosives and blasting agents is to be restricted are hereby established as follows: the entire City of Windsor Heights, Iowa.

F. The limits that are placed on section 5301.1 Exception 2. In which the storage of compressed natural gas is prohibited, are hereby established as follows: the entire City of Windsor Heights, Iowa with the exception of M-1 and M-2 districts.

37.05: AMENDMENTS TO INTERNATIONAL FIRE CODE.

The International Fire Code is amended and changed in the following respects.

Chapter 1 Section 101.1 Insert in section 101.1 “the City of Windsor Heights”.

Section 103.1.1 Add section 103.1.1 Definitions.

A. Wherever the word “jurisdiction” is used in the International Fire Code, it is the City of Windsor Heights, Iowa.

B. Where the party responsible for the enforcement of the International Fire Code is given a title of “Fire Marshal”, and the following definition: “Fire Marshal is the Code Official of the Fire Prevention Bureau” or a duly authorized representative.

C. Whenever the words “department of fire prevention” are used they shall be held to mean “Fire Prevention Bureau”.

D. The word “shall” is mandatory, and the word “may” is permissive.

Section 112.4 Amend section 112.4 Violation penalties. 112.4 to read as follows – Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor crime punishable by a fine not exceeding 500.00 dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 113.4 Amend section 113.4 Failure to comply. 113.4 to read as follows – Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [refer to 37.10 for amount] dollars or more than [refer to 37.10] dollars.

Reinspection Fees

First reinspection	No charge
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<u>Second reinspection</u>	<u>\$100.00</u>
<u>Third reinspection</u>	<u>\$200.00</u>
<u>Fourth reinspection</u>	<u>\$400.00</u>
<u>Fifth or more reinspection's</u>	<u>\$800.00</u>

Section 107.7 Mitigation Reimbursement Fees Add Section 107.7 Mitigation Reimbursement Fees. Reimbursement fees that are actual and necessary expenses incurred in carrying out the mitigation of specialized emergencies including, but not limited to, hazardous materials, specialized rescue and crime scenes (including arson) shall be invoiced to the responsible person, firm or corporation. An available fee schedule shall be reviewed and posted annually by the Fire Chief's office. Fees may include, but not be limited to, personnel compensation, apparatus use, equipment use and specialized contract labor associated with the mitigation of the specialized emergency.

Section 107.8 Negligent False Alarms Add Section 107.8 Negligent false alarms. A negligent false alarms shall be determined by the Fire Chief or designee as an alarm due to cleaning, construction, maintenance, repair or any other act determined to be negligent in nature. Negligence shall be further defined as any activity where the life safety system shall be placed on test prior to the activity being performed or any careless act causing an activation of an alarm system. The fee schedule is defined below.

<u>The first false alarms during a calendar year</u>	<u>\$500.00</u>
<u>The second false alarm during a calendar year</u>	<u>\$500.00</u>
<u>The third false alarm during a calendar year</u>	<u>\$1,000.00</u>
<u>The fourth false alarm and each false alarm thereafter during a calendar year</u>	<u>\$1,500.00</u>

Section 107.9 Excessive False Alarms Add Section 107.9 Excessive False Alarms Because a false alarm for security, intrusion, robbery and other nonfire causes usually requires from one to three (3) police officers to respond in individual vehicular units, depending on the type of alarm, and a false alarm for fire suppression or other firefighting incidents usually requires multiple firefighters from the fire department to respond in multiple and specialized firefighting equipment, depending on the type of alarm, the city shall assess a service charge fee to any alarm user that generates an unnecessary number of false alarm responses during a calendar year as listed below ("false alarm fee"). The alarm user shall pay the city the assessed false alarm fee within thirty (30) days of the date an invoice is given to the alarm user for any false alarm created by the alarm user's alarm system in accordance with the following schedule:

<u>The first and second false alarms during a calendar year</u>	<u>\$ 0.00</u>
<u>The third false alarm during a calendar year</u>	<u>75.00</u>
<u>The fourth false alarm during a calendar year</u>	<u>100.00</u>
<u>The fifth false alarm and each false alarm thereafter during a calendar year</u>	<u>150.00</u>

2. After the second false alarm, the alarm user shall receive a written notice from the fire code official. The notice shall require that by a specified date the alarm user shall have his/her alarm system inspected by an alarm company and alarm user shall review operational procedures with the alarm system operator and any other individuals having access to the use and operation of the alarm system. Notice or billing from the city to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, addressed to the alarm user at the address shown for the alarm user. The alarm user shall notify the applicable chief, in writing, after the inspection by the alarm company has been completed, and shall provide to the chief a copy of any report of service, repair or inspection of the alarm system given by the alarm company. An alarm company providing an inspection or repair of an alarm system shall notify the chief in advance of such service. If it is determined by the city that an on site employee of the alarm company directly caused the false alarm, the false alarm shall not count against the alarm user.

Section 115 Life Safety Plans. Add Section 115 Life Safety Plans. All life safety plans submitted for review to include, but not limited to, fire sprinkler system plans, fire alarm system plans and clean agent system plans shall be designed and stamped by a person with a minimum of a NICET III certification, fire protection engineer, qualified engineer with two years demonstrated experience in life safety system design or equivalency as determined by the Code Official. Plan approval will be based upon the plans submitted by the equipment supplier utilizing the above requirements.

Add section 115.1. All Life Safety Plans submitted to the Windsor Heights Fire Department will require a technical assistance review from a 3rd party firm. Life Safety Plans submitted that currently bear the stamp of a licensed Fire Protection Engineer shall be exempt from this requirement.

Chapter 2 Section 202 Definitions. Add to section 202

Business is a commercial enterprise or establishment that is not part of a home occupation, for the purpose of the fire code.

Commercial Buildings or Structures are buildings that are used for purposes other than detached dwellings, for the purpose of the fire code.

Condominium is a building or structure of residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, having public space, unless defined as a townhouse, for purpose of the fire code.

Fire Prevention Bureau is the Fire Department of the jurisdiction.

Home Occupation is any occupation or profession conducted solely by the resident occupants in their place of abode, involving primarily service and limited sale of commodities upon the premises, for the purposes of the fire code.

Licensed Daycare is a daycare that is licensed with the State of Iowa.

Licensed Fire Alarm Monitoring Service is a business that supplies and/or contracts with a UL listed remote station monitoring service.

WestCom is the 9-1-1 dispatch center that serves the City of Windsor Heights.

Amend Section 202 Amend the following definitions:

[M] Commercial Cooking Appliances are appliances used in a commercial food service establishment for heating or cooking food and which produce grease laden vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers; (charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purposes of this definition, a food service establishment shall include any commercial building or a portion thereof used for the preparation and serving of food including for employee purposes.

Dwelling is a detached building on a building site designed for and used exclusively for residential purposes by one and two families and containing one or two dwelling units, for the purpose of the fire code.

Dwelling Unit is one room or rooms connected together and containing independent cooking, sleeping and bathroom facilities, constituting a separate, independent housekeeping establishment for one family, for owner occupancy or rental or lease to the same family for a time period of more than 31 consecutive days and physically separated from any other dwelling unit by a wall or yard.

Chapter 3 GENERAL PRECAUTIONS AGAINST FIRE

Add Section **307.2.1.1 Responsible Agencies for Open Burning**. Within the city limits of Windsor Heights; in Polk County, approval from Polk County Water, Air and Waste Management Department and the Code Official.

Amend Section **307.4**: Open burning is prohibited within the City of Windsor Heights

Amend Section **307.4.1: Bonfires** are prohibited within the City of Windsor Heights

Amend Section **307.4.2: Recreational Outdoor Fires** are permitted when they meet the following requirements:

1. Contained in a fireplace or grill, defined by the following requirements

Fireplace: A structure, with an open recess at the base or a chimney or stack, with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

a. Fuel shall consist of wood or charcoal only

b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)

c. Device shall be no closer than (10) ten ft. from any structure

- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Grill: A cooking utensil with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

- a. Fuel shall consist of wood or charcoal only
- b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)
- c. Device shall be no closer than (10) ten ft. from any structure
- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Delete Section 307.4.3.

Amend section 308.1.4 Open Flame Cooking Devices.

Replace with: No barbecue grills or other devices which produce ashes or embers shall be operated or stored within twenty (20) feet of multi-story buildings such as apartment buildings and condominiums. A maximum of one 20# propane cylinder attached to the cooking device shall be allowed. Exception: One- and two-family dwellings and townhomes. Cooking devices and/or the propane cylinders shall not be stored inside the living unit of apartment buildings and/or condominiums.

Chapter 5 FIRE SERVICE FEATURES

Add section 507.5.1.2 Hydrant for Fire Department Connections

Buildings equipped with an automatic fire sprinkler system with fire department connections installed per NFPA 13 shall have a fire hydrant within 100 feet of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet where approved by the fire code official.

Chapter 9 FIRE PROTECTION SYSTEMS

For the purposes of this section, “story” shall be defined as any level of a structure, whether above or below grade capable of occupancy.

Open corridors/hallways shall be required to have fire sprinklers installed in them when the building they are constructed in is required by this Code to have a fire sprinkler system.

An approved complete automatic fire extinguishing system shall be installed on all levels (including wood attics and wood cocklofts, but not wood attics and wood cocklofts in one- and two-family dwellings) in all buildings and structures erected from and after the effective date of the ordinance codified by this chapter, in which the gross square floor area exceeds the amounts specified in the following tables. An “approved automatic fire extinguishing system” includes, but is not limited to, a complete automatic fire sprinkler system. The following sections requiring complete automatic fire sprinkler systems shall install the fire sprinkler system following NFPA 13 standards unless otherwise noted. Alternative automatic extinguishing systems may be used if in the opinion of the Code Official the same life safety and property conservation measures are equivalent to the NFPA standard listed in this Code.

Delete sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.4.1, 903.2.5, 903.2.5.1, 903.2.5.2, 903.2.5.3, 903.2.6, 903.2.7, 903.2.9, 903.2.9.1, 903.2.9.2, 903.2.10, 903.2.10.1 903.2.11.

Add section 903.2.1. Group A to read as follows:

(Suppression Type)

<u>Add section 903.2.1 Group A to read as follows:</u>		
<u>Group A:</u>		
<u>NFPA 13</u>	<u>A-1. Building or structures or portions thereof, having an assembly use, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to: See IFC Occupancy Classification definition A-1</u>	
<u>NFPA 13</u>	<u>1. Occupant load of 299 or less</u>	<u>6,000 sq/ft</u>
<u>NFPA 13</u>	<u>2. Occupant load of 300 or more</u>	<u>0</u>
	<u>A-2. Building or structures or portions thereof, having an assembly use intended for food and/or drink consumption, including, but not limited to: See IFC Occupancy Classification definition A-2</u>	
<u>NFPA 13</u>	<u>1. Occupant load of 49 or less</u>	<u>1,500 sq/ft</u>
<u>NFPA 13</u>	<u>2. Occupant load of 50 or more</u>	<u>0 sq/ft</u>

	<u>A-3. Building or structures or portions thereof, having an assembly use intended for worship, recreation or amusement and other assembly uses not classified elsewhere in group A, including, but not limited to: See IFC Occupancy Classification definition A-3</u>	
NFPA 13	<u>1. Occupant load of 299 or less</u>	<u>6,000 sq/ft</u>
NFPA 13	<u>2. Occupant load of 300 or more</u>	<u>0 sq/ft</u>
	<u>A-4. Building or structures or portions thereof, having an assembly use intended for viewing of indoor sporting events and activities with spectator seating, including, but not limited to: See IFC Occupancy Classification definition A-4</u>	
NFPA 13	<u>1. Occupant load of 299 or less</u>	<u>6,000 sq/ft</u>
NFPA 13	<u>2. Occupant load of 300 or more</u>	<u>4,500 sq/ft</u>
NFPA 13	<u>A-5. Building or structures or portions thereof, an assembly use intended for participation in or viewing outdoor activities including, but not limited to: See IFC Occupancy Classification Definition A-5 and IFC section 903.2.1.5 for areas to be provided with protection.</u>	<u>1,000 sq/ft</u>
Add section 903.2.2 Group B to read as follows:		
Group B:		
NFPA 13	<u>B. Building or structures or portions thereof, used for office, professional or service type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to: See IFC Occupancy Classification definition B.</u>	<u>6,000 sq/ft</u>
Add section 903.2.3 Group E to read as follows:		
Group E:		
NFPA 13	<u>Building or structures or portions thereof, used by six or more persons at any one time for educational purposes.</u>	<u>0 sq/ft</u>
NFPA 13	<u>A licensed daycare is any buildings or structures, or portions thereof, used for educational, supervision or personal care services for more than five children older than 2 1/2 years of age shall be classified as an E occupancy.</u>	<u>0 sq/ft</u>
Add section 903.2.4 Group F to read as follows:		
Group F:		
NFPA 13	<u>F-1. Moderate-hazard factory and industrial occupancies including factory and industrial uses not classified as group F, division 2 occupancies shall include, but not be limited to: See IFC Occupancy Classification definition F-1.</u>	<u>2,500 sq/ft</u>
NFPA 13	<u>F-1.1. Woodworking operations which generate finely divided combustible waste or uses finely divided combustible materials.</u>	<u>2,500 sq/ft</u>
NFPA 13	<u>F-2. Low-hazard factory and industrial occupancy uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall include, but not be limited to: See IFC Occupancy Classification definition F-1.</u>	<u>15,000 sq/ft</u>
Add section 903.2.5 Group H to read as follows:		
Group H:		
NFPA 13	<u>H-1. Building or structures or portions thereof, that pose a detonation hazard in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-1.</u>	<u>0 sq/ft</u>
NFPA 13	<u>H-3. Building or structures or portions thereof, which contain materials that readily support combustion or pose physical hazard in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-3.</u>	<u>0 sq/ft</u>
NFPA 13	<u>H-4. Building or structures or portions thereof, which contain materials that are health hazards in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-4.</u>	<u>0 sq/ft</u>
NFPA 13	<u>H-5. Semiconductors fabrication facilities and comparable research and development areas in which production materials are used, and s.f. the aggregate quantity of material is in excess of those listed in tables 5003.1.1(See 2015 IBC) Such facilities and areas shall be designed and constructed in accordance with section 415.10 of IBC. Design of the sprinkler system shall not be less than table 903.2.5.2.</u>	<u>0 sq/ft</u>
NFPA 13	<u>FPA Pyroxylin plastics. Buildings or structures where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities s.f. exceeding 100 pounds.</u>	<u>0 sq/ft</u>
Add section 903.2.6 Group I to read as follows:		
Group I:		
NFPA 13D or NFPA 13R	<u>I-1. Building or structures or portions thereof, housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. A facility such as</u>	<u>0 sq/ft</u>

	the above with five or fewer persons shall be classified as group R-3. A facility such as the above with at least six and not more than 16 persons shall be classified as group R-4.	
NFPA 13	I-2. Building or structures or portions thereof, used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. A facility such as the above with five or fewer persons shall be classified as group R-3. Childcare facility is any buildings or structures, or a portion thereof, which provides care on a 24-hour basis to more than five children 2 1/2 years of age or less shall be classified as group I-2.	0 sq/ft
NFPA 13	I-3. Building or structures or portions thereof, which are inhabited by more than five persons who are under restraint or security. See IFC Occupancy Classification definition I-3 for type of condition.	0 sq/ft
NFPA 13	I-4. Building or structures or portions thereof, which are occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as group R-3. Places of worship during religious functions are not included.	0 sq/ft
NFPA 13	Adult care facilities provide accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services. Childcare facilities provide supervision and personal care on less than a 24 hour basis for more than five children 2 1/2 years of age or less.	0 sq/ft
Add section 903.2.7 Group M to read as follows:		
Group M:		
NFPA 13	Building or structures or portions thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise, incidental to such purposes and accessible to the public shall include, but not be limited to: See IFC Occupancy Classification definition group M. (High-piled storage to refer to chapter 32 IFC)	6,000 sq/ft
Add section 903.2.8 Group R to read as follows:		
Group R:		
NFPA 13R in 4 stories or less, NFPA 13 in more than 4 stories, both systems to include attic space as NFPA 13	R-1. Hotels, motels, boarding houses (transient). (Occupy less than 30 days)	0 sq/ft
NFPA 13R in 4 stories or less, NFPA 13 in more than 4 stories, both systems to include attic space as NFPA 13	R-2. Apartment houses, condominiums, boarding houses (nontransient), convents, dormitories, fraternities and sororities, monasteries.	0 sq/ft
NFPA 13R to include attic space as NFPA 13	Convents, dormitories, fraternities and sororities, monasteries.	0 sq/ft
NFPA 13D	R-3. Dwellings.	8,000
NFPA 13D	R-3. Townhouse.	Refer to IRC
Townhouses that are not open on at least two sides are required to install fire sprinkler systems.		
NFPA 13D or NFPA 13R	R-4. Residential care/assisted living facilities for more than five but not more than 16 occupants, excluding staff.	0 sq/ft
Add section 903.2.9 Group S to read as follows:		
Group S:		
NFPA 13	S-1. Moderate hazard storage occupancies including building or portions of buildings used for storage of combustible materials not classified as group S, division 2 or group H occupancies but not be limited to: See IFC Occupancy Classification definition group S-1.	6,000 sq/ft
NFPA 13	NFPA Repair garages/service stations	3,500 sq/ft
NFPA 13	Bulk storage of tires	20,000 cu.f
NFPA 13	S-2. Low-hazard storage occupancies including buildings or portions of buildings used for storage of noncombustible materials, but not be limited to: See IFC Occupancy Classification definition group S-2	15,000 sq/ft

Add **section 903.2.10.2** Group U to read as follows:

Group U:

NEPA 13	Private garages, carports, sheds and agricultural buildings.	n/a
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Add **section 903.3.7.1 Fire Department Connection Identification.** A minimum of 110 candela weather proof strobe light suitable for cold weather use with a minimum of 75 candela at minus 30° shall be tied into the building fire alarm system and mounted directly above the Fire Department connection between seven feet and ten feet in height from the ground, or as approved by the Code Official, shall operate on a waterflow alarm.

Add **section 903.3.1.4 Fire Sprinklers for Canopies.** A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than four feet out from the door and is 12 feet or less in height from the ground regardless if the canopy is combustible or noncombustible. All canopies, regardless of height or construction type, that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the entire canopy.

Exception. If a building is not required by Code to have a fire sprinkler system, section 903.3.1.4 does not apply.

Add **section 903.7 Fire Sprinkler Riser Room.** A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices or apparatus inside the room other than the outlets or support equipment (lighting) air compressor and heater required for the use by the fire sprinkler system and/or the fire alarm panel. Access to the fire sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire sprinkler riser room.

Add **section 903.7.1 Fire Sprinkler Riser Signage.** Signage as determined by the Code Official shall be placed on the main sprinkler riser denoting a shunt trip has been installed.

STANDPIPE SYSTEMS

Add **section 905.3.9 Additional Standpipe Systems:** Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

PORTABLE FIRE EXTINGUISHERS

Amend **table 906.3 (1) Fire Extinguishers for Class A Fire Hazards** to read as follows:

Portable fire extinguishers for fire protection in low and moderate hazard occupancies shall be 5lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in low or moderate hazard occupancy, a 10lb. ABC fire extinguisher shall be installed. Spacing is based on a 75-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 10lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher.

Amend **table 906.3 (2) Fire Extinguishers for Flammable and Combustible Liquids with Depths of Less Than or Equal to 0.25 in.** to read as follows:

Portable fire extinguishers for fire protection in low hazard occupancies shall be 5lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a low hazard occupancy, a 10lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in moderate hazard occupancies shall be 10lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a moderate hazard occupancy, a 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 20lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot travel distance to the fire extinguisher with a fire sprinkler system, 30-foot travel distance with no fire sprinkler system. Other hazardous occupancies will refer to NFPA 10.

FIRE ALARM AND DETECTION SYSTEMS

Add section 907.1.4. Fire Alarm Control Panels

Each building shall have no more than one (1) Fire Alarm Control Panel (FACP).

Panel Height. Installation of the fire alarm panels shall not exceed six feet in height measured from the floor to the top of the panel.

Exception 1. Panel height may be altered by the Code Official.

Exception 2. Suppression system releasing panels are not required to meet limitation in the number of panels.

Amend **section 907.2 Where Required General** to read as follows: An approved addressable fire alarm system meeting provisions of this Code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in sections 903.2.1 through 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, which ever shall be more restrictive. Exceptions:

1. Buildings with eight (8) or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the WestCom dispatch center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet section 907.2 of this Code.
3. Townhouses are required to be monitored only if a single fire sprinkler system is used for multiple units.

Add **section 907.2 (a) Manual Fire Alarm Pull Boxes**. Manual fire alarm pull boxes "pull stations" shall be required where deemed necessary by the Code Official.

Add **section 907.2 (b) Monitoring**. All fire alarm systems shall be monitored by a UL listed monitoring station.

Add **section 907.2 (c) Location**. Each address point ID shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the City Fire Department dispatch center upon activation of the fire alarm system.

Add **section 907.2 (d) Where Required**. Where corridors and/or hallways are protected by fire sprinkler systems they shall also be protected by smoke detection. Smoke detection shall be of the photoelectric type or as approved by the Code Official.

Amend **section 907.2.3 General** to read as follows: Educational occupancies shall have a monitored fire alarm system. Upon notification, existing educational occupancies having existing fire alarm systems shall comply within two years to meet the monitoring of the fire alarm system.

Delete **section 907.2.8 and 907.2.9**

Add **section 907.2.8** Group R General. Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities and monasteries; and Group R-4 shall have a monitored addressable fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non-transient) convents, dormitories, fraternities, sororities and monasteries that have existing automatic fire alarm systems shall comply within five years to have that fire alarm system monitored.

Amend **section 907.2.11 Single and Multi-Station Smoke Alarms** to read as follows: Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: section 907.2.11 only applies to R-1, R-2, R-4 and I-1 occupancies

Add **section 907.6.4.3 Zone and Address Location Labeling**. Fire alarm panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building if no display screen is present.

Amend **section 907.6.6 Monitoring General** to read as follows: When required by this chapter, or the Code Official, an approved UL listed remote station in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department.

Exception. Supervisory service is not required in one- and two-family dwellings.

Add **section 910.1 Exception 1**. The Code Official may require smoke removal equipment be installed if it is deemed necessary by the Code Official for the protection of life and property.

Add **section 912.1.1 Fire Department Connection Height**. The Fire Department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than three feet from the top of the cap(s) above the level of the adjacent grade or access level. The Code Official for just cause may grant deviation to this height.

Amend **section 912.4 Access around Fire Department Connections** to read as follows: Immediate access to Fire Department connect shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other objects for a minimum of a five-foot clear space on each side of the connection to include in front of and above the connection.

Section 1009 ACCESSIBLE MEANS OF EGRESS

Add to section 1009.2 Continuity and Components item #11

11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

Section 1010 DOORS, GATES AND TURNSTILES

Add the following language to section 1010.1.9.1 Hardware

Section 1013 EXIT SIGNS

Add **section 1013.1.1 Additional Exit Signs**. Exit signs may be required at the discretion of the Code Official to clarify an exit or exit access.

Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Add **section 3311.1.1 Construction Site Access**. Construction sites shall have approved access roads as noted on the approved site plan to all areas of building or structure being constructed prior to actual construction taking place. Access roads to buildings or structures shall be constructed to provide vehicular access to within 50 feet of the building or structure with the middle of the building or structure no further than 150 feet from the access road. If the middle of the building or structure is more than 150 feet from the access road, temporary access roads shall be constructed around the building or structure where topography allows. It is highly recommended to install parking lots if planned for, prior to the beginning of construction, for storage of construction material and easier access to the site. Access road surface material shall be of aggregate or a base layer of asphalt capable of meeting load limits as outlined in Appendix D § D 102 of this Code for fire apparatus imposed loads unless otherwise approved by the Code

Official.

Add section **3315.3 Temporary Fire Department Connections.** Where an automatic sprinkler system is being installed in a building under construction, temporary dry connections shall be made to a fire department connection as areas of the system are completed when combustible materials are being used for construction.

Add section **3315.3.1 Temporary Fire Department Connection Identification.** Where a temporary fire department connection is provided, temporary weather proof signage shall also be provided to indicate what areas of the building under construction are served by the fire department connection.

Chapter 50 HAZARDOUS MATERIALS – GENERAL PROVISIONS

Add **section 5003.13** Hazardous Substances, Notification and Cleanup.

(a) Scope. This section shall apply to the release of hazardous substances and the notification, cleanup and recovery of costs associated with the mitigation of hazardous conditions.

(b) Definitions. For the purpose of this section, these words have the following Meaning:

1. “Cleanup” means the removal of the hazardous substances to a place where the waste will not cause any danger to persons or the environment, in accordance with the state statutes, rules and regulations therefore, or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor as far as practicable. “Cleanup” includes all actions necessary to contain, collect, identify, analyze, treat, disperse, remove or dispose of a hazardous substance and to restore the sites from which the hazardous substance was cleaned up.

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage or release of a hazardous substance:

(i) Within the city or onto city property located outside the city which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety; or

(ii) Onto land, into the waters within the state or into the atmosphere, but outside the city, which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety of persons or property within the city.

Hazardous conditions include any accident involving hazardous materials required to be reported under section 321.266 (4) of the Code of Iowa.

3. “Hazardous Substance” means any substance or mixture of substance that presents a danger to the public health or safety or environment and includes, but is not limited to, a substance that is toxic, corrosive or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. “Hazardous substance” includes any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under § 307 of the Federal Water Pollution Control Act of 1976 as amended to January 1, 1977, or any hazardous material designated under § 311 of the Federal Water Pollution Control Act as amended to January 1, 1977 or any hazardous materials designated by the secretary of transportation under the Hazardous Materials Transportation Act, or any hazardous substance listed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

4. “Person” is a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or any other similar legal entity or the agent of any of the aforesaid.

5. “Responsible Person” means the person, whether the owner, agent, lessor or tenant, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any persons or to the environment.

6. “Treatment” means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safer for transport, amenable for recovery, amenable for storage or to reduce it in volume.

Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

(c) Notifications. When a hazardous condition is created, the responsible person shall notify WestCom 911 Dispatch Center and the Fire Department immediately upon discovery of the condition but in no instance later than 30 minutes after the discovery of the hazardous condition.

(d) Cleanup required. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance, or a constituent of the hazardous substance, may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the Fire Chief or the Chief's designee may remove or provide for removal and the disposal of the hazardous substance at any time, unless the Fire Chief or the Chief's designee determines the removal will be properly and promptly accomplished by the responsible person. If the responsible party does not initiate and complete cleanup within the time designated by the Fire Department, the city may proceed to remedy the hazardous condition by performing the necessary cleanup services.

(e) Loss, burden or costs. A responsible person shall be liable to the city for all mitigation costs incurred by the city or other contract agencies, including, but not limited to, chemical damage, contamination of equipment, and the use of consumable materials. If charges for cleanup costs are not paid within 30 days after invoice, the city shall proceed to obtain payment by all legal means.

Chapter 56 EXPLOSIVES AND FIREWORKS

Amend SECTION 5601.1 Scope to read as follows:

ADD (a) The City of Windsor Heights deems the use of first-class and second-class consumer fireworks as a threat to public safety or a nuisance to landowners or persons with certain health conditions and therefore prohibits the use of first-class and second-class consumer fireworks in the city. It shall be unlawful without a permit for any person to offer for sale, expose for sale, sell at retail or use or explode any explosives, explosive materials, first-class and second-class consumer fireworks within the corporate limits of the city of Windsor Heights.

ADD (b) The sale of consumer fireworks shall be regulated by the State Fire Marshal (SFM) who shall establish dates of permitted sales, the minimum requirements for obtaining a consumer fireworks seller license and registration by wholesalers, and shall issue such licenses and as otherwise provided by state law and the SFM rules.

ADD (c) Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard;

2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than one pound (0.454 kg.) of commercially manufactured sporting black powder, 20 pounds (9 kg.) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg.) of explosive materials.
7. The possession, storage and use of blank industrial power load cartridges when packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOT 49 C.F.R. parts 100 through 178.
9. Items preempted by federal regulations.

ADD 10. Items considered as "Novelties" under state law.

Amend **section 5601.2.4 Financial Responsibility** to read as follows: The applicant shall, at the time he or she makes his or her application for a permit, attach thereto a bond or certificate of insurance naming the applicant and the city as insured, in the sum of not less than \$1,000,000, provided that the Code Official or the City Council may at their discretion require a greater amount. The bond and insurance shall insure to the use and benefit of the city and/or any person who suffers damage either to person or property by reason of the display of fireworks.

Amend **section 5601.4 Qualifications** to read as follows: Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age, and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks. Exception: Persons in charge of fireworks display or pyrotechnic special effect operations shall possess a valid PGI display fireworks operator certification or equivalent certification approved by the Code Official.

Amend **section 5601.7 Seizure**. Replace with: The Code Official is authorized to seize, take, remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials and all stocks of illegal fireworks (not state approved), offered or exposed for sale, possess, stored and held to be in violation of this section.

Amend **section 5605.1 Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks** to read as follows:

General: It shall be unlawful to manufacture, assemble and test explosives, explosive materials and fireworks within the corporate limits of the City of Windsor Heights.

Exceptions.

1. The hand loading of small arms ammunition prepared for personal use and not offered for sale;
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

Chapter 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Add **section 5704.2.9.7.10 Alternative Containment and Protection**. All tanks that have a secondary tank of steel, concrete or approved materials shall be capable of holding 110% of the product stored. A non-combustible roof and roof framework shall cover all open top secondary tanks exposed to weather.

Chapter 61 LIQUIFIED PETROLEUM GASES

Amend **section 6104.2 Maximum Capacity within Established Limits** to read as follows: Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 1,000 gallons. Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of M-1 Light Industrial Districts or M-2 Heavy Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 5,000 gallons.

REFERENCED STANDARDS

NFPA 10 2018 Edition

NFPA 13 2019 Edition

NFPA 13D 2019 Edition

NFPA 13R 2019 Edition

NFPA 20 2019 Edition

NFPA 30 2021 Edition

NFPA 30A 2021 Edition

NFPA 58 2020 Edition

NFPA 70 2020 Edition

NFPA 72 2019 Edition

NFPA 96 2021 Edition

NFPA 101 2021 Edition

NFPA 1123 2018 Edition

NFPA 1124 2006 Edition

NFPA 2001 2018 Edition

APPENDIX D. FIRE APPARATUS ACCESS ROADS.

Amend **section D101.1** Scope to read as follows: Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the

International Fire Code. Public streets are regulated using the State Wide urban design and specifications for public improvements as amended by the City of Windsor Heights. Private streets are regulated using the statewide urban design and specifications for public improvements as amended by the City of Windsor Heights.

Section D103 Minimum Specifications

Amend **D103.2** Grade. Fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements as amended by the city.

Amend **D103.3** Turning Radius. The minimum turning radii shall be determined by the Code Official.

Amend **D103.4** Dead Ends. Replace with: Dead-end fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements or as approved by City Engineer.

Amend **D103.5** Fire Apparatus Access Road Gates. Replace with: Gates securing fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall accommodate a 14' clear drive lane width.
2. Gates shall be of the swinging or sliding type;
3. Construction of the gate shall be of materials that allow for manual operation by one person;

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective;
5. Electric gates shall be equipped with a means of opening the gate by Fire Department personnel for emergency access. Emergency opening devices shall be approved by the Code Official;
6. Manual opening gates shall not be locked with a padlock or chain unless they are capable of being opened by means of forcible entry tools; and
7. Locking device specifications shall be submitted for approval by the Code Official.

Amend **D103.6** Signs. Replace with: Where required by the Code Official, fire apparatus access roads shall conform to section 511.4. Signs shall be posted on one or both sides of the fire apparatus road as required by § D103.6.1 or D103.6.2.

Amend **D103.6.1** Roads 20 to 26 Feet in Width to read as follows: Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane when required by the Code Official.

Amend **D103.6.2** Roads more than 26 Feet in Width to read as follows: Fire apparatus access roads more than 26 feet wide shall be posted on one side of the road as a fire lane when required by the Code Official.

Amend **section D104** Commercial and Industrial Developments.

Amend **D104.1** Access. All buildings shall have at a minimum two fire apparatus accesses as approved by the Code Official. Based on the building occupancy hazard the Code Official may require more than two fire apparatus accesses. The Code Official may reduce this requirement for just cause as long as safety to the buildings/occupants is not jeopardized.

Amend **D104.3** Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The Code Official may reduce the separation distance between accesses for just cause as long as safety to the buildings/occupants is not jeopardized.

37.06: LIABILITY FOR DAMAGES:

A. This Code is enacted only for the purpose of securing to individuals the enjoyment of rights and privileges to which they are entitled as members of the public, rather than for the purpose of protecting any individual from harm.

B. The city, its officers, employees or agents make no representations or warranties of any kind whatsoever, expressed or implied, with respect to the completeness or thoroughness of the inspections and examinations performed under this Code, but the inspections are made solely to assist the owner of the building, structure, equipment and premises to meet certain minimum requirements of this Code and to compel, if necessary, the owner to meet the minimum requirements for the protection of the health, welfare and safety of persons and property. Nothing herein contained in this Code shall alleviate the owner of any building, structure, equipment and premises to make an independent inspection in order to fulfill the requirements of this Code nor shall this Code be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building, structure, equipment or premises regulated herein from any damages to any person or property caused by defects or Code violations. The city, its officers, employees or agents shall not be held as assuming any liability for damages to any person or property by reason of any inspections authorized by this Code or investigations, or any approvals issued herein, or for any act or failure to act in the enforcement of this Code.

37.07: OUTSTANDING PERMITS:

If a building permit is outstanding on the effective date of this chapter and the fire code adopted hereby, the provisions of this chapter, and the fire code adopted hereby shall apply to the work authorized by such permit, except to the extent that the fire chief and building official shall determine that the application of such provisions to such work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

37.08: INDEMNITY:

The applicant for any permit under the fire code, by making application, assumes and agrees to pay all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this fire code or any other ordinance of the city; and such applicant by making such application, forever indemnifies the city, its officers and employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the city, its officers or employees, may have caused or contributed thereto.

The foregoing provisions shall be deemed to be a part of the permit issued under the fire code whether or not expressly recited therein.

37.09: REPEAL OF CONFLICTING STANDARDS:

In any case where the provisions of this chapter, or the fire code adopted hereby, are found to be in conflict with any provision of Iowa Code or regulations of the state fire marshal, or any provision of any zoning, building, fire, electrical, plumbing, mechanical, safety or health ordinance or code of the city, the provision which establishes the higher standard for the promotion and protection of the safety of persons and property shall prevail.

37.10: VIOLATIONS; PENALTIES:

Unless otherwise provided by law, violations of this chapter are simple misdemeanors and are punishable by a fine not to exceed five hundred dollars (\$500.00) and/or a term of imprisonment not to exceed thirty (30) days. Pursuant to Iowa Code section 100.41, the officials of the fire prevention bureau shall have the authority to issue citations for violations of this chapter or report the violation to the Windsor Heights Police Department for citation. Violations of this chapter are also declared to be municipal infractions and may be punished as provided in Chapter 4 of this code. Officials of the fire prevention bureau shall have the discretion to enforce this chapter either as a municipal infraction or a simple misdemeanor.

REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

CHAPTER 40 PUBLIC OFFENSES

Subchapters

40.01 PUBLIC PEACE

40.02 PUBLIC HEALTH AND SAFETY

40.03 PUBLIC AND PRIVATE PROPERTY

40.04 DRUGS AND CONTROLLED SUBSTANCES

40.05 WEAPONS

40.06 ALCOHOL CONSUMPTION AND INTOXICATION

40.07 MINORS

40.08 PARK REGULATIONS

40.09 OTHER PUBLIC OFFENSES ENFORCEMENT PROVISIONS

SUBCHAPTER 40.01

PUBLIC PEACE

40.01.01 Assault

40.01.05 Failure to Disperse

40.01.02 Harassment

40.01.06 Disorderly Houses; Social Hosts

40.01.03 Disorderly Conduct

40.01.07 Public Exposure

40.01.04 Unlawful Assembly

40.01.01 ASSAULT.

No person shall, without justification, commit any of the following:

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

(Code of Iowa, Sec. 708.1[1])

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

(Code of Iowa, Sec. 708.1[2])

An act described in subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person,

are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

40.01.02 HARASSMENT.

No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7)

B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.

(Code of Iowa, Sec. 708.7)

C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

(Code of Iowa, Sec. 708.7)

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.

(Code of Iowa, Sec. 708.7)

2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or

physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

40.01.03 DISORDERLY CONDUCT.

No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4[2])

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

(Code of Iowa, Sec. 723.4[3])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[5])

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

(Code of Iowa, Sec. 723.4[6])

A. "Deface" means to intentionally mar the external appearance.

B. "Defile" means to intentionally make physically unclean.

C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

D. "Mutilate" means to intentionally cut up or alter so as to make imperfect.

E. "Show disrespect" means to deface, defile, mutilate, or trample.

F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4[7])

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

A. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.

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

C. Disturb or disrupt the funeral, memorial service, funeral procession or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

9. Disturbing the Peace. Host, sponsor, permit, or allow any congregation or assembly of more than five persons, to make loud or raucous noise in the vicinity of any residence between the hours of 10:00 p.m. and 9:00 a.m. which causes or could reasonably be expected to cause distress to the occupants of any residence.

40.01.04 UNLAWFUL ASSEMBLY.

It is unlawful for three or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

40.01.05 FAILURE TO DISPERSE.

A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

40.01.06 DISORDERLY HOUSES; SOCIAL HOSTS.

1. Definition.

A. Any room, house, building, structure, place, or premises wherein or upon which any unlawful or illegal acts are committed in violation of local, State, or federal law, or which is kept in such a manner as to disturb, annoy, or scandalize the public generally or persons within a particular neighborhood is hereby declared to be a disorderly house.

B. Any room, house, building, structure, place, or premises which is kept, maintained, used, erected, established, or run for any of the following purposes (as the same are defined in the Code of Iowa) is hereby declared to be a disorderly house; provided, however, this shall not be construed to be conclusive, limiting, or restrictive:

(1) Prostitution, pandering, or public indecency;

(2) Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use, or possession for any unlawful manufacture or use of any controlled substance;

(3) Gambling or the keeping of gambling devices;

(4) Acts of disturbing the peace or disorderly conduct, as those terms are described in Section 40.01.03 of this subchapter;

(5) The reception, retention, or disposition of stolen moveable property of another;

(6) Clairvoyance, fortune telling, or divination;

(7) Consumption of alcohol by any person under the age of twenty-one (21). † 3

2. Disorderly Houses Prohibited. It is unlawful for the owner, lessee, renter, proprietor, or any other person to keep, run, or maintain a disorderly house, or to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act or to knowingly make, cause or permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood. A disorderly house is declared to be a public nuisance.

3. Visiting Disorderly House Prohibited. It is unlawful for any person to become or remain an inmate of any disorderly house, or to frequent or visit with knowledge of, and participation in, the illegal activities occurring therein.

4. Social Hosts. The purpose of this subsection is to protect the public interest, welfare, health, and safety within the City by prohibiting the services to and consumption of alcoholic beverages by persons under the age of 21 at premises located in the City. The Council finds that the occurrence of social gatherings at premises where alcoholic beverages are served to or consumed by persons under the age of 21 is harmful to such

persons themselves and a threat to public welfare, health, and safety. The Council further finds that persons under the age of 21 often obtain alcoholic beverages at such gatherings and that persons who are in control of such premises know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages are neither served to nor consumed by persons under the age of 21 at these gatherings. Based on these findings, the Council has deemed it necessary to enact the following regulations:

A. Definitions. The following words, terms, and phrases, when used in this subsection, have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

(1) "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume, including alcoholic liquor, wine, and beer.

(2) "Emergency responders" means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.

(3) "Enforcement services" means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party and administrative costs attributable to the incident and includes the actual costs for medical treatment for any injured emergency responder and the costs of repairing any damage to equipment or vehicles.

(4) "Event, gathering, or party" means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity where an underage person has consumed or possessed an alcoholic beverage.

(5) "Parent" means any person having legal custody of a juvenile as: (i) a natural parent, adoptive parent, or stepparent; (ii) a legal guardian; or (iii) a person to whom legal custody has been given by order of the court.

(6) "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(7) "Social host" means any person who aids, conducts, allows, entertains, organizes, supervises, controls, or permits an event, gathering, or party. This includes, but is not limited to: (i) the person who owns, rents, leases, or otherwise has control of the premises where the event, gathering, or party takes place; (ii) the person in charge of the premises; or (iii) the person who organized the event. If the social host is a juvenile, then the parents of that juvenile will be jointly and severally liable for any violation of this subsection.

(8) "Underage person" means any individual under the age of twenty-one (21).

B. Prohibited Acts. It is unlawful for any social host to host an event, gathering, or party on premises when the person knows or reasonably should know that an underage person has consumed an alcoholic beverage, or possessed an alcoholic beverage with the intent to

consume it, and the person fails to take reasonable steps to prevent the possession or consumption by the underage person. A social host who hosts such an event, gathering, or party does not have to be present at the time the prohibited act occurs.

C. Exceptions. This subsection 4 does not apply to conduct solely between an underage person and his or her parents while present in the parents' household, to legally protected religious observances, and to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

D. Enforcement. The provisions of this subsection shall be enforced by officers of the Police Department. The Police Department shall have primary but not exclusive enforcement responsibility for this subsection.

E. Violations. Violations of this subsection 4 are declared to be municipal infractions pursuant to Chapter 4 of this Code of Ordinances.

Notes

- 3 † EDITOR'S NOTE: See subsection 4 for further provisions regarding consumption of alcoholic beverages by minors.

40.01.07 PUBLIC EXPOSURE.

Except as hereinafter provided, no person shall expose those parts of his or her body hereinafter listed to another in any public place or in any place where such exposure is seen by another person located in any public place:

1. A woman's nipple, the areola thereof, or full breast, except as necessary in the breast-feeding of a baby.

2. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This section does not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities. This section does not apply to exposures occurring in live stage places, live theatrical performances, or live dance performances conducted in a theatre, concert hall, or similar establishment which is primarily devoted to theatrical performances.

SUBCHAPTER 40.02 PUBLIC HEALTH AND SAFETY

40.02.01 Distributing Dangerous Substances	40.02.09 Antenna and Radio Wires
40.02.02 False Reports to or Communications with Public Safety Entities	40.02.10 Trapping
40.02.03 Providing False Identification Information	40.02.11 Urinating and Defecating
40.02.04 Refusing to Assist Officer	40.02.12 Fireworks
40.02.05 Harassment of Public Officers and Employees	40.02.13 Littering Prohibited
40.02.06 Removal of an Officer's Communication or Control Device	40.02.14 Open Dumping Prohibited
40.02.07 Interference with Official Acts	40.02.15 Smoking and Tobacco Use Prohibited at City Facilities
40.02.08 Abandoned or Unattended Refrigerators	

40.02.01 DISTRIBUTING DANGEROUS SUBSTANCES.

No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

40.02.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.

No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

40.02.03 PROVIDING FALSE IDENTIFICATION INFORMATION.

No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

40.02.04 REFUSING TO ASSIST OFFICER.

Any person who is requested or ordered by any magistrate or ~~peace-police~~ officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

(Code of Iowa, Sec. 719.2)

40.02.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

40.02.06 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE.

No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a ~~peace-police~~ officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

40.02.07 INTERFERENCE WITH OFFICIAL ACTS.

No person shall knowingly resist or obstruct anyone known by the person to be a ~~peace police~~ officer, emergency medical care provider or firefighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or firefighter, or shall knowingly resist or

obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

40.02.08 ABANDONED OR UNATTENDED REFRIGERATORS.

No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person’s possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, Sec. 727.3)

40.02.09 ANTENNA AND RADIO WIRES.

It is unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, public way, public ground, or public building without written consent of the Council.

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

40.02.10 TRAPPING.

(Repealed by Ordinance No. 22-03 – Feb. 22 Supp.)

40.02.11 URINATING AND DEFECATING.

It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

40.02.12 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:

Commented [AS25]: Section updated based on recommendation from Cory Simmering and Fire Marshal Blake Boyle in agreement. Within the 4/21/25 Council Packet staff report a summarization of the changes is available.

A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:

(1) First-class consumer fireworks:

a. Aerial shell kits and reloadable tubes;

b. Chasers;

c. Helicopters and aerial spinners;

d. Firecrackers;

e. Mine and shell devices;

f. Missile-type rockets;

g. Roman candles;

h. Sky rockets and bottle rockets;

i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.

(2) Second-class consumer fireworks:

a. Cone fountains;

b. Cylindrical fountains;

c. Flitter sparklers;

d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;

e. Ground spinners;

f. Illuminating torches;

g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;

h. Wheels;

i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

"Display fireworks" does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. "Novelties" includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: \$250,000.00 per person

B. Property Damage: \$50,000.00

C. Total Exposure: \$1,000,000.00

⇒ 41.14(3)

3. Consumer Fireworks.

3. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City.

4. Novelties. This section does not apply to novelties.

The sale, use and exploding of fireworks within the City are subject to the following:

—1. Definition. For purposes of this section, definitions are enumerated in the Iowa Code section 727.2, which definitions are incorporated herein by reference.

{Code of Iowa, Sec. 727.2}

—2. Use of Consumer Fireworks Prohibited. It is unlawful for any person to use or explode Consumer Fireworks within the City limits. Any person who violates this provision shall be guilty of a simple misdemeanor, punishable by a fine of six hundred twenty-five dollars (\$625.00).

{Code of Iowa, Sec. 364.2 & 727.2}

—3. Use of Display Fireworks Prohibited. It is unlawful for any person to use or explode Display Fireworks within the City limits, provided the City may, upon application in

writing, grant a permit for the use of Display Fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

—A. Personal Injury: \$500,000 per person

—B. Property Damage: \$500,000

—C. Total Exposure: \$2,000,000

Any person who violates this provision shall be guilty of a simple misdemeanor, punishable by a fine of six hundred twenty-five dollars (\$625.00).

{Code of Iowa, Sec. 364.2 & 727.2}

—4. Sale of Consumer Fireworks. It is unlawful for any person to offer for sale, expose for sale, or sell at retail Consumer Fireworks, unless such person holds a valid Consumer Fireworks Seller License pursuant to Iowa Code Chapter 100.19 and, provided, the sale of the same is otherwise authorized by applicable building or zoning regulations. It is further unlawful to sell Consumer Fireworks to a person who is less than eighteen (18) years of age, and for any person who is less than eighteen (18) years of age to purchase or attempt to purchase Consumer Fireworks. Any person who violates any prohibition under this section shall be guilty of a simple misdemeanor, punishable by a fine of six hundred twenty-five dollars (\$625.00).

{Code of Iowa, Sec. 100.19 & 727.2}

—5. Sale of Display Fireworks. It is unlawful for any person to offer for sale, expose for sale, sell, display, or sell at retail any Display Fireworks, except that the City may permit the display of the same as set forth in Subsection 3 above.

{Code of Iowa, Sec. 727.2(2)}

—6. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited by this section and which occurs in accordance with applicable building or zoning regulations; the sale of fireworks if they are to be shipped out of State; the sale or use of blank cartridges for a show or theatre, for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

{Code of Iowa, Sec. 727.2(5)}

{Sec. 40.02.12 — Ord. 18-17 — Nov. 18 Supp.}

40.02.13 LITTERING PROHIBITED.

No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

40.02.14 OPEN DUMPING PROHIBITED.

No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water in a floodplain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

40.02.15 SMOKING AND TOBACCO USE PROHIBITED AT CITY FACILITIES.

1. Definitions.

A. City Facilities. The term "city facilities" means all property, whether or not enclosed, under the control of the City of Windsor Heights (City). City facilities include, but are not limited to, all: work areas; employee lounges; restrooms; conference rooms; classrooms; cafeterias; meeting rooms; elevators; stairways; parking garages; parking lots; vehicles and equipment owned, rented, or leased by the City; and any public or private area open to the public for recreational purposes, such as fairgrounds; athletic fields; beaches; gardens; parks; parklets; plazas; skate parks; swimming pools; trails; outdoor picnic tables; and grassy areas. City facilities do not include streets and sidewalks used only as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this section or other law.

B. Electronic Smoking Device. The term "electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

C. Smoking. The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or

plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device.

D. Tobacco Product. The term "tobacco product" means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also includes electronic smoking devices. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

2. Smoking and Tobacco Use Prohibited. Smoking and tobacco use is prohibited in all City facilities at all times. No person shall smoke, use, sell or distribute any tobacco product at or on any City facilities.

3. Violations. Violations of this section are declared to be municipal infractions pursuant to Chapter 4 of this Code of Ordinances. Any person who smokes or uses tobacco in an area where smoking and tobacco use is prohibited by the provisions of this section shall be guilty of a municipal infraction, punishable by a fine ~~not exceeding fifty dollars (\$50) for a first offense and one hundred (\$100) for any repeat offense.~~ set in the City Fee Schedule.

(Section 40.02.15 – Ord. 18-13 – Nov. 18 Supp.)

SUBCHAPTER 40.03 PUBLIC AND PRIVATE PROPERTY

40.03.01 Trespassing	40.03.06 Use of Streets
40.03.02 Criminal Mischief	40.03.07 Picketing of a Residence or Dwelling
40.03.03 Defacing Proclamations or Notices	40.03.08 Use of Public Property for Drug Trafficking
40.03.04 Fraud and Theft	40.03.09 Graffiti Prohibited
40.03.05 Coasters and Roller Skates	

40.03.01 TRESPASSING.

1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

(Code of Iowa, Sec. 716.7[1])

A. "Property" includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

B. "Public utility" is a public utility as defined in Section 476.1 of the Code of Iowa or an electric transmission line as provided in Chapter 478 of the Code of Iowa.

C. "Public utility property" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

F. "Trespass" means one or more of the following acts:

(Code of Iowa, Sec. 716.7[2a])

(1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

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

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

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

(5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-

way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

(6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:

(Code of Iowa, Sec. 716.7[2b])

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

40.03.02 CRIMINAL MISCHIEF.

It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.

(Code of Iowa, Sec. 716.1)

40.03.03 DEFACING PROCLAMATIONS OR NOTICES.

It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

40.03.04 FRAUD AND THEFT.

It is unlawful for any person to commit a fraudulent practice in the fifth degree as defined in Sections 714.8 and 714.13 of the Code of Iowa or to commit theft in the fifth degree as

defined in Sections 714.1 and 714.2 of the Code of Iowa. A person commits theft when the person does any of the following:

(Code of Iowa, Sec. 714.1)

1. Takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.
2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person.
3. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another, by deception.
4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer.
5. Takes, destroys, conceals, or disposes of property in which someone else has a security interest, with intent to defraud the secured party.
6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property, the use of property, including rental property, or service in exchange for such instrument, if the person knows that such check, share draft, draft or written order will not be paid when presented.
7. Obtains gas, electricity, or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing, or tampering with the metering or service device so as to cause inaccurate readings.
8. Knowingly and without authorization accesses or causes to be accessed a computer, computer system or computer network, or any part thereof, for the purpose of obtaining computer services, information, or property or knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals, or retains possession of a computer, computer system, or computer network or any computer software or computer program, or computer data contained in a computer, computer system, or computer network.
9. Obtains the temporary use of video rental property with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner, or lawfully obtains the temporary use of video rental property and fails to return the video rental property by the agreed time with the intent to deprive the owner of the use

and possession of the video rental property without the consent of the owner. The aggregate value of the video rental property involved shall be the original retail value of the video rental property.

10. Any act that is declared to be theft by any provision of the Code of Iowa.

40.03.05 COASTERS AND ROLLER SKATES.

No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except when crossing a street on a crosswalk.

40.03.06 USE OF STREETS.

1. Removal of Warning Devices. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

2. Obstructing or Defacing. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

3. Placing Debris On. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

4. Playing In. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

5. Traveling on Barricaded Street or Alley. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

6. Use for Business Purposes. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

7. Washing Vehicles. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

8. Burning Prohibited. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

40.03.07 PICKETING OF A RESIDENCE OR DWELLING.

It is unlawful for any person to engage in focused picketing before, about, or immediately adjacent to the residential lot or dwelling of any individual in the City.

1. For the purpose of this section, “before, about, or immediately adjacent to” means:

- A. Within one house on either side of the targeted residential lot or dwelling; or
- B. On any public property immediately adjacent to the targeted residential lot or dwelling; or
- C. On any public property directly across the street from the targeted residential lot or dwelling.

2. For the purpose of this section, “focused picketing” means any picketing or organized demonstration that is intended or can be reasonably viewed as one or more of the following:

- A. Intended or reasonably calculated to cause emotional distress or disturbance to the occupants of the targeted residential lot or dwelling; or
- B. Causing emotional distress or disturbance to the occupants of the targeted residential lot or dwelling; or
- C. Intended or reasonably calculated to disturb the sense of peace and tranquility of the occupants of the targeted residential lot or dwelling; or
- D. Causing a disturbance to the sense of peace and tranquility of the occupants of the targeted residential lot or dwelling.

40.03.08 USE OF PUBLIC PROPERTY FOR DRUG TRAFFICKING.

1. No person shall behave in or upon any public property in a manner in and under circumstances by which he or she manifests the purpose of inducing, inviting, enticing, persuading, soliciting, or procuring another to conduct an illegal drug transaction.

2. The violator’s conduct must be such as to demonstrate a specific intent to induce, invite, entice, persuade, solicit, or procure another to conduct an illegal drug transaction.

3. Intent to induce, invite, entice, persuade, solicit, or procure another to conduct an illegal drug transaction shall be shown by specific acts which may, but need not, include any of the following:

- A. Repeatedly beckoning to, stopping, or attempting to stop or engage passersby in conversation; or
- B. Repeatedly stopping or attempting to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture; or
- C. Repeatedly interfering with the free passage of other persons.

40.03.09 GRAFFITI PROHIBITED.

No person shall, by use of any substance whatsoever, including spray paint, inscribe graffiti upon any structure, sidewalk, street surface or other public or private property.

SUBCHAPTER 40.04 DRUGS AND CONTROLLED SUBSTANCES

40.04.01 Purpose	40.04.05 Possession of Drug Paraphernalia
40.04.02 Controlled Substance Defined	40.04.06 Manufacture, Delivery, or Offering For Sale
40.04.03 Drug Paraphernalia Defined	40.04.07 Possession of a Controlled Substance
40.04.04 Determining Factors	

40.04.01 PURPOSE.

The purpose of this subchapter is to prohibit the use, possession with intent to use, manufacture, and delivery of drug paraphernalia as defined herein.

40.04.02 CONTROLLED SUBSTANCE DEFINED.

The term “controlled substance” as used in this subchapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended.

40.04.03 DRUG PARAPHERNALIA DEFINED.

The term “drug paraphernalia” as used in this subchapter means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:

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

B. Water pipes;

C. Carburetion tubes and devices;

D. Smoking and carburetion masks;

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

F. Miniature cocaine spoons and cocaine vials;

G. Chamber pipes;

H. Carburetor pipes;

I. Electric pipes;

J. Air driven pipes;

K. Chillums;

L. Bongs;

M. Ice pipes or chillers.

40.04.04 DETERMINING FACTORS.

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

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

2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.

3. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

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

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

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

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

9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.

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

11. Displayed. The manner in which the object is displayed for sale.

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

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

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

15. Expert Testimony. Expert testimony concerning its use.

40.04.05 POSSESSION OF DRUG PARAPHERNALIA.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

40.04.06 MANUFACTURE, DELIVERY, OR OFFERING FOR SALE.

It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

40.04.07 POSSESSION OF A CONTROLLED SUBSTANCE.

It is unlawful to be in possession of a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

SUBCHAPTER 40.05 WEAPONS

40.05.01 Lasers and Simulated Laser Devices	40.05.05 Slings and Slingshots
40.05.02 Sale or Exchange of Daggers, Brass Knuckles	40.05.06 Bows and Arrows
40.05.03 Knives on School Property	40.05.07 Throwing and Shooting; Discharging Weapons
40.05.04 Blowguns	40.05.08 Furnishing Weapons to Minors

40.05.01 LASERS AND SIMULATED LASER DEVICES.

1. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms, for the purpose of this section, have the meanings given in this subsection.

A. "Laser" means any pointing device, siting device or other device that converts incident electromagnetic radiation of mixed frequencies to one or more discrete frequencies of highly amplified and coherent visible radiation. This includes any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

B. "Minor" means any person under eighteen (18) years of age.

C. "School or other educational facility" means the buildings, grounds or facilities (or any portion thereof) owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing educational or recreational instruction to students.

D. "Simulated laser" means any pointing device, siting device or other device that emits a beam of light similar in effect or appearance to that of a laser.

E. "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a street, including motor vehicles, motorcycles, and bicycles.

2. Pointing of Lasers at Individuals. No person shall use a laser or simulated laser in such a manner as to cause the beam of such laser or simulated laser to come into direct contact with another individual. A violation of this provision shall be classified as an "assault" under Section 40.01.01 of this Code of Ordinances and shall be punishable accordingly.

3. Pointing of Lasers at a Police Officer or Emergency Service Provider. No person shall use a laser or simulated laser in such a manner as to cause the beam of such laser or simulated laser to come into direct contact with a law enforcement official, uniformed police officer, uniformed traffic enforcement officer, uniformed member of a paid or volunteer fire department, uniformed emergency medical service worker, uniformed ambulance worker or other uniformed City, County, State, or federal peace officer, investigator or emergency service worker. A violation of this provision shall be classified as an "assault" under Section 40.01.01 of this Code of Ordinances. Any person found guilty of this provision shall be punished with the maximum fine and jail time allowed by law.

4. Pointing of Lasers at a Vehicle. No person shall use a laser or simulated laser in such a manner as to cause the beam of such laser or simulated laser to come into direct contact with a vehicle. For purposes of this provision, the term "vehicle" includes only those vehicles being operated on a public street at the time the vehicle comes into contact with any laser or simulated laser. A violation of this provision shall be classified as "harassment" under Section 40.01.02 of this Code of Ordinances and shall be punishable accordingly.

5. Pointing of Lasers at Police or Emergency Service Vehicles. No person shall use a laser or simulated laser in such a manner as to cause the beam of such laser or simulated laser to come into direct contact with a vehicle being operated by a law enforcement official, uniformed police officer, uniformed traffic enforcement officer, uniformed member of a paid or volunteer fire department, uniformed emergency medical service worker, uniformed ambulance worker or other uniformed City, County, State, or federal peace officer, investigator, emergency service worker or law enforcement official on duty and performing official acts with the City. A violation of this provision shall be classified as "harassment" under Section 40.01.02 of this Code of Ordinances. Any person found guilty of this provision shall be punished with the maximum fine and jail time allowed by law.

6. Pointing of Lasers at a Public Facility. No person shall use a laser or simulated laser in such a manner as to cause the beam of such laser or simulated laser to come into direct contact with any facility, property, or equipment owned or operated by the City of Windsor Heights or any other governmental entity. A violation of this provision shall be classified as "harassment" under Section 40.01.02 of this Code of Ordinances. Any person found guilty of this provision shall be punished with the maximum fine and jail time allowed by law.

7. Use of Lasers by Minors. No person shall furnish to any minor by gift, sale, or otherwise, any laser or simulated laser unless: (i) said minor is on the property of a school or other educational facility and actually participating in a supervised school program at the time the minor is given actual possession of the laser or simulated laser; or (ii) said minor is using the laser or simulated laser on private property and in the direct supervision of an adult.

40.05.02 SALE OR EXCHANGE OF DAGGERS, BRASS KNUCKLES.

No person shall exhibit for sale, exchange, gift, or any other purpose, in any showcase, show window, or other place, exposed to public view, any dagger, Bowie knife, stiletto, butterfly knife, switchblade knife, or other knife or instrument which opens by hand pressure applied to a button or other device in the handle of the knife or by operation of inertia, gravity, or both, throwing stars, or any other martial arts weapon, brass knuckles, or knuckles of lead, brass, or other metal or materials; or display any sign, poster, cartoon or card, suggesting the keeping for sale, exchange, or gift of any of the above described articles. Nothing in this section shall be deemed to prohibit the display of such articles for educational or historical purposes.

40.05.03 KNIVES ON SCHOOL PROPERTY.

No person shall possess, own, or carry, on or about his or her person, whether concealed or not, any knife on primary or secondary school property within the City, with the exception of a knife or knives furnished by such school system or specifically authorized by such school system, and then only in connection with the specific activity for which so authorized.

40.05.04 BLOWGUNS.

No person shall use any blowgun or similar device, or throw any stone, stick, or other substance in such a manner as to hit, injure, or endanger any person, window, or other property.

40.05.05 SLINGS AND SLINGSHOTS.

No person shall keep, possess, sell, give, use, fire, shoot, or discharge any sling, slingshot, wrist slingshot, or wrist-supported slingshot of any type or kind within the corporate limits.

40.05.06 BOWS AND ARROWS.

No person shall shoot a bow and arrow, except pursuant to the following subsections, within the City or within a City-owned park, without permission from the Chief of Police. Such permission shall limit the time and place of shooting and may be revoked by the Chief of Police. To "shoot a bow and arrow" means to place a nock of the arrow in the string of a bow or of any other object and to release the arrow in such fashion that when the string is pulled and released, the arrow thrusts forward.

1. General Regulations. No person shall shoot a bow and arrow within the City or in a City-owned park except as follows:

A. Any person may participate in a supervised program of physical education or competitive sports in a public or private school or in a City park area designated by the City.

B. Any person may shoot a bow and arrow at a public or private lane or range that has been certified by the Archery Lane Operators Association or the National Field Archery Association.

C. Any participant may shoot a bow and arrow in a tournament which either has been approved by the City Administrator at least one week prior to the time of the tournament and for which tournament rules have been submitted to the City Administrator, or is conducted at a licensed lane or range.

D. Any person may shoot a bow and arrow on private or school property provided the requirements of the following subsection are met.

2. Use of Bows and Arrows on Private Property. No person shall shoot a bow and arrow in such fashion that it travels beyond the boundaries of the private or school property on which the person is shooting. Any person shooting a bow and arrow on private or school property shall direct the arrow toward a backdrop composed of a substance which will not allow the arrow to pass through and such backdrop must extend at least five feet beyond the target on the top and both sides and must extend from the bottom of the target to the ground. The target shall be constructed and installed so that the target face cannot move more than two inches in any direction.

3. Use of Bows and Arrows for Hunts. No person shall shoot a bow and arrow within the City limits or in a City-owned park at any living being such as an animal, bird, fish or fowl.

4. Use of Bows and Arrows by Minors. No person shall furnish to any minor under 15 years of age by gift, sale, or otherwise, any arrows or components thereof unless said minor is participating in a supervised school program, or is practicing at an approved public or private archery lane or range, or is practicing on the private property of the supervising adult.

40.05.07 THROWING AND SHOOTING; DISCHARGING WEAPONS.

It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot, fire, or discharge rifles, shotguns, revolvers, pistols, guns, air guns, BB guns, or firearms of any kind within the City limits except by authorization of the Council. The term "air gun" means any gun, including handguns, capable of propelling a pellet or other projectile from the barrel of such gun by non-explosive means, such as compressed air, CO₂, or other gas. The term "BB gun" means any such gun capable of propelling a BB or other projectile from the barrel by means of a spring mechanism or air. The terms "shoot," "fire," and "discharge" mean the act of triggering the mechanism of such air gun or BB gun so that it propels a pellet, BB or other projectile from the barrel of such gun.

40.05.08 FURNISHING WEAPONS TO MINORS.

No person shall give, sell, lend, or provide to any person under the age of eighteen (18) years any sword, dirk, dagger, or knife other than an ordinary penknife or pocketknife with a blade not to exceed three inches in length, or any spring blade, switch blade, or snap blade knife, or any blackjack, bludgeon, or similar weapon, or metallic knuckles, or any firearm, air gun, or other missile throwing device, or any ammunition or missiles for use therewith, or any explosive substance or device, or any other device designed primarily for use as a weapon; provided, however, arms, ammunition, and other equipment for hunting, fishing, and other lawful sports may be furnished to a person under the age of eighteen (18) years by or with the consent of that person's parent or guardian. No minor under 18 years of age shall possess, own, or carry on or about his or her person, whether concealed or not, within the City any knife which opens by hand pressure applied to a button, lever, switch, or other device in the handle of the knife or by operation of inertia, gravity or both. No person under the age of 18 shall shoot, fire, or discharge any air gun or BB gun unless under the direct supervision of an adult.

SUBCHAPTER 40.06 ALCOHOL CONSUMPTION AND INTOXICATION

40.06.01 Persons Under Legal Age

40.06.03 Open Containers in Motor Vehicles

40.06.02 Public Consumption or Intoxication

40.06.04 Prohibited Sales and Acts

40.06.01 PERSONS UNDER LEGAL AGE.

As used in this section, "legal age" means twenty-one (21) years of age or more.

1. Social Host. A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic liquor, wine, or beer. The provisions of this subsection do not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic liquor, wine, or beer in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47[1A])

2. Purchase, Consume, or Possess. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor,

wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

3. Misrepresentation of Age. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee.

(Code of Iowa, Sec. 123.49[3])

40.06.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:

A. "Arrest" means the same as defined in Section 804.5 of the Code of Iowa and includes taking into custody pursuant to Section 232.19 of the Code of Iowa.

B. "Chemical test" means a test of a person's blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

C. "Peace officer" means the same as defined in Section 801.4 of the Code of Iowa.

D. "School" means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor, wine, or beer in any public place, except premises covered by a liquor control license or a wine or beer permit. An exception to this provision shall be granted for legal consumption of wine or beer in City parks. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

3. A person shall not simulate intoxication in a public place.

4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test

performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

40.06.03 OPEN CONTAINERS IN MOTOR VEHICLES.

[See Section 60.03.01(62) and 60.03.01(63) of this Code of Ordinances.]

40.06.04 PROHIBITED SALE AND ACTS.

See Section 120.05 of this Code of Ordinances for restrictions imposed on persons or clubs holding a liquor license or retail wine or beer permit.

SUBCHAPTER 40.07 MINORS

40.07.01 Cigarettes and Tobacco 40.07.03 Persons Under Legal Age
40.07.02 Contributing to Delinquency

40.07.01 CIGARETTES AND TOBACCO.

It is unlawful for any person under twenty-one (21) years of age to purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. It is unlawful for any person under eighteen (18) years of age to smoke, use, or possess any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen (18) years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa or who lawfully offers for sale or sells cigarettes or tobacco products.

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

(Ord. 20-01 - Mar. 20 Supp.)

40.07.02 CONTRIBUTING TO DELINQUENCY.

It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

40.07.03 PERSONS UNDER LEGAL AGE.

See Section 121.07 of this Code of Ordinances for provisions relating to persons selling, giving, or otherwise supplying tobacco, tobacco products, or cigarettes to persons under twenty-one (21) years of age.

(Ord. 20-01 - Mar. 20 Supp.)

SUBCHAPTER 40.08 PARK REGULATIONS

40.08.01 Park Hours	40.08.12 Buildings and Animals
40.08.02 Park Shelter, Performance Pavilion, and Bandstand Fees	40.08.13 Dogs and Pets
40.08.03 Parking	40.08.14 Posted Notices
40.08.04 Use of Drives Required	40.08.15 Unauthorized Signs
40.08.05 Public Meetings and Organized Uses	40.08.16 Moving Benches and Tables
40.08.06 Destruction of Plant or Animal Life	40.08.17 Removal of Wood, Grass, or Gravel
40.08.07 Fires	40.08.18 Golf Balls
40.08.08 Fireworks and Explosives	40.08.19 Power-Driven Model Airplanes
40.08.09 Waste Material and Littering	40.08.20 Responsibility of Parent or Guardian
40.08.10 Camping Areas	40.08.21 Roller Skates, Roller Blades, Skateboards, Coasters, Scooters, and Bicycles
40.08.11 Disorderly and Obscene Conduct; Nuisances	40.08.22 Misdemeanor

40.08.01 PARK HOURS.

No person shall remain in any public park, community center, or City recreational facility during the periods of time set by this section unless special permission shall have been given by the City Administrator for such person or group of persons to remain there:

~~1. No person shall remain in or on any City park or the grounds thereof from 11:00 p.m. to 5:00 a.m. (Sunday through Thursday).~~

~~12. No person shall remain in or on any City park or the grounds thereof from 12:00 midnight to 5:00 a.m. (Friday and Saturday).~~

23. Any person can utilize any City ~~greenbelt trail, bike trail, or walking~~ trail twenty-four hours a day. (Ord. 18-12 – Nov. 18 Supp.)

Commented [AS26]: Removed line 1 and mention of Friday and Saturday as the CEC can be rented to midnight each day of the week. The hours allowed on grounds should be consistent for all days.

Commented [AS27]: Removed to simplify verbiage. No value in stating each trail type.

40.08.02 PARK SHELTER, PERFORMANCE PAVILION, AND ~~BANDSTAND~~ BASEBALL DIAMOND FEES.

The shelter house, ~~and the performance pavilion,~~ and baseball diamond of the City Park located at 6900 School Street ~~and the bandstand/gazebo located at Lions' Park behind City Hall at 1133 66th Street,~~ may each be reserved for meetings, gatherings, and organized events, such as picnics, parties, and entertainment for charitable purposes, upon receipt of ~~permission from the City Administrator~~ signed rental agreement and payment of a daily fee. Rental agreement may be electronically signed. Such assemblages shall be conducted in a lawful and orderly manner. The rental fees for the use of these facilities and associated amenities (such as audio-visual equipment) are established by resolution of the Council.

Commented [AS28]: Added as it is a rentable space

Commented [AS29]: Removed as the bandstand/gazebo is no longer in Lions' Park

Commented [AS30]: Updated to reflect current rental process. The City Administrator does not provide permission. Renters agree to an agreement and provide payment which is managed by the Deputy City Clerk

40.08.03 PARKING.

All vehicles parked in a park shall be parked in designated parking areas.

40.08.04 USE OF DRIVES REQUIRED.

No person shall drive any vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

40.08.05 PUBLIC MEETINGS AND ORGANIZED USES.

Public meetings, religious, political, or otherwise, including picnics, parties, and entertainment for charitable or religious purposes, may be held in any public park upon first obtaining permission from the City Administrator. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of the City, and shall occupy such ground as may be reserved for them. Permits shall be obtained from the

City Administrator for use of parks and facilities by organized groups for all such purposes including athletic and sporting activities.

40.08.06 DESTRUCTION OF PLANT OR ANIMAL LIFE.

No unauthorized person shall in any manner deface, injure, or remove any tree, shrub, or plant standing or growing in any public park or recreation facility, or pick or destroy any flowers or seeds growing therein. No persons, except persons authorized, shall remove or attempt to remove, injure, or kill any wild or captive animal in any public park or recreation facility.

40.08.07 FIRES.

No person shall kindle, build, maintain, or in any way light a fire in any public park in the City except in fireplaces provided, or in self-supporting barbecue grills or stoves in places designated as picnic areas, or by special written permit from the City Administrator after a determination that such fire creates no hazards to the park or to persons in the immediate vicinity. No fire shall be built within ten feet of any tree or building or beneath the branches of any tree or in any underbrush unless such fire is enclosed within a stove, oven, or fireplace provided on the premises by the City for use in picnic cooking. Any fire shall be continuously under the care and control of a competent person, from the time it is kindled until it is extinguished.

40.08.08 FIREWORKS AND EXPLOSIVES.

No person shall use firearms, explosives, weapons, firecrackers, or fireworks of any character in any public park, except as otherwise provided by ordinance.

40.08.09 WASTE MATERIAL AND LITTERING.

No person shall place, deposit, or throw any waste, refuse, litter, or foreign substance on the ground or in any area or receptacle in a park except in receptacles provided for that purpose. Park waste receptacles shall not be used for dumping trash or rubbish introduced in that form to the park.

40.08.10 CAMPING AREAS.

No person shall camp in any portion of a park or right of way.

40.08.11 DISORDERLY AND OBSCENE CONDUCT; NUISANCES.

No person shall use any loud, violent, obscene, or profane language while in any public park, nor shall any person conduct himself or herself in a disorderly or obscene manner or commit any nuisance therein.

40.08.12 BUILDINGS AND ANIMALS.

No person shall disturb or interfere with any building or improvement of any kind made or being made in or about any public park, or disturb or interfere with birds or animals kept or found therein.

40.08.13 DOGS AND PETS.

No dog or pet shall be allowed to run at large in any public park. Any dog or pet shall be deemed to be found running at large, unless the owner carries such dog or pet or leads such dog or pet by a chain, strap, or rope not exceeding six feet in length, or keeps any such dog or pet confined in an automobile. However, any dog or pet especially trained to assist a blind or partially blind person and accompanying such person shall not be deemed to be running at large, even though restraints as described herein are not used. Such person shall keep the guide dog under control and shall be liable for any damage done to the premises or facilities by the dog or pet. The Chief of Police shall remove and impound any dog or pet running at large in any public park.

40.08.14 POSTED NOTICES.

No person shall enter upon any land owned or leased to the City and under its jurisdiction, and conduct activities thereon in disregard of signs or posted notices forbidding the same.

40.08.15 UNAUTHORIZED SIGNS.

No person shall post, paste, fasten, paint, or affix any **non-City affiliated** placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure along or within any park.

Commented [AS31]: Added to allow for City functions or partner functions to post signs in the park such as Fall Festival signs or Foundation events.

40.08.16 MOVING BENCHES AND TABLES.

No person shall move benches, seats, or tables from their places in any park except on picnic grounds.

40.08.17 REMOVAL OF WOOD, GRASS, OR GRAVEL.

No person shall cut or remove any wood, turf, grass, soil, rock, sand, or gravel from any public park without written permission from the City Council.

40.08.18 GOLF BALLS.

No one shall drive, hit, or play with a golf ball in any City park except in an area clearly designated by a sign permitting such activity, posted in a conspicuous place.

40.08.19 POWER-DRIVEN MODEL AIRPLANES.

No one shall fly, glide, or play with a fuel-powered model airplane in any City park except in an area clearly designated by a sign permitting such activity, posted in a conspicuous place.

40.08.20 RESPONSIBILITY OF PARENT OR GUARDIAN.

No parent, guardian, or custodian of a minor shall allow the minor to do any act prohibited by any provision of the rules set out by the provisions of this subchapter.

40.08.21 ROLLER SKATES, ROLLER BLADES, SKATEBOARDS, COASTERS, SCOOTERS, AND BICYCLES.

No person shall ride in, ride upon, or in any manner operate any roller skates, roller blades, skateboard, coaster, scooter, bicycle, or similar devices in the following facilities: outdoor performance pavilion in Colby Park. The provisions of this section shall not apply to wheelchairs or other devices designed to aid handicapped or impaired persons when operated by a handicapped or impaired person.

40.08.22 MISDEMEANOR.

Any person who violates Sections 40.08.01 through 40.08.20 of this subchapter shall be guilty of a misdemeanor. Any person violating Section 40.08.21 of this subchapter, in lieu of the standard penalty provided for violation of this Code of Ordinances, may suffer the person's roller skates, in-line skates, skateboard, coaster, scooter, bicycle, or similar device to be impounded for not less than five days for a first offense, ten days for a second offense, and 30 days for the third offense. ~~The violator must pay an impound release fee of \$15.00, \$25.00, and \$35.00, respectively, in order for the impounded property to be released to the violator. Any person violating the provisions of Section 40.08.21 more than three times will forfeit the person's skates, scooter, coaster, skateboard, or bicycle and be subject to a fine of not less than \$250.00 or more than \$750.00.~~

Commented [AS32]: Removing fees from Code of Ordinances and placing in Fee Schedule

SUBCHAPTER 40.09

OTHER PUBLIC OFFENSES ENFORCEMENT PROVISIONS

40.09.01 Peddlers, Solicitors, and Transient Merchants 40.09.03 Sidewalk Regulations

40.09.02 Adult Entertainment Facilities

40.09.01 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS.

1. License Required. See Section 122.02 of this Code of Ordinances for provisions relating to licenses required for persons engaged in peddling and soliciting.
2. Display of License. See Section 122.07 of this Code of Ordinances for provisions requiring peddlers and solicitors to keep license available.
3. Time Restrictions. See Section 122.09 of this Code of Ordinances for provisions relating to times when peddlers and solicitors may operate.

40.09.02 ADULT ENTERTAINMENT FACILITIES.

See Chapter 125 of this Code of Ordinances for provisions relating to the operation of an adult entertainment facility.

40.09.03 SIDEWALK REGULATIONS.

1. Interference with Sidewalk Improvements. See Section 136.12 of this Code of Ordinances for provisions relating to driving vehicles upon or removing, destroying, marring or defacing any part of a sidewalk.
2. Fires or Fuels. See Section 136.15 of this Code of Ordinances for provisions relating to fires or fuels on sidewalks.
3. Defacing. See Section 136.16 of this Code of Ordinances for provisions relating to painting or writing on sidewalks.
4. Debris. See Section 136.17 of this Code of Ordinances for provisions relating to throwing or depositing trash or debris of any kind on sidewalks.
5. Merchandise Display. See Section 136.18 of this Code of Ordinances for provisions relating to sale of merchandise on sidewalks.

6. Sales Stands. See Section 136.19 of this Code of Ordinances for provisions relating to vending machines or other sales stands on sidewalks.

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance	50.05 Abatement of Nuisance by Written Notice
50.02 Nuisances Enumerated	50.06 Municipal Infraction Abatement Procedure
50.03 Nuisances Prohibited	50.07 Termination of Rental Certificate
50.04 Nuisance Abatement	

50.01 DEFINITION OF NUISANCE.

Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED.

The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment, or manufacture which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
4. Blocking Public and Private Ways. Obstructing or encumbering, by trees, hedges, fences, billboards, buildings, or other obstructions (including moveable objects), the public roads, private ways, streets, alleys, commons, landing places, or burying grounds. All

obstructions, whether natural or manmade, which hinder persons from having an adequate view of traffic so as to prevent them from the continued safe travel on a public street.

5. Prostitution; Gambling; Gang Activity. Real or personal property kept for the purpose of prostitution and lewdness; unlawful gambling; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa, or places resorted to by persons using controlled substances, as defined in Code of Iowa Section 124.101, subsection 5, in violation of law, or real or personal property where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

~~6. Billboards. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.~~

Commented [AS33]: Prohibited Signs outlined in Chapter 175.04

7. Obstructing Air Traffic. Any object or structure erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

8. Storing of Flammable Material. Depositing or storing of flammable material, including (but not limited to) old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction.

9. Air Pollution. Emission of dense smoke, noxious fumes, or fly ash.

10. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard, or which otherwise constitute a nuisance under this chapter. For purposes of this subsection, all growths of grass or weeds in excess of six inches (6") in height shall be deemed to be a nuisance. Exempt from this subsection are growths used primarily for educational and/or research purposes, so long as the growths are controlled. Also exempt from this subsection is ornamental grass.

~~11. Diseased or Damaged Trees or Plant Materials. Any dead, diseased, or damaged trees or plant materials, which may harbor serious insect or disease pests or diseases injurious to other trees or plant materials, or any healthy tree in such a state of deterioration that any part of such tree is likely to fall and damage property or cause injury to persons.~~

Commented [AS34]: Outlined in Chapter 151.21

~~12. Damaged Vehicles. The storage of damaged vehicles, as defined in Chapter 51 of this Code of Ordinances.~~

Commented [AS35]: Outlined in Chapter 51

~~13. Junk or Abandoned Vehicles. The storage of junk or abandoned vehicles, as defined in Chapter 52 of this Code of Ordinances.~~

Commented [AS36]: Outlined in Chapter 52

14. Sewage. The discharge or exposure of sewage, garbage, or any other organic waste matter into or on any public place.

15. Poison. The deposit of any poisonous material or thing on any premises, so as to allow access to it by any animal or person.

16. Stagnant Water. Breeding places for mosquitoes, to include stagnant water in fish ponds, swimming pools, tires, open barrels, and other devices holding water.

~~17. Unsafe Signs. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, or is not kept in good repair, or is capable of causing electric shocks to persons likely to come in contact with it, or which obstructs free ingress or egress from a required door, window, fire escape, or other required exit.~~

~~18. Obscene Signs. Signs accessible to the general public containing statements, words, or pictures of an obscene or pornographic character.~~

Commented [AS37]: Prohibited Signs outlined in Chapter 175.04

19. Construction Debris. Depositing or permitting to be deposited dirt, debris, or other sedimentation resultant from grading, construction, demolition, or repair activities:

A. Onto public rights-of-way in amounts which could cause a danger to public health, safety, or welfare; or

B. Into public storm sewers or drainage ways in amounts which could cause an obstruction to the flow of same; or

C. Into a public stream, river, or lake in amounts which could cause pollution of same.

20. Dangerous Structures. Residential or nonresidential structures, including those damaged by fire or decay, the condition of which constitutes a hazard to safety or to health as determined by the Building Official.

~~21. Vacant Buildings or Sheds. Unoccupied buildings or sheds found to be frequently open or accessible and vacated for more than six months.~~

Commented [AS38]: Outlined in Chapter 182

22. Faulty Water Service. Discharge of water upon or under public streets or sidewalks by reason of faulty water service.

~~23. Noise Pollution. Any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans as defined in Chapter 54 of this Code of Ordinances.~~

Commented [AS39]: Outlined in Chapter 54

~~24. Litter. Any decomposable or non-decomposable solid or other waste material as defined in Chapter 53 of this Code of Ordinances.~~

Commented [AS40]: Outlined in Chapter 53

~~25. Hazardous Accumulations. Accumulation of rubbish or trash and rank growth of weeds or other vegetation and plants tending to harbor vermin and/or rodents, or which are otherwise conducive to hazard.~~

Commented [AS41]: Outlined in Chapter 51

~~26. Snow and Ice on Sidewalks. All snow and ice not removed from public sidewalks forty-eight (48) hours after the snow and ice have ceased being deposited thereon from one continuous event.~~

Commented [AS42]: Outlined in Chapter 136

~~27. Tree Limbs. All tree limbs which are less than eight (8) feet above the surface of any public sidewalk or which are less than fourteen (14) feet above the traveled way of any public street.~~

Commented [AS43]: Outlined in Chapter 151.11. Also is different measurements. This is more stringent. Will update 151.11 to these measurements.

~~28. Structures Damaged by Fire or Decay. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding half of their original value and which are so situated as to endanger the safety of the public.~~

Commented [AS44]: Outlined in item 20 of this section

~~29. Open Accumulation of Inoperable Vehicles, Machinery, or Appliances. Accumulation in the open of parked, stored, discarded, or disused machinery; unlicensed, unregistered or damaged or inoperable vehicle; household appliance; automobile or other vehicle body, parts, or components thereof, or any material parked, stored, discarded, or disused in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health, or safety hazards from such accumulation of other material or from the rank growth of vegetation among the items so accumulated. This subsection does not apply to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This subsection also does not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or any other public agency or entity.~~

Commented [AS45]: Outlined in Chapter 51

30. Floodlights. Permitting or allowing the illumination of floodlights, yard lights, or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.

~~31. Vehicles on Lawns. Vehicles parked on a lawn or parking surface not in compliance with Section 174.08 of this Code of Ordinances.~~

Commented [AS46]: Outlined in 174.08

32. Dangerous Machinery. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

33. Loose Overhanging Objects. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

34. Fireworks. All use or display of fireworks except as permitted by law or this Code of Ordinances. The use of illegal fireworks will be deemed an immediate nuisance and shall be subject to enforcement by municipal infraction.

35. Required Improvements. Failure to install any improvement required by any portion of this Code or Ordinance, or other law or agreement.

~~36. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked or fastened, which are outside of enclosed buildings and may become accessible to children or others, or allowing any such refrigerator, ice box, or similar container, to remain outside of~~

~~enclosed buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children or others.~~

Commented [AS47]: Added to Chapter 51 Junk definition

~~37. Cottonwood Trees. The planting of cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.~~

Commented [AS48]: Add to 151.02 Planting Restrictions

~~38. Tree of Heaven. The Tree of Heaven is an invasive species and should not be allowed to grow.~~

Commented [AS49]: Added per staff recommendation. Tree of Heaven is finding itself in the City and we do not want the invasive species to be allowed to grow

398. Nuisance Houses. Houses that require more than one police response to the same location or address within a 180-day period, during which police response an officer makes a determination that something at or on the location or address is injurious to health, indecent, or unreasonably offensive to the senses, or is an obstruction to the free use of property, essentially interfering unreasonably with the comfortable enjoyment of life or property.

~~40. Violations of the Code of Ordinance. Violations outlined in chapters not enumerated in Section 50.02.~~

Commented [AS50]: Adding as a "catch all" for the City to start abatement process for any code violation. Making it unnecessary to have any subsequent mention of the City initiating the abatement process in another chapter.

50.03 NUISANCES PROHIBITED.

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.04 NUISANCE ABATEMENT.

Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.05 of this chapter or the municipal infraction procedure referred to in Section 50.06. With regard to the nuisance enumerated in Section 50.02(38) (Nuisance Houses), property owners will be notified after the first determination by a police officer that conditions exist posing a nuisance and that a second determination of this kind will immediately constitute the failure to abate a nuisance as outlined in Section 50.05(8), subjecting the property owner to applicable fines.

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

50.05 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.

Any nuisance, public or private, may be abated in the manner provided for in this section:

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

1. Contents of Notice to Property Owner. The notice to abate shall contain:

A. Description of Nuisance. A description of what constitutes the nuisance.

B. Location of Nuisance. The location of the nuisance.

C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

D. Reasonable Time. A reasonable time within which to complete the abatement.

E. Assessment of City Costs. The City Administrator shall send a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the City Administrator shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsection 1 and 2, and the hearing as provided in Subsection 3.

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

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

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

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred, by certified mail, to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within 30 days after the statement was sent, the Clerk may retain attorneys and/or private collection agents for the purpose of

collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the City with respect to attorneys or private collection agents retained under this subsection shall be charged to the offender.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.06 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.

In lieu of the abatement procedures set forth in Section 50.05, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

50.07 TERMINATION OF RENTAL CERTIFICATE.

Rental certificates shall automatically terminate and become null and void upon issuance of a nuisance abatement notice that is related, in any way, to property to which a rental certificate applies. The owner of any such rental property shall be required to register the property again, including the complete inspection process, as provided in Chapter 156 of this Code of Ordinances. Failure to obtain a valid rental certificate is a municipal infraction.

50.08 REBUTTABLE PRESUMPTION

In any proceeding charging a violation of this article, proof that the particular violation described constitutes a violation of this article, together with proof that the particular named violator was the owner, agent, tenant, or lessee of the residential dwelling, commercial establishment or real property upon which the violation occurred, shall be deemed to create a rebuttable presumption that such violator was the party violating this article. As to property abandoned in the public real property, it is presumed that the abandoned property was placed there by or with the consent of the owner, agent, tenant or lessee of the abutting property.

Commented [AS51]: Mirroring neighboring communities to strengthen the nuisance abatement process

NOTE

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

CHAPTER 51

DAMAGED OR INOPERABLE VEHICLES JUNK OR JUNK VEHICLES

Commented [AS52]: Updating Chapter to be Junk and Junk Vehicles mirroring neighboring communities.

51.01 Definitions	51.06 Method of Service
51.02 Damaged or Inoperable Vehicle a Nuisance	51.07 Request for Hearing and Appeal
51.03 Exceptions	51.08 Duty of Owner to Abate
51.04 Notice to Abate	51.09 Abatement by City
51.05 Contents of Notice	

51.01 DEFINITIONS.

“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. Junk also includes the following:

- Hazardous accumulations of rubbish or trash and rank growth of weeds or other vegetation and plants tending to harbor vermin and/or rodents, or which are otherwise conducive to hazard.
- Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked or fastened, which are outside of enclosed buildings and may become accessible to children or others, or allowing any such refrigerator, ice box, or similar container, to remain outside of enclosed buildings on premises in the person’s possession or control, abandoned or unattended and so accessible to children or others.

“Vehicle” means and includes any 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, motor vehicle, bus, motor home, automobile, truck, trailer, motorcycle, tractor, wagon or any combination thereof.

“Junk Vehicle” A ~~damaged or inoperable junk~~ vehicle means any one of the above vehicles which is not licensed for the current year as required by law or which exhibits any one of the following characteristics:

Commented [AS53]: Separating to have a clear definition of a vehicle and junk vehicle

- ~~—1. It is not equipped with one or more operable headlamps as required by Code of Iowa, Section 321.385.~~
- ~~—2. It is not equipped with one or more operable rear lamps when required by Code of Iowa, Section 321.387.~~
- ~~—3. It is not equipped with operable brakes when required by Code of Iowa, Section 321.430 and 321.431.~~
- ~~—4. It is not equipped with a muffler in good working order as required by Code of Iowa, Section 321.436.~~
- ~~—5. It is not equipped with a windshield and one or more windows as required by Code of Iowa, Sections 321.438 and 321.444.~~
- ~~—6. Any vehicle which is not equipped with tires or when the tires attached to the vehicle do not meet the requirements of Code of Iowa, Section 321.440.~~
- ~~—7. Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, trunk top or tailpipe, all of which combined render its value less than 50% of the official Kelley Blue Book value.~~
- ~~—8. Any vehicle which is lacking an engine or one or more wheels or other structural or part which renders such vehicle inoperable.~~
- ~~—9. Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.~~
- ~~—10. Any vehicle or part of a vehicle which, because of its defective condition, constitutes a threat to the public health and safety.~~
- ~~—11. Any vehicle that is not capable of moving in both forward and reverse gears.~~
- ~~—12. Any vehicle which is not equipped with a part or mechanism, the lack of which renders the vehicle inoperable.~~

~~—13. Any vehicle that appears to be dismantled or partially dismantled, which cannot be made operable without the addition or replacement of vital parts or mechanisms.~~

~~—14. Any vehicle or partially dismantled vehicle on private property outside of an enclosed building that has not been operated on a public roadway within the previous 180 days or more.~~

~~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.~~

Commented [A554]: Simplified definition of a junk vehicle mirroring neighboring communities and for staff when enforcing this chapter.

Also shortening the time of a vehicle operating on the road from 180 to 30 days. This is a much more manageable time frame for the City to enforce.

51.02 ~~DAMAGED OR INOPERABLE VEHICLE~~JUNK AND JUNK VEHICLES A NUISANCE.

The City hereby declares that the parking or storage of damaged vehicles on private property within the corporate limits of the City, where not authorized by law, is a nuisance because the same is injurious to health, indecent, and offensive to the senses, and is an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life and property.

51.03 EXCEPTIONS.

The provisions of this chapter do not apply to:

1. Storage in Buildings. Damaged or inoperable vehicles kept on private property stored entirely within an enclosed building; or

2. On Premises of Licensed Vehicle Recycler. Damaged vehicles kept on private property in a GC or LI District under the Zoning Ordinance by a person licensed as an authorized vehicle recycler under the provisions of the Code of Iowa, Chapter 321H, when storage

thereof is permitted under the certificate of occupancy issued for the private property involved.

~~3. Restoration. A single vehicle which is being restored, which would otherwise constitute a damaged or inoperable vehicle on private property, under the following conditions:~~

~~A. The owner of the vehicle shall register the vehicle with the City Clerk by obtaining a Vehicle Restoration Permit from the City Clerk. The City Clerk is authorized to issue a Vehicle Restoration Permit only if the owner of a vehicle meets the following conditions:~~

~~(1) Submits a completed and signed application form containing the name and address of the owner of the vehicle and the address of the private property on which the vehicle is to be stored and restored, together with the make, model, year, and description of the vehicle, including its vehicle identification number. In addition, the applicant shall submit evidence satisfactory to the City Clerk that the vehicle will be appropriately covered during any period of outdoor storage.~~

~~(2) Provides proof of liability insurance for said vehicle.~~

~~(3) Pays a fee of fifty dollars (\$50.00).~~

~~B. A Vehicle Restoration Permit shall be valid for a period of one year from the date of issuance and may be renewable for a second one-year period if the applicant meets the conditions as provided herein. Only one permit may be issued per property; the maximum period permitted by the City for restoring an antique or classic vehicle which would otherwise constitute a damaged or inoperable vehicle is two years.~~

Commented [AS55]: Removing as restoration efforts can happen within an enclosed space. This also prevents junk vehicles being restored to be a visual nuisance and hazard to the community.

51.04 NOTICE TO ABATE.

~~Whenever the City Administrator or other authorized municipal officer, including a peace officer, finds that a damaged vehicle is stored on private property in violation of this chapter, the officer shall cause a written notice to abate to be served upon the owner of the private property as shown by the records of the Polk County Auditor. A copy of the notice to abate shall be served upon the owner of the damaged vehicle if such owner is different than the owner of the private property involved and his or her identity can be readily ascertained.~~

51.05 CONTENTS OF NOTICE.

~~The notice to abate shall contain:~~

~~1. The name and mailing address of the owner of the private property involved.~~

~~2. The local address of the property involved if different than the mailing address of the owner.~~

3. A brief description of the property, including street address, involved.

4. The date on which the condition or conditions were noted.

5. A description of each damaged vehicle observed, the name and address of the owner thereof, if known, and the condition or conditions observed.

6. A statement that each damaged vehicle must be removed or repaired within ten (10) days from the date of receipt of the notice to abate.

7. A statement that the owner has a right to a hearing before the Chief of Police by filing a written request therefor with such officer within ten (10) days from the date of receipt of the notice to abate.

8. A statement that if the damaged vehicle is not removed or repaired as directed, and no request for hearing is made within the time prescribed, the City will remove the damaged vehicle and assess the costs thereof to the owner of the private property involved.

51.06 METHOD OF SERVICE.

The notice to abate shall be served upon the owner of the private property, and the owner of the damaged or inoperable vehicle, if different than the owner of the private property involved and if his or her identity can be readily ascertained, by personal service, or by certified mail, return receipt requested.

51.07 REQUEST FOR HEARING AND APPEAL.

The owner of the private property of record may request a hearing before a hearing officer to determine whether a nuisance or prohibited condition exists. A request for hearing must be made in writing and must be delivered to the Chief of Police within ten (10) days from the date of receipt of the notice or it will be conclusively presumed that a nuisance or prohibited condition exists and that it must be abated as ordered. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the hearing officer finds that a nuisance or prohibited condition exists, the hearing officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

51.08 DUTY OF OWNER TO ABATE.

~~The owner of private property upon which a damaged vehicle is found must, within ten (10) days after receipt of the notice to abate or such other time as may be fixed on hearing or appeal:~~

~~1. Remove the damaged vehicle to a lawful place of storage; or~~

~~2. Repair the damaged vehicle to remove all defects which cause the vehicle to violate the provisions of this chapter.~~

51.09 ABATEMENT BY CITY.

~~If the owner of private property upon which a damaged vehicle is found neglects or fails to remove or repair the same as required by Section 51.08 of this chapter within ten (10) days after receipt of the notice to abate, or such other time as may be fixed on hearing or appeal, the Chief of Police shall abate such nuisance by causing the damaged or inoperable vehicle to be impounded. The Chief of Police shall keep an accurate account of the expenses incurred. The itemized expense account shall be filed with the City Administrator who shall cause such expense to be paid by the City.~~

Commented [AS56]: Removing and directing to Chapter 50 which outlines the nuisance abatement process. This simplifies the process and code while also removing redundancies.

CHAPTER 52 ABANDONED VEHICLES

52.01 Definitions

52.02 Authority to Take Possession of Abandoned Vehicles

52.03 Notice by Mail

52.04 Notification in Newspaper

52.05 Fees for Impoundment

52.06 Disposal of Abandoned Vehicles

52.07 Disposal of Totally Inoperable Vehicles

52.08 Proceeds from Sales

52.09 Duties of Demolisher

52.10 Bids for Towing and Storage

52.01 DEFINITIONS.

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

(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)

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 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 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 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.

52.02 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])

52.03 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])

52.04 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 52.03. 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 52.03.

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

52.05 FEES FOR IMPOUNDMENT.

The owner, lienholder, or claimant shall pay all fees, fines, and costs associated with the impoundment, including those established by the storage facility; whereupon, the vehicle shall be released.

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

52.06 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])

52.07 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 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])

52.08 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])

52.09 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])

52.10 BIDS FOR TOWING AND STORAGE.

At least once each year, the Council may take bids from privately owned garages for schedules of fees for towing and storing impounded vehicles or vehicles taken up because of illegal parking. Thereupon, the Council shall designate such of the bidders as shall be geographically located to tow and store such vehicles at a minimum cost in the event City facilities are not available for towing or storing vehicles to be impounded. The Chief of Police is hereby authorized to direct the public garage designated by the Council as aforesaid and located nearest to such vehicle to tow and store the same until disposed of as provided in this chapter. Such garage is hereby authorized to retain such vehicle until the fees for towing and storage on the basis of its bid shall be paid.

CHAPTER 53 LITTER CONTROL

53.01 Definitions	53.05 Depositing Handbills on Vacant Premises
53.02 Throwing or Distributing Handbills in Public Places	53.06 Distributing Handbills at Private Premises
53.03 Posting Notices Prohibited	53.07 Owner to Maintain Premises Free of Litter
53.04 Placing Handbills on Vehicles	53.08 Clearing of Litter From Private Property by City

53.01 DEFINITIONS.

The following terms are defined as used in this chapter:

1. "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

A. Advertises for sale any merchandise, product, commodity, or thing; or

B. Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

C. Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of this clause do not apply where an admission is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when the same is held, given, or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, nothing in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of the State or under any ordinance of the City; or

D. While containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of person so engaged as advertiser or distributor.

2. "Litter" means any decomposable or non-decomposable solid or other waste material.

3. "Noncommercial handbill" means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the preceding definitions of a commercial handbill or newspaper.

4. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.

5. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

53.02 THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES.

1. No person shall throw or deposit, or cause to be thrown or deposited, any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City.

2. If handbills become deposited upon any public place, the person distributing or causing distribution of such handbills shall remove them the same day.

53.03 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, shade tree upon any public property, or public structure or building, except as may be authorized or required by law.

53.04 PLACING HANDBILLS ON VEHICLES.

No person shall place any commercial or noncommercial handbill in or upon any vehicle not owned or controlled by said person.

53.05 DEPOSITING HANDBILLS ON VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises, whether owned by such person or not, which are temporarily or continuously uninhabited or vacant. Nothing herein provided shall prevent the owner or person in control of such property from properly and securely storing such materials thereon.

53.06 DISTRIBUTING HANDBILLS AT PRIVATE PREMISES.

1. No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises.
2. However, in cases of inhabited premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
3. The provisions of this section do not apply to the distribution of mail by the United States or to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

53.07 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section does not prohibit the storage of litter in authorized private receptacles for collection.

53.08 CLEARING OF LITTER FROM PRIVATE PROPERTY BY CITY.

1. Notice to Remove. The City Administrator is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be by certified mail addressed to the owner at his or her last known address.

2. Action upon Noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified, to properly dispose of litter within a time set by the City Administrator, after receipt of written notice provided for in subsection 1 of this section, or within this set time after the date of such notice, in the event the notice is returned to the City because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of such owner or agent, the City Administrator is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.

3. Assessment and Allocation of Costs. When the City has effected the removal of litter from private property or has paid for its removal, the actual cost of removal of such litter shall be paid by the owner of the property and shall be assessed against such property and collected by the City in any manner provided by law.

CHAPTER 54

NOISE POLLUTION

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54.01 DEFINITIONS.

—The following terms are defined as used in this chapter:

- 1. “Ambient sound level” means the noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources.
- 2. “A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(a) or dBa.
- 3. “Construction” means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of public or private right-of-way, structures, utilities or similar property.
- 4. “Decibel (dB)” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- 5. “Demolition” means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- 6. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
- 7. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
- 8. “Equivalent A-weighted sound level (L_{eq})” means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. For the purpose of this chapter, a time period of one hour shall be used, unless the likely duration or intensity of the sound being measured makes a shorter time period reasonable.
- 9. “Impulsive sound” means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop force impacts, and the discharge of firearms.
- 10. “Motorboat” means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hovercraft.
- 11. “Motorcycle” means any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes motorized bicycles and motor scooters.

- 12. “Motor vehicle” means any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.
- 13. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- 14. “Noise disturbance” means any sound which endangers or injures the welfare, safety, or health of a human being, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property.
- 15. “Noise sensitive activities” means activities which should be conducted under conditions of exceptional quiet including, but not limited to, operation of schools, libraries open to the public, and churches.
- 16. “Noise sensitive area” means any area designated by the City Council for the purpose of ensuring exceptional quiet and clearly posted with “Noise Sensitive Area” signs, because of the noise sensitive activities conducted therein.
- 17. “Powered model vehicle” means any self-propelled airborne, waterborne, or land borne model plane, vessel, or vehicle, which is not designed to carry persons, including (but not limited to) any model airplane, boat, car, or rocket.
- 18. “Public right-of-way” means any street, avenue, boulevard, highway, sidewalk, or alley or similar place which is owned or controlled by a governmental entity.
- 19. “Public space” means any real property, including any structure thereon, which is owned or controlled by a governmental entity.
- 20. “Pure tone” means any sound which can be distinctly heard as a single pitch or a set of single pitches.
- 21. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- 22. “Receiving land use” means, for the purposes of this chapter, the use or occupancy of the property which receives the transmissions of sound as hereinafter defined.
- 23. “Recreational vehicle” means any racecar, motorcycle, snowmobile, or any other motorized vehicle equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property.
- 24. “Residential” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
- 25. “RMS sound pressure” means the square root of the time averaged square of the sound pressure, denoted P_{rms} .
- 26. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and

rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

—27. “Sound equipment” means any radio, record player, stereo, television, tape deck or player, loud speakers, amplifier, sound truck or other device for producing, reproducing, or amplifying sounds.

—28. “Sound level” means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

—29. “Sound level meter” means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute Standard 1.4-1971.

—30. “Sound pressure” means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

—31. “Sound pressure level” means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per square meter ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_P or SPL and is expressed in decibels.

—32. “Used” and “occupied,” when used in this chapter, both shall be deemed to include the words “intended, designed, or arranged to be used or occupied.”

54.02 EXCEPTIONS.

—The provisions of this chapter do not apply to:

- 1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- 2. The emission of sound in the performance of emergency work.
- 3. Noncommercial public speaking and public assembly activities conducted on any private property, public space, or public right-of-way.
- 4. The emission of sound in the legal discharge of weapons or in fireworks displays licensed by the City.
- 5. The emission of sound in the operation of snow removal equipment.
- 6. Parades or processions for which a parade permit has been issued by the City.

54.03 NOISE DISTURBANCE PROHIBITED.

~~—No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance, as defined in this chapter, or any noise in excess of the limits for such noise established in this chapter.~~

54.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE; IMMEDIATE THREAT.

~~—1. Maximum Permissible Sound Levels. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, the following are the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use:~~

~~—Table 1. Sound Levels by Receiving Land Use~~

~~-~~

~~Zoning Category of
Receiving Land Use~~

~~Time~~

~~Sound Level Limit, dBa~~

~~R-1, R-2, R-3, R-4 Residential~~

~~7:00 a.m. to 10:00 p.m.~~

~~60~~

~~10:00 p.m. to 7:00 a.m.~~

~~50~~

~~TC, CC, GC, UC~~

~~at all times~~

~~65~~

~~LI~~

~~7:00 a.m. to 10:00 p.m.~~

~~65~~

~~10:00 p.m. to 7:00 a.m.~~

~~55~~

Noise Sensitive Areas

at all times

55

-

—A. Violation. For the purposes of this chapter, sound levels in excess of the dBa listed in Table 1 above shall be deemed a violation.

—B. Correction for Character of Sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth above shall be reduced by 5 dBa.

—2. The provisions of this section do not apply to:

—A. Activities covered by the following sections: 54.05 (Emergency Signaling Devices); 54.08 (Amplified Sound); 54.09 (Motorized Vehicles); 54.10 (Construction); 54.11 (Stationary Non-Emergency Signaling Devices); and 54.16 (Noise Covered by Sound Variance).

—B. The operation of the following domestic power tools of equipment between the hours of 7:00 a.m. and 10:00 p.m.

—(1) Electrical power tools actually being used for their intended purpose.

—(2) Motor-powered, muffler-equipped lawn, garden and tree trimming equipment actually being used for their intended purpose.

—3. Immediate Threats.

—A. The City Administrator shall order an immediate halt to any sound that exposes any person, except those specifically exempted by this chapter, to continuous sound levels in excess of those shown in Table 2 or to impulsive sound levels in excess of those shown in Table 3. If the sound has not abated within a reasonable length of time following issuance of such an order, the City Administrator may apply to the appropriate court for an injunction to replace the order or may treat the violation in the manner of other Code violations.

—B. No order under paragraph A hereof shall be issued if the only person exposed to sound levels in excess of those listed in Tables 2 and 3 is exposed as a result of (i) trespass, (ii) invitation upon private property by the person causing or permitting the sound, or (iii) employment by the person or contractor of the person causing or permitting the sound.

—C. Any person subject to an order issued pursuant to paragraph A hereof shall comply with such order until: (i) the sound is brought into compliance with the order as determined by the City Administrator; or (ii) a judicial order has superseded such order.

Table 2. Continuous Sound Levels that
Pose an Immediate Threat to Health and Welfare

(Measured at 50 Feet)

Sound Level Limit (dBa)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

—D. Correction for Character of Sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth hereinabove shall be reduced by 5 dBa.

—E. Varying Sound Level. Where the sound level (dBa) varies over the measuring period, the equivalent A-weighted (average) sound level (L_{eq}) shall be determined by figuring the time and intensity levels for time periods set out in Tables 2 and 3.

Table 3. Impulsive Sound Levels that Pose an Immediate Threat To Health and Welfare

(Measured at 50 Feet)

Sound Level Limit (Db)	Number of Repetitions Per 24-Hour Period
140	1
130	10
120	100

54.05 EMERGENCY SIGNALING DEVICES.

—1. No person shall operate or permit the intentional sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided for in this section.

—2. Testing of a stationary signaling device shall occur at the same time of day each time the test is performed, but not before 9:00 a.m. or after 4:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall test times exceed 60 seconds.

54.06 SPECIFIC ACTIVITIES PROHIBITED.

- 1. Sales by “Hawking” or “Barking.” No person shall offer for sale or sell anything by shouting or raised voice within any residential or commercial area in the City.
- 2. Loading and Unloading. No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 7:00 p.m. and 7:00 a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This section shall not apply to activities covered by Section 54.09.
- 3. Vehicle or Motorboat Repairs and Testing. No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

54.07 MUSICAL INSTRUMENTS AND SIMILAR DEVICES.

—No person shall operate, play, or permit the operation or playing of any drum, musical instrument, or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary as defined herein, or outdoors within a noise sensitive area.

54.08 REGULATION OF SOUND EQUIPMENT AND SOUND AMPLIFYING EQUIPMENT.

- 1. Sound Equipment Restricted. Except for activities open to the public and for which a permit has been issued by the City under this section, no person shall so operate, play, or permit the operation or playing of any sound equipment:
 - A. As to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.
 - B. As to create a noise disturbance 50 feet from the device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.
- 2. Permit Required. No person shall, use, operate, or cause to be used or operated any sound equipment upon the public streets or in any building or upon any premises, public or private, if the sound therefrom is plainly audible from any public street or public place within the City, unless said person:
 - A. First obtains a permit in accordance with this section;

~~—B. Complies with the conditions imposed by the permit, including the maximum permitted sound level shown therein;~~

~~—C. Complies with all other applicable provisions of this Code of Ordinances.~~

~~—3. Exclusions. Sound equipment shall not include:~~

~~—A. Equipment used for public health and safety purposes;~~

~~—B. Church or clock carillons, bells or chimes;~~

~~—C. Automobile radios, tape decks or players, or other standard automobile equipment used or intended for the use and enjoyment of the occupants, provided the sound emitting therefrom is not audible for more than 50 feet from the vehicle.~~

~~—D. Recorded music used in a nonresidential district in conjunction with a civil or religious celebration;~~

~~—E. Unamplified live music provided, sponsored, or funded, in whole or in part, by a governmental entity.~~

~~—F. Mobile radio or telephone signaling devices.~~

~~—4. Fees. A separate permit shall be required for each type of activity described below, and permits shall be nontransferable. The permit shall be conspicuously displayed on or immediately adjacent to the sound equipment. A nonrefundable fee for sound equipment permits shall be paid as follows:~~

~~—A. Permits for one day or less — \$ 20.00~~

~~—B. Permits for over one day through one week — \$ 40.00~~

~~—C. Permits over one week through one year — \$ 75.00~~

~~No fee shall be required for any sound equipment permit issued to the City, State, or federal government or a governmental subdivision or agency.~~

~~—5. Information Required. Applications for permits required herein shall be made in writing to the City Administrator, accompanied by the required permit fee and the following information:~~

~~—A. Type of permit requested;~~

~~—B. Name and address of applicant;~~

~~—C. The purpose for which the sound equipment will be used;~~

~~—D. The location where the sound equipment will be used;~~

~~—E. The number of days of use and proposed hours of operation of the sound equipment;~~

~~—F. A general description of the sound equipment, including the license number of any motor vehicle upon which it is to be operated;~~

—G. The proposed sound pressure level output of the sound equipment, including:

—(1) Type B Permits. The approximate decibel output measured in dB(a)s at a distance of 100 feet from the sound equipment.

—(2) Type A, C, D and E Permits. The address of the residence nearest the sound equipment, the approximate decibel output measured in dB(a)s at the real property boundary of the private residence nearest the sound equipment, and the decibel output measured in dB(a)s at a distance of 50 feet from the sound equipment. If the application contains the required information and is accompanied by the required fee, and the proposed use of the sound equipment complies with the standards and other requirements of this section and all other applicable laws and ordinances, the zoning enforcement officer shall issue the appropriate permit.

—6. Application Standards.

—A. Type A Permit—General Standards. A type A permit may be issued for sound equipment emitting music or human speech registering not more than 60 dB(a)s when measured at the real property boundary of the private residence alleging a noise disturbance when known, or at the real property boundary of the private residence nearest the sound equipment, and registering not more than 100 dB(a)s at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type A permit may be used only in areas of the City zoned for nonresidential use and only between the hours of 9:00 a.m. and 11:00 p.m.

—B. Type B Permit; Sound Trucks—General Standards. Sound trucks may be operated only under a type B permit. A type B permit may be issued for sound equipment mounted upon a motor vehicle and intended for use upon City streets provided that the sound equipment emits only music or human speech registering not more than 80 dB(a)s when measured at a distance of 100 feet from the sound equipment. Sound equipment permitted under a type B permit may be used only in nonresidential areas from 9:00 a.m. to 9:00 p.m.

—C. Type C Permit; Parks—General Standards. A type C permit may be used for sound equipment emitting music or human speech registering not more than 50 dB(a)s when measured at the real property boundary of the private residence alleging a noise disturbance when known, or at the real property boundary of the private residence nearest the sound equipment, and registering not more than 100 dB(a)s when measured at a distance of 50 feet from the sound equipment. Sound equipment permitted under a type C permit may be used only in public parks owned and operated by the City, or public grounds owned and operated by another governmental body, from 10:00 a.m. to 11:00 p.m. for events authorized and approved by the City or other body having jurisdiction over the park or public grounds.

—D. Type D Permit; School Grounds—General Standards. A type D permit may be issued for sound equipment emitting music or human speech registering not more than 50 dB(a)s when measured at the real property boundary of the private residence alleging a noise disturbance when known, or at the real property boundary of the private residence nearest the sound equipment, and registering not more than 100 dB(a)s when measured at a

distance of 50 feet from the sound equipment. Sound equipment permitted under a type D permit may be used only on school grounds, or in conjunction with a school-sponsored activity, from 10:00 a.m. to 11:00 p.m. for events authorized and approved by the school authorities having jurisdiction of the grounds.

—E. Type E Permit; Residential Events—General Standards. A type E permit may be issued for sound equipment emitting music or human speech registering not more than 50 dB(a)s when measured at the real property boundary of the private residence alleging a noise disturbance when known, or at the real property boundary of the private residence nearest the sound equipment, and registering not more than 100 dB(a)s when measured at a distance of 50 feet from the sound equipment. Sound equipment permitted under a type E permit may be used only pursuant to a permitted street closing, from 10:00 a.m. to 11:00 p.m.

—7. Commercial Advertising; Sound Equipment Prohibited. No sound equipment shall be permitted to be used on public streets or public places, or in any building or upon any premises if the sound therefrom may be plainly audible from any public street or public place within the city, when any such use is for commercial advertising purposes or for the purpose of attracting the attention of the public to any building or structure for monetary gain.

54.09 MOTORIZED VEHICLES.

—1. This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limited or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers or noise control.

—2. No person shall operate the engine providing motive power, or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a period longer than 20 minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed building and does not create a noise disturbance across a real property boundary as defined in this chapter. This section shall not apply to deliver or pickup vehicles that require the operation of the engine to unload or load their vending loads.

—3. No person shall operate within the speed limits specified in this section either a motor vehicle, or a combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the noise limit listed herein below for the category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which operate, such noise to be measured at a distance of no more than 50 feet from the centerline of travel under test procedures established by subsection 4 of this section. In the event the distance of the measuring instrument from centerline of travel is less than 50 feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

Noise Limit in Relation to Legal Speed Limit

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Type of Vehicle	Below 35 MPH	Over 35 MPH
Any motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more and any combination of vehicles towed by such motor vehicle.	88 dB(a)	92 dB(a)
Any motorcycle	82 dB(a)	86 dB(a)
Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	76 dB(a)	82 dB(a)

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—4. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

—5. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

—6. No person shall modify the exhaust system of a motor vehicle or motorcycle by installation of a muffler cutout or bypass, and no person shall operate a motor vehicle or motorcycle which has been so modified. A motor vehicle so operated shall be deemed equipped with a muffler which emits excessive and unusual noise and which is not in good working order.

—7. No person shall operate a recreational vehicle or permit the operation of one or more recreational vehicles individually or in a group or in an organized racing event, on public or private property in such a manner that the sound level resulting from such operation exceeds: 73 dBA for any total of three minutes in any continuous one-hour period, or exceeds 90 dBA for any period of time during such operation. Sound levels which exceed the limits herein described at the real property boundary of the receiving land use shall be deemed a noise disturbance.

~~—8. Notwithstanding other provisions of this chapter, no person shall permit the conducting of any part of an organized racing event which involves contest between or among recreational vehicles on public or private property between the hours of 10:30 p.m. and 10:00 a.m. the following morning.~~

~~54.10 CONSTRUCTION.~~

~~—1. No person shall operate or permit the operation of any tools or equipment in construction, drilling or demolition work, or in preventive maintenance work for public service utilities:~~

~~—A. Between the hours of 10:00 p.m. and 7:00 a.m., in any manner which creates a noise disturbance as defined in this chapter across a residential real property boundary or within a noise sensitive area.~~

~~—B. At any other time, in any manner which creates a noise disturbance across a residential real property boundary or within a noise sensitive area; for purposes of this paragraph, a sound level at or across a residential real property boundary in excess of an L eq of 85 dBa shall be deemed a noise disturbance.~~

~~—2. The terms of this section do not apply to:~~

~~—A. Emergency work or repair work performed by or for governmental entities or public service utilities.~~

~~—B. The use of domestic power tools or equipment subject to other provisions of this chapter.~~

~~54.11 STATIONARY NON-EMERGENCY SIGNALING DEVICES.~~

~~—1. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than one minute in any hourly period.~~

~~—2. Devices used in conjunction with places of religious worship are exempt from the operation of this section.~~

~~—3. Exemptions for sound sources covered by this section, but not exempted herein may be granted under the procedure set forth in Section 54.08 of this chapter.~~

~~54.12 ANIMALS AND BIRDS.~~

~~—No person shall own, possess, or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance across a residential real property boundary, or within a noise sensitive area.~~

54.13 PLACES OF PUBLIC ENTERTAINMENT.

—No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than 90 dBa as read by the slow response on a sound level meter at any point therein that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating: Warning: Sound Levels Within May Cause Permanent Hearing Impairment.

54.14 POWERS AND DUTIES OF THE NOISE CONTROL DIVISION.

- 1. The noise control program established by this chapter shall be implemented, administered, and enforced by the City Administrator and police departments.
- 2. The provisions of this chapter which prohibit the making, continuing, or causing the making or continuing across a real property boundary or within a noise sensitive area, shall be enforced upon receipt of complaint made or filed with City officials by a person disturbed by such noise disturbance or by direction of the Chief of Police. Certification by an official charged with enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish the fact of such complaint.
- 3. To implement and enforce this chapter, the City Administrator shall have the additional power to:
 - A. Conduct research, monitoring, and other studies related to sound.
 - B. Conduct programs of public education regarding the causes, effects, and general methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations.
 - C. Coordinate the noise control activities of all municipal departments.
 - D. Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause sounds in violation of this chapter.
 - E. Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner.
 - F. Issue sound variances pursuant to the provisions of this chapter.
 - G. Prepare recommendations for consideration by the City Council, after publication of notice and public hearing, for establishing the boundaries of noise sensitive areas.

54.15 DEPARTMENT ACTIONS.

—All departments and agencies of the City shall carry out their programs in furtherance of the policy of this chapter.

54.16 SOUND VARIANCES; APPLICATION.

—1. Any person desiring to exceed the permitted sound levels set out in this chapter may apply to the City for a variance from such regulations.

—2. All applicants for such variances shall apply in writing to the City Administrator. Such application shall be submitted at least 60 days prior to the proposed date of the need for the variance.

—3. All variance applications shall contain the following information:

—A. The name and address of the applicant.

—B. If the application is made on behalf of an organization, the name and address of that organization.

—C. The name and phone number of a contact person.

—D. The proposed dates of the event for which a variance is required.

—E. A description of the event and its potential cause for excessive noise.

—F. The times the event will generate excessive noise.

—G. Information which would demonstrate that bringing the source of sound or activity for which the sound variance is sought, into compliance, would constitute an unreasonable hardship on the applicant, on the community, or on other persons.

—4. An application for a variance shall be submitted to the City Administrator accompanied by a nonrefundable fee of \$100.00 to cover the cost of processing the application.

—5. Upon receipt of an application for a sound variance, the City Administrator shall determine what property interests may be affected by the grant of a variance, including, but not limited to:

—A. The occupants of surrounding single-family or duplex residences located in an area that includes the next two homes in any direction, or those within 100 feet of the noise source, whichever is less; or

—B. The owner or manager of multiple residence structures, including hotels.

—6. The City Administrator shall notify such property owners or occupants as identified in subsection 5 above, in writing, and delivered by the U.S. Postal Service, ordinary mail, of the application for a sound variance and give ten days to the affected property owners or

occupants to give written cause why the variance should not be granted. Additionally, the City Administrator shall cause a notice of variance application to be published in a local publication.

—7. If the City Administrator receives written statements from 25% or more occupants who claim to be adversely affected by allowance of the sound variance, the City Administrator shall schedule a hearing to consider the application for a variance.

54.17 SOUND VARIANCES; HEARING.

—Upon receipt from the City Administrator that 25% or more property owners or occupants have given cause why the variance should not be granted, the City Administrator shall schedule a hearing and shall send by the regular U.S. Postal Service, a notice of the time, date, and location of the hearing to the applicant and all property owners previously notified.

54.18 SOUND VARIANCES; CONDUCT OF HEARING.

—The variance hearing shall be conducted before the City Administrator not less than twenty business days, excluding Saturdays, Sundays, and City holidays, from the proposed date for the variance. The sole issue before the City Administrator shall be whether the grant of the variance shall create an adverse impact on the health, safety, and welfare of persons or property affected. The applicant for a variance shall carry the burden of establishing that an adverse impact shall not be created by the grant of a variance. In the event the City Administrator determines there will be an adverse impact, then the variance shall not be granted and the reasons therefor shall be in writing and delivered to the applicant and filed with the City. In the event the City Administrator determines that an adverse impact will not be created, then the variance shall be granted subject to those limitations set out by the City Administrator. The proceedings at the administrative hearing shall be tape recorded by the City Administrator. Such tape recording shall serve as the official record of the administrative hearing for appeal purposes. The City Administrator shall retain all such tape recordings until the time for filing a notice of appeal has expired. Should a notice of appeal be timely filed, the City Administrator shall retain the tape-recorded record of the administrative hearing until the appeal has been acted upon by the Council.

54.19 ADVERSE IMPACT.

—“Adverse impact” means such a state of facts as would lead a person of ordinary care and prudence to conclude that the economic, entertainment, and philanthropic benefits to the community do not reasonably outweigh the quiet use and enjoyment of the affected property.

54.20 SOUND VARIANCE; RIGHT TO APPEAL.

—The decision of the City Administrator may be appealed to the Council by the applicant for a variance, or any impacted resident, provided that such entity or person files a written notice of appeal with the Clerk's office within seven days of the City Administrator's decision. Failure to file a written notice of appeal within such period shall be deemed a waiver of the right to appeal the decision of the City Administrator to the Council.

54.21 SOUND VARIANCE APPEAL PROCESS.

—The appeal shall be considered and a decision rendered by the Council within 14 days of the filing of the written notice of appeal. The time for considering the appeal may be extended for good cause. The appeal process shall consist of a review by the Council of the transcript of the tape-recorded record of the earlier administrative hearing. No additional evidence may be presented as a part of the appeal. The sole issue before the Council shall be whether the decision of the City Administrator was supported by sufficient evidence. The decision of the Council is final.

CHAPTER 54

NOISE CONTROL

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54.01 Purpose

54.02 Scope of Regulations

54.03 Definitions

54.04 Noise Disturbance Prohibited

54.05 Sounds Not Allowed

54.06 Measurement of Noise and Sound

54.07 Noise Permit for Sound Equipment

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54.09 Penalty

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54.01 PURPOSE.

The purpose of this chapter is to establish standards for the control of noise pollution in the City thereby protecting the public's health, safety, and general welfare.

54.02 SCOPE OF REGULATIONS.

This chapter applies to the control of all noise originating within the limits of the City, except in the following cases:

Commented [AS57]: The updated ordinance significantly simplifies the language allowing more clear and efficient enforcement. The staff report in the 4/21/25 Council Packet provides a summarization of updates

1. A State or federal agency has adopted a different standard or rule than prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable; or

2. The Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

3. The emission of sound for the purpose of alerting persons to the existence of an emergency.

4. The emission of sound in the legal discharge of weapons or in fireworks displays licensed by the City.

5. Emergency work or repair work performed by or for governmental entities or public service utilities.

54.03 DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Application" means the application submitted to the City requesting a noise permit.

2. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

3. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.

4. "Motor vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: "Motor vehicle" includes most motorcycles.)

5. "Motorcycle" means any two or three-wheeled motor vehicle.

6. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

7. "Noise disturbance" means those sounds defined as "sounds not allowed" in Section 5-8-5 of this chapter.

8. "Person" means, unless used in such a manner to denote only a human being, any firm, partnership, domestic or foreign corporation, association, joint stock company, trust, or other association or entity, City, County, or State government and subdivisions or agencies thereof, and the federal government and subdivisions and agencies thereof.

9. "Powered model vehicle" means any self-propelled, airborne, waterborne, or landborne model plane, vessel, or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.

10. "Public right-of-way" means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

11. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property division.

12. "Recreational vehicle" means any motor powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a "motor vehicle" (or "motorcycle" if two or three wheeled) and not a "recreational vehicle." (Examples of recreational vehicles are snowmobiles, minibikes, stockcars, or motorboats.)

13. "Residential property" means any property zoned R-1, R-2, R-3 or MH.

14. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

15. "Sound equipment" means any loudspeaker, amplifier, or other device for producing, reproducing, or amplifying sound; except, however, "sound equipment" does not include sirens and other equipment used to alert persons to the existence of an emergency; equipment used by law enforcement and other public safety officials in the performance of their official duties; church carillons, bells, or chimes; mobile radio or telephone signaling devices; or automobile and truck radios or players of recorded music used and intended for the use and enjoyment of the occupants of the vehicle, provided that the sound emitted from the vehicle does not exceed 70 dB(A) or 80 dB(C) when measured at a distance of 25 feet.

16. "Sound level meter" means an instrument, including a microphone, amplifier, output meter, and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute, USA standard specification for general purpose sound level meters (S1.4-1971), and preferred center frequencies for acoustical measurements (S1.6-1960), or any subsequent nationally adopted standard superseding such standards. A "weighted sound level" or "sound level" means the sound pressure level in decibels as measured on a sound level meter using the A weighting network. The level so read shall be designated as dB(A) or dBA. C "weighted sound level" or "sound level" means the sound pressure level in decibels as measured on a sound level meter using the C weighting network. The level so read shall be designated as dB(C) or dBC. "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound and is denoted as dB.

17. "Weeknight" means the days of the week Sunday through Thursday evening.

18. "Weekend night" means the days of the week Friday or Saturday evening.

54.04 NOISE DISTURBANCE PROHIBITED.

It is unlawful for any person to willfully make, continue, cause, or allow any noise disturbance within the City.

54.05 SOUNDS NOT ALLOWED.

1. Noise Disturbance Described. The term "noise disturbance" means any of the following sounds:

A. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 5:00 p.m. and 8:00 a.m.

B. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck, or compact disc player, or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted from the vehicle does not exceed 70 dB(A) or 80 dB(C) when measured at a distance of 25 feet.

C. Chain Saws. The sound emitted by motor powered tree trimming equipment operated between the hours of 10:00 p.m. and 7:00 a.m.

D. Construction Noise. The sound made by privately owned and operated tools or equipment in erection, demolition, excavation, drilling, or other such construction work which is received between the hours of 10:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

E. Engine Brake Noise. The sound made by an engine brake device of a diesel engine truck.

F. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle which is received between the hours of 10:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

G. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the health, safety, or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause, an adverse physiological or physical effect on human beings, or devalues or injures property.

H. Lawn and Garden Equipment. The sound emitted by motor powered, muffler equipped lawn and garden equipment operated between the hours of 10:00 p.m. and 7:00 a.m.

I. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, trash cans, containers, receptacles, or dumpsters which are received at the real property boundary of residential property between the hours of 10:00 p.m. and 7:00 a.m.

J. Musical Instruments. The sound made by a drum, horn, reed, or string instrument, or other musical instrument or device which is received between the hours of 10:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

K. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system is defective or has been modified by the installation of a muffler cutout or bypass.

L. Off Road Motorcycle and Recreational Vehicle Noise. The sound made on private or City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 10:00 p.m. and 7:00 a.m. at the real property boundary of residential property, provided; however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a "noise disturbance" unless made so by some provisions of this section.

M. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 10:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

N. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

O. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle.

P. Selling by "Hawking" or "Barking." The sound of selling by shout or outcry when made within the area of the City-zoned residential or commercial.

Q. Sound Equipment. The sound made by sound equipment (see definition of "sound equipment" under Section 54.03 of this chapter) operated upon the public right-of-way, in any building, or upon any public or private premises shall be classified as a noise disturbance if either: a) the sound is in excess of the maximum permitted levels shown in the chart below when measured at the property boundary, or anywhere within the property, of a receiving land use, or if in a park, approximately 200 feet from the source of the sound or, when a complaint is received, at the nearest boundary of the property where the complaining party was disturbed; or b) the sound is of a nature that cannot accurately be measured by a sound level meter, and such sound is disturbing to a reasonable human being of normal sensitivities.

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Maximum Permitted Levels

Receiving Land Use

Maximum dB Permitted

R-1, R-2, R-3, MH

65 dBA or 70 dBC between 7:00 a.m. and 10:00 p.m.

55 dBA or 60 dBC between 10:00 p.m. and 7:00 a.m.

UC, CC

70 dBA or 75 dBC

Industrial

70 dBA or 80 dBC

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R. Wind Energy Systems. The sound made by wind energy systems shall be classified as a noise disturbance if either: a) the sound is in excess of 55 dBA when measured at the property boundary at the nearest boundary of the property where the complaining party was disturbed or anywhere within the property of a receiving use, or b) the sound is of a nature that cannot accurately be measured by a sound level meter, and such sound is disturbing to a reasonable human being of normal sensitivities.

2. Noise Permit. Sound in excess of the maximum permitted levels shall not be a noise disturbance if such sound is emitted in accordance with a noise permit issued by the City.

54.06 MEASUREMENT OF NOISE AND SOUND.

The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone shall be positioned so as not to create an unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A or C weighted, slow response sound level.

54.07 NOISE PERMIT FOR SOUND EQUIPMENT.

No person shall use, operate, or cause to be used or operated any sound equipment upon the public right-of-way, in any building, or upon any public or private premises, if the sound is in excess of the maximum permitted levels under Section 54.05(1)(Q) of this chapter when measured at the property boundary, or anywhere within the property, of a receiving land use, or if in a park, approximately 200 feet from the source of the sound or, when a complaint is received, at the nearest boundary of the property where the complaining party was disturbed, unless such person has obtained a noise permit in accordance with this section, and the actual use or operation of such sound equipment is not inconsistent with statements made in the application, the conditions imposed in the sound equipment permit, or the limitations specified in Subsection D of this section. Any person who operates any sound equipment in violation of this section, and without obtaining a noise permit, shall be subject to having the event stopped or the sound equipment turned off or reduced to a legal level. Such remedy shall be in addition to any other rights and remedies of the City. A noise permit shall not be transferable, and it shall be conspicuously displayed on or adjacent to the sound equipment.

1. Application for Permit. Applications for noise permits shall be made in writing to the Clerk or Deputy City Clerk and shall contain the following information:

- A. Name, address, phone number(s), and signature of applicant.
- B. The purpose for which the sound equipment will be used.
- C. The location where the sound equipment will be used.
- D. The number of days of use and proposed hours of operation of the sound equipment.
- E. A general description of the sound equipment, including the license number of any motor vehicle upon which it is to be operated.
- F. Any other information as may be required by the Clerk or Deputy City Clerk.

2. Permit Fee.

A. A permit fee shall be paid by the applicant for the permit, with the amount of the fee determined in accordance with an established fee schedule, which fee schedule may be modified from time to time with the approval of the Council.

B. No fee is required for a noise permit issued to City, State, or federal government or any governmental subdivision or agency thereof.

3. Issuance Of Permit.

A. Applications for noise permits shall be reviewed and then issued or denied by either the Clerk or their designee. The applicant may appeal the denial of a noise permit by filing a written request for appeal with the Clerk or their designee, requesting that the denial of the application for noise permit be reviewed by the Council at the Council's next regularly scheduled meeting. The City shall consider the following factors in connection with the issuance of a noise permit:

(1) The location of the proposed event or source of the noise in relation to surrounding residences or businesses;

(2) The time of day and day of the week for which the permit is requested. The City shall not issue a noise permit that extends after 10:00 p.m. on a weeknight or after 11:00 p.m. on a weekend night or on the night of a holiday, except in unusual circumstances, for good cause shown and approval by the Council;

(3) The duration of the activity for which the noise permit is requested;

(4) Whether the applicant has misrepresented any information in past noise permits;

(5) Whether the applicant has failed to comply with conditions set forth in prior noise permits that have been issued by the City;

(6) Whether the applicant has had prior violations of the noise ordinance; and

(7) Such other considerations as are advisable to protect the health, welfare, and quality of life for the residents and businesses of the City.

B. No person or establishment may be granted a noise permit between the hours of 9:00 p.m. and 7:00 a.m. more often than three times in any calendar year, except in unusual circumstances, for good cause shown and approval by the Council.

4. Limitations.

A. Any other language in this section to the contrary notwithstanding, a sound equipment permit shall not be issued if:

(1) The sound to be emitted by the sound equipment is other than human speech or music.

(2) The sound equipment is to be operated for commercial advertising purposes or for the purpose of attracting the attention of the public to any building, structure, or vehicle for monetary profit or for the purpose of advertising such sound equipment.

(3) The sound to be emitted by the sound equipment would be a noise disturbance under Section 54.05 of this chapter (other than Subsection Q of said section).

B. A noise permit issued in violation of this subsection is void and of no force and effect.

5. Conditions.

A. When a permit is issued pursuant to this chapter, the sound levels listed in the following table shall be the maximum levels permitted when measured at the edge of the City street, the alley right-of-way or the property line, whichever reasonably appears to be nearest to the source of the sound, or if in a park, approximately 200 feet from the source of the sound:

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Maximum Permitted Levels

Receiving Land Use

Maximum dB Permitted

R-1, R-2, R-3, MH

70 dBA or 80 dBC between 7:00 a.m. and 11:00 p.m.

CC, UC

75 dBA or 85 dBC

LI

75 dBA or 85 dBC

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B. When granting the permit, the Council may impose lower sound level limits based upon the location and length of the proposed event for which the permit is requested, and the Council or City staff may impose other reasonable conditions and requirements to be met or fulfilled by the noise permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions shall be those necessary or advisable to protect the health, welfare, and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated and restrictions on the length of time that the sound equipment may be used or operated. The permit holder shall be responsible for monitoring the level of sound to ensure that the conditions of the permit are not violated.

6. Noncompliance by Permittee; City Authority. Should the person holding a permit not attentively observe all limitations and restrictions found in this chapter and in the noise permit, the City authorities shall be authorized to stop such permitted event or to turn the sound equipment off or reduce it to the level authorized by the noise permit.

54.08 OTHER LAWS AND ORDINANCES.

No provisions of this chapter should be construed to legalize or permit sounds, devices, or activities made unlawful by other ordinances of the City or State or federal statutes.

54.09 PENALTY.

Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to the standard penalty as stated in Section 1.14.

CHAPTER 55 ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.18 Public Hearing; Delinquent Fee List
55.02 Pets; Types and Numbers of Animals Permitted	55.19 Vaccination of Dogs and Cats
55.03 Enclosures	55.20 Issuance of License and License Tag
55.04 Offenses	55.21 Display of License Tag
55.05 Seizure and Impounding	55.22 Duplicate License Tag
55.06 Notice to Owner of Licensed Animal	55.23 Duplicate License Tag Fee
55.07 Disposition of Impounded Animals	55.24 Transfer of License or License Tag Prohibited
55.08 Impoundment Administrative Fee	55.25 Expiration of License and License Tag
55.09 Animal Neglect	55.26 Trapping
55.10 Livestock Neglect	55.27 Quarantine for a Minimum Period of 14 Days
55.11 Livestock	55.28 Requirements When Animal Has Bitten a Person
55.12 Annual License Required	55.29 Report of Person Whose Animal Has Been Bitten
55.13 Exceptions to License Requirements	55.30 Fees
55.14 Applications for Licenses	55.31 Pet Awards Prohibited
55.15 License Fees	55.32 Indoor Pets
55.16 Delinquency	55.33 Feeding Deer
55.17 Delinquent Fee List	55.34 Designation of Urban Deer Management Zone
	55.35 Community Cats
	55.36 Penalty

55.01 DEFINITIONS.

The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a living creature, not human, and being either domestic or wild.

3. "Animal Control Officer" means a person designated by the City to perform such duties involving animal control and to have authority to enforce this chapter and Chapter 56 of this Code of Ordinances.

4. "Animal pound or shelter" means any premises, either designated by or contracted for by the Council, for the proper care of impounded animals held under the authority of this chapter.

(Ord. 21-01 - Feb. 21 Supp.)

5. "At large" means an animal off the premises of the owner or competent person. The owner or competent person of an animal is strictly liable to control such animal as required herein. The penalty for violation of this chapter is imposed without regard to any wrongful intention of the violator. The owner or competent person of an animal shall prevent said animal from running at large within the corporate limits of the City. An animal properly licensed as required by this chapter shall not be deemed at large if such animal:

A. Is confined within a suitable enclosure under the control of a competent person, or

B. Is confined within a motor vehicle under the control of a competent person, or

C. Is under the control of a person competent to restrain and control the animal, either by leash, cord, chain, or other similar restraint not more than ~~ten (10)~~10 feet in length, or properly restrained within a motor vehicle, or

D. _____ ~~D.~~ Is properly housed in a veterinary hospital or licensed kennel, pet shop, or City designated animal pound, or

E. _____ E. Is a public safety canine performing official duties, or

F. _____ Is in a designated off-leash area of a City dog park provided the person in charge of the dog is at all times abiding by the rules and regulations of the off-leash area.

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6. "Business" means any enterprise relating to any of the following:

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

7. "Cat" means all members of the Felis Domestica species, male or female, altered or unaltered.

[7a.] "Community Cat" means a cat that meets the requirements of Section 55.35(1).

8. "Competent person" means a person of such maturity as to be able to exercise control over a dog or cat.

9. "Dog" means and includes members of the canine species, male or female, altered or unaltered.

10. "Fair" means any of the following:

A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

11. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

12. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.

(Code of Iowa, Sec. 717.1)

13. "Owner" means any person or persons, firm, association or corporation, owning, keeping, paying the license for, or harboring a dog, cat, horse, or other animal; provided, however, that "Owner" does not include persons providing food, water, shelter or veterinary care to a Community Cat.

55.02 PETS; TYPES AND NUMBERS OF ANIMALS PERMITTED.

1. The following animals may be owned as pets under the following conditions:

A. Dogs not to exceed three in number and cats not to exceed three in number at or in a residential dwelling, which dogs and cats are owned and maintained in compliance with the provisions of this chapter relating to such animals.

B. Rabbits not to exceed three in number at or in a residential dwelling, and which must be maintained in a hutch or other type of enclosure.

C. Domestic poultry and fowl; that is, poultry and fowl ordinarily raised for production of eggs or meat, not to exceed ten in number considered together at or in a residential dwelling and maintained at all times in a pen and/or coup.

D. Vietnamese Pot Bellied Pigs, Asian Pot Bellied Pigs or pot bellied pigs not to exceed two in number of the types considered together at or in a residential dwelling.

E. The young produced by any pets permitted herein may be maintained at or in a residential dwelling with the parent animals for a period of approximately eight weeks but in no case longer than ten weeks.

2. Notwithstanding Subsection 1(C), the following are not allowed:

- A. Roosters or male domestic poultry;
- B. Geese or members of the Anser and Branta genera;
- C. Guineafowl;
- D. Peacocks or peafowl.

(Section 55.02 – Ord. 23-05 – Oct. 23 Supp.)

55.03 ENCLOSURES.

Any enclosure, pen, coup, or hutch in which pets are maintained shall be cleaned at least every other day or oftener if deemed advisable or necessary by a health officer or the Chief of Police. Said enclosures shall be located at a minimum of twenty-five (25) feet from a neighboring residential dwelling. No animal may be enclosed or fenced in the front yard of a residential dwelling.

55.04 OFFENSES.

No owner of any dog, cat, or other animal (or any person having control or responsibility thereof) shall:

- 1. Allow or permit such animal to run at large.
- 2. Allow or permit such animal to urinate or defecate on private property without the express consent of the owner of such property.
- 3. Fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.
- 4. Allow or permit such animal to urinate or defecate on public property, including, but not limited to, public property located between curb lines of public streets and adjacent property lines and public property located within parks.
- 5. Fail to pick up and dispose of any feces deposited by such animal on public property.
- 6. Allow or permit such animal to pass upon public or private property thereby causing damages to or interference with such property.
- 7. Allow or permit a dog to cause annoyance or disturbance to any person by frequent and habitual barking, howling, or yelping.

8. Allow or permit an animal to run after, chase, or attack any person or vehicle or place any person in reasonable fear of attack or injury.

9. Keep, shelter, or harbor any unlicensed animal.

10. Keep, shelter, or harbor any animal without a license tag attached to its collar or harness as required by this chapter.

11. Keep, shelter, or harbor any animal with an expired license tag attached to its collar or harness.

12. Keep, shelter, or harbor any unvaccinated animal.

13. Keep, shelter, or harbor any animal without a vaccination tag attached to its collar or harness as required by law.

14. Keep, shelter, or harbor any animal with an expired vaccination tag attached to its collar or harness.

15. Allow or permit such animal to destroy or damage property other than the property of the owner of such animal.

16. Abandon any animal within the corporate limits of the City; provided, however, that a Community Cat may be released at the location where it was captured.

17. The penalty for violation of this chapter is imposed without regard to any wrongful intention of the violator, owner, or competent person.

55.05 SEIZURE AND IMPOUNDING.

Any animal found in violation of the provisions of Section 55.04 of this chapter may be seized and impounded. It is the duty of the Chief of Police, ~~or the~~ duly appointed Animal Control Officer of the City, or designee, to cause any animal in violation of this chapter to be seized and impounded.

55.06 NOTICE TO OWNER OF LICENSED ANIMAL.

The owner of any animal licensed in accordance with the provisions of this chapter which has been seized and impounded shall be notified of such seizure and impounding within three (3) business days thereof by such person and in such manner as the City Council may direct by resolution.

55.07 DISPOSITION OF IMPOUNDED ANIMALS.

The owner of any animal licensed in accordance with the provisions of this chapter which has been seized and impounded may obtain the release of such animal by the payment of the City Administrative Fee as outlined in the current City Fee Schedule. Once the release is issued, the owner of such animal will be required to redeem the animal from the animal

pound or shelter, which may include payment of additional fees to the pound or shelter caring for the animal. Any such animal not redeemed by the owner within seven (7) days of the date impounded may be disposed of in accordance with law. The owner of any unlicensed or unvaccinated animal which has been seized and impounded may obtain the release of such animal, upon proper identification of the owner and the animal, by obtaining a license for such animal in accordance with the provisions of this chapter and by the payment of the administrative fee and any animal pound or shelter costs.

(Ord. 21-05 - Aug. 21 Supp.)

55.08 IMPOUNDMENT ADMINISTRATIVE FEE.

(Repealed by Ordinance No. 21-05 - Aug. 21 Supp.)

55.09 ANIMAL NEGLECT.

It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.10 LIVESTOCK NEGLECT.

It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.11 LIVESTOCK.

It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.12 ANNUAL LICENSE REQUIRED.

The owners of all dogs and cats six (6) months of age or older shall annually obtain a license therefor as hereinafter provided. Every owner of a dog or cat under the age of six months on January 1 of any year shall apply for an annual license for each such dog or cat on or before the first day of the first month after each such dog or cat reaches the age of six months.

55.13 EXCEPTIONS TO LICENSE REQUIREMENTS.

The requirements for licensing dogs and cats shall not apply to such animals if one or more of the following situations apply:

1. In transit through the City only.
2. First 30 days of residency by the owner.
3. Housed in a veterinary hospital.
4. Housed temporarily in an animal grooming shop.
5. Housed in a licensed kennel.
6. Housed in an accredited institution for research purposes only.

55.14 APPLICATIONS FOR LICENSES.

The owner of a dog or cat for which a license is required shall, on the first day of January of each year, apply to the ~~City Clerk~~**Police Department** for a license for each such dog or cat. Applications made on or after April 1 of that year shall be delinquent. An application for an annual license for a dog or cat which is under the age of six months on January 1 of any year shall be delinquent if made on or after the first day of the sixth month after such dog or cat reaches the age of six months. Applications for licenses shall be in writing on forms provided by the ~~City Clerk~~**Police Department**, and shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, the address at which the owner regularly keeps, shelters or harbors the dog or cat, and the name and address of the owner, and be signed by said owner. Such application shall also state the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be re-vaccinated. Such application shall be accompanied by a certificate of vaccination issued by a licensed veterinarian showing that the dog or cat described in the application has been vaccinated against rabies.

Commented [A558]: Tammy/PD handle pet licenses.
Updating to match current procedure

55.15 LICENSE FEES.

An application for an annual license for a dog or cat shall be accompanied by the required annual license fee. Information regarding license fees is located in Section 55.30 of this chapter.

55.16 DELINQUENCY.

All license fees for dogs and cats become delinquent on April 1 of the year in which they are due and payable, and a penalty of double the original license fee shall be added to each unpaid license on and after said date.

55.17 DELINQUENT FEE LIST.

The City Clerk may, in the Clerk's discretion or at the request of the City Council, prepare and submit to the Council a delinquent fee list which shall show the following:

1. The name and residence address of each person within the City who is the owner of a dog or cat which is not licensed in accordance with the provisions of this chapter for the current year and the amount of fees, including delinquency fees, due from such owner.
2. The name and residence address of each person within the City who licensed a dog or cat in accordance with the provisions of this chapter in the previous year which is not licensed in accordance with the provisions of this chapter for the current year and the amount of fees, including delinquency fees, due from such owner.

The foregoing list shall not include any owner who, upon the death, transfer of ownership, or disappearance for more than 60 days of any dog or cat, within 10 days of such event, notifies the City Clerk of such event and surrenders the license and license tag, if available, issued to the owner.

55.18 PUBLIC HEARING; DELINQUENT FEE LIST.

Upon submission of the delinquent fee list to the Council, the Council may by resolution fix a date, time, and place for a public hearing thereon. The Clerk shall mail a written notice of such public hearing to the owner of each dog or cat which appears on such list by ordinary mail at least ten (10) days prior to the date fixed for such public hearing. The notice shall state the date, time, and place of such public hearing and shall advise the owner of each dog or cat which appears on such list that he or she may appear at such hearing and show cause why the delinquent fees shown thereon for each such dog or cat should not be paid. After such public hearing, the Council shall enforce such fees by any legal means permitted under this Code or release obligation for payment of fees if sufficient cause is shown for nonpayment.

55.19 VACCINATION OF DOGS AND CATS.

All dogs and cats over the age of six (6) months shall be inoculated for the prevention of rabies and the owner of said animal shall obtain and return a certificate as evidence of said

anti-rabies inoculation by a licensed veterinarian. The certificate shall show that the vaccination is current at the effective date of the dog or cat license.

55.20 ISSUANCE OF LICENSE AND LICENSE TAG.

Upon receipt of an application for an annual license for a dog or cat in accordance with the provisions of this chapter, and the payment of all fees applicable thereto, the City Clerk shall issue to the owner a dog or cat license and a dog or cat license tag. The dog or cat license shall state the number of the license, the name and residence address of the owner of the dog or cat, and a description of the dog or cat. The dog or cat license tag shall state the number of the license and the year for which it is issued.

55.21 DISPLAY OF LICENSE TAG.

Upon issuance of the license tag, the owner of the dog or cat shall cause the license tag to be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license tag is issued.

55.22 DUPLICATE LICENSE TAG.

Upon proof by the owner of a dog or cat that a license tag issued to such dog or cat in accordance with the provisions of this chapter has been lost or destroyed, the City Clerk shall issue a duplicate tag to the owner of such dog or cat. Such duplicate license tag shall be securely fastened to the collar or harness of such dog or cat in accordance with the provisions of this chapter.

55.23 DUPLICATE LICENSE TAG FEE.

~~A duplicate license tag fee of \$1.00 shall be charged for all duplicate license tags. See the City Fee Schedule~~

Commented [A559]: Removing to move fees from the code to the Fee Schedule

55.24 TRANSFER OF LICENSE OR LICENSE TAG PROHIBITED.

No license or license tag issued in accordance with the provisions of this chapter shall be transferred to any other person or dog or cat.

55.25 EXPIRATION OF LICENSE AND LICENSE TAG.

All licenses and license tags issued in accordance with the provisions of this Chapter shall expire on January 1 of the year following the year for which they were issued.

55.26 TRAPPING.

No person shall place, ~~or set,~~ or use any trap, snare, or similar device designed or intended to take, kill, maim, wound, ensnare, trap, or capture any animal, fowl, or wildlife on any public or private property within the City of Windsor Heights. In any proceeding charging a violation of this section, a prima facie presumption shall exist that the owner of said trap, snare, or other device was the person placing or setting the same. This section shall not apply to the following:

1. Any trap or device designed for the primary use of capturing mice, insects, rats, gophers, moles, or aquatic rodents which are trapped in water.

2. Any box trap or other trap which complies with State law, designed to keep the animal alive and unharmed in the trap in compliance with Section 55.35

3. Any trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of public or private property.

(Section 55.26 – Ord. 22-02 – Feb. 22 Supp.)

55.27 QUARANTINE FOR A MINIMUM PERIOD OF 14 DAYS.

1. It shall be the duty of the Chief of Police to order the owner of any animal which has bitten a person or another animal, or of any animal suspected of being infected with rabies, to confine such animal for a period of fourteen (14) days at the animal shelter, a veterinary clinic, or a registered kennel.

2. Notwithstanding subsection 1 of this section, the Animal Control Officer may allow a dog or cat or any other animal to remain in quarantine for that period on the property of the owner so long as the dog or cat or any other animal is confined there and is out of contact with members of the public or other animals during the quarantine period when the dog, cat, or any other animal:

- A. Has a current certificate of inoculation for rabies; and
- B. Is properly licensed, in the case of dogs; and
- C. Has properly displayed all required tags; and
- D. Has not previously bitten a person; and
- E. The owner has suitable and secure quarters in which to isolate the animal.

Home quarantine shall not be allowed where there is a reasonable belief that the animal's condition, or circumstances including consideration of the nature or severity of the bite, require observation at the animal shelter, a veterinary clinic, or a registered kennel, or

where the animal does not remain in quarantine in the manner prescribed by the animal control officer for the 14-day period.

55.28 REQUIREMENTS WHEN ANIMAL HAS BITTEN A PERSON.

The owner of an animal shall report at once to the Police Department the fact that his or her animal has bitten or attacked a person or domestic animal, and all persons having knowledge of such fact shall report the same to the Police Department. Any person claiming to have been bitten by an animal must go in person to the Police Department or to a physician to show proof of a bite if deemed necessary by the director of public health. Children claiming to have been bitten by an animal must be accompanied by a parent or legal guardian.

55.29 REPORT OF PERSON WHOSE ANIMAL HAS BEEN BITTEN.

Every person owning or having possession, custody, or control of an animal which is known to have been bitten by an animal infected with rabies shall immediately report this fact to the Police Department and shall have the exposed animal placed in isolation and quarantine as provided by this Code.

55.30 FEES.

Fees for animal control activities are adopted by the Council periodically by resolution. Information about these fees is available from the City Clerk's office or the Police Department.

(Ord. 21-01 - Feb. 21 Supp.)

55.31 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
- D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care, or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

As used in this section "pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

55.32 INDOOR PETS.

Gerbils, hamsters, guinea pigs, mice, birds, non-venomous and non-constrictive snakes and other similar animals normally maintained as pets in an enclosure inside a residential dwelling are not subject to the provisions of this chapter unless provided otherwise by this Code of Ordinances.

55.33 FEEDING DEER.

No person shall place or allow any feeding device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of attracting or feeding deer. Pursuant to this chapter, a rebuttable presumption is created that the placement of fruit, grain, mineral, plant, salt, vegetable, or other material ("feed materials") in a drop feeder, deer feeder kit, automatic feeder, any natural object (hollowed tree stump, etc.) or similar device ("feeding device") regardless of the height of the fruit, grain, mineral, plant, salt, vegetable, or other material is for the purpose of feeding deer.

1. Each property owner or occupant of the property shall have the duty to remove any feed materials placed on the owner's property in violation of this ordinance. Failure to remove feed materials within ~~twenty-four (24)~~24 hours after notice from the City shall constitute a violation of this ordinance.

2. Each property owner or occupant of the property shall have the duty to remove any feeding device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner or occupant may modify a feeding device or make other changes to the property that prevent deer from having access to or feeding from the feeding device. Failure to remove such a feeding device or to make such modifications within ~~twenty-four (24)~~24 hours after notice from the City shall constitute a violation of this ordinance.

3. Exceptions.

A. Naturally Growing Materials. This ordinance does not apply to naturally growing materials, including, but not limited to, fruit, grain, nuts, seeds, and vegetables.

B. Planted Materials. This ordinance does not apply to planted materials growing in gardens, as standing crops, or in a wildlife food plot.

C. Stored Crops. This ordinance does not apply to stored crops, provided that the stored crop is not intentionally made available to deer.

D. Incidental Spills. This ordinance does not apply to spills of seed materials intended for planting or to crop materials that have been harvested if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.

4. Penalties. Any person violating any provision of this article shall be subject to a civil penalty for a municipal infraction as set forth in Section 4.04 of the Code of Ordinances for the City of Windsor Heights, Iowa. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

(Section 55.03 – Ord. 19-08 – Oct. 19 Supp.)

55.34 DESIGNATION OF URBAN DEER MANAGEMENT ZONE.

The City of Windsor Heights has determined an area within the City limits in which there is an overabundance of deer, and this area has been designated by the Iowa Department of Natural Resources (DNR) to be recommended as an Urban Deer Management Zone (DMZ) as provided by DNR regulations. The City Council may annually approve the DMZ.

1. Definitions.

A. Antlerless. A deer with no visible forked antler.

B. Arrow. As defined and limited by the state Department of Natural Resources (herein DNR).

C. Bow. As defined and limited by the DNR.

D. Elevated stand. A manufactured stand (tree stand, ladder stand, tripod, quadpod or tower) with a safety harness and of sufficient height to place the hunter's feet at least six vertical feet above the highest ground elevation within 25 yards of the stand location, to ensure a downward thrust of an arrow when released by the bow.

E. Incentive license. A document issued by the DNR to allow a bow hunter to harvest an antlered deer as a designated buck incentive program award recipient based on the previous year's antlerless deer program in the City.

F. Offal. Entrails, which includes most internal organs other than muscle or bones.

G. Urban deer hunt waiver form. A document issued by and filed with the City to affirm that the hunter has received written authorization to hunt on private property from the owner or manager thereof.

H. Urban antlerless deer license. A document issued by the DNR in addition to the small game hunting license to allow a bow hunter to harvest an antlerless deer under the City's special bow hunting program.

I. Usable portion. Any part of a deer that is customarily processed for human consumption.

J. Viscera. The internal organs within the chest.

2. Hunting Prohibited. No person shall engage in any hunting activity within the City limits using a rifle, shotgun, bow and arrow, or any other means, either on public or private property, except licensed bow hunters may hunt deer in the designated urban deer management zone as specifically set forth in Section 55.34(3).

3. Special Bow Hunt.

A. A special bow hunt is hereby established and shall be administered by the City in accordance with the provisions of this chapter. The dates and boundaries for the special bow hunt shall be set annually by City Council resolution, and may be more restrictive than the dates and boundaries designated by the DNR.

B. A Hunt Administrator will be designated by the City Administrator and the Hunt Administrator will participate in the Polk County Deer Task Force to facilitate continuity in the Windsor Heights program and other metro communities.

C. Hunters wishing to participate in the special bow hunt shall first obtain an urban antlerless deer license or incentive license after completing the following and providing proof thereof:

(1) An annual archery proficiency test; and,

(2) A bow hunter safety education course conducted by the DNR or approved equivalent.

D. Each hunter participating in the program must apply for and receive a Windsor Heights DMZ hunting permit ("permit") from the City. Permits are valid for one hunting season. In order to receive the permit, a hunter must present a valid State of Iowa special urban deer license.

E. The City hereby reserves the right to approve the content and operation of the test or safety course and to reject any that is not compliant with DNR requirements or recommendations, or otherwise deemed acceptable to the Police Department.

F. All hunters must check in with the Windsor Heights Police Department, via phone or by calling dispatch after hours, prior to conducting any hunt, and they must check out following the hunt.

G. Hunting shall be prohibited within the following protection zones, and no shot shall be directed into or across any protection zone:

(1) Within 200 feet of any home or building not owned by the hunter, unless the owner thereof waives the prohibition via the Windsor Heights Urban Deer Hunt waiver form filed with the City; and,

(2) Within 100 feet of a recreation trail or street.

H. Shots shall only be taken from an elevated stand; provided that a hunter with a DNR-qualifying disability may request permission to use an alternative; shall be restricted to a distance of not more than 75 feet; and shall clearly have a downward angle intended to minimize travel of an arrow beyond the 75 feet maximum shot distance. A diligent attempt shall be made to retrieve every arrow.

I. Elevated stands shall be non-permanent, and no screw-in steps shall be allowed.

J. Legal weaponry for all hunting allowed by this chapter shall be restricted to only bows and arrows, except that a hunter with a qualifying disability as defined by DNR regulations may be allowed to use a crossbow and bolts as defined and limited by the DNR.

K. Bows and arrows shall be cased while traveling to and from every hunting site.

L. Hunters shall comply with all requirements established by the DNR and by the municipal code, including, but not limited to this chapter.

M. Hunters shall complete and file any Urban Deer Hunt waiver forms prior to hunting.

N. Hunting shall be prohibited on all City-owned property unless expressly approved by the City Council after review and recommendation by the City Administrator or designee.

O. The minimum age for participation in the special bow hunt shall be 18 years old on the day of the hunt.

P. Each hunter shall carry all of the following on his or her person at all times while hunting:

(1) A DNR license for the special bow hunt to hunt within the boundaries designated by the City; and,

(2) The approved City of Windsor Heights Urban Deer Management Zone Bow Hunting Permit; and,

(3) A permission form for the current year; and,

(4) A map verifying the property being hunted is located within the hunt area as designated by the City Council.

Q. A hunter shall not leave a usable portion of the deer in the field. In the case of private property, viscera and other offal shall be disposed of in a manner that is acceptable to the

property owner and in a location that is not visible from adjoining public or private property.

R. No hunter shall drive or operate any vehicle on any portion of the Windsor Heights trail system in conjunction with any hunt or the recovery/retrieval of any deer harvested.

S. A hunter shall not dispose any animal part on any public property, including roadside ditches and disposal containers located along any trail or public property.

T. Hunters shall take all deer meat to be processed or given to charity.

U. Hunters shall report the number of deer harvested to the Windsor Heights Police Department following each hunt. The Police Department will log the harvest for verification purposes.

V. If a mortally wounded deer travels off the property being hunted onto other property, the hunter shall attempt to notify the other property owner, or in the case of City property, the Police Department, before entering the other property to recover the mortally wounded deer. The hunter shall also notify the Police Department should they be unable to locate a wounded deer.

W. Hunters are strongly encouraged to utilize a safety harness conforming to current Treestand Manufacturers Association (TMA) or American Society for Testing and Materials (ASTM) standards, in the manner and method proscribed by the manufacturer, at all times while occupying an elevated stand.

X. Any confrontations between hunters and other members of the public shall be immediately reported to the Police Department.

~~—4. Penalty. Failure of a hunter to comply with City and/or State regulations may subject the hunter to revocation of his or her permit and the City shall report all incidences of noncompliance to the Polk County Deer Task Force. Any person violating any provision of this ordinance or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least seventy-five dollars (\$75.00), but not more than six hundred twenty-five dollars (\$625.00), and/or imprisonment not to exceed thirty (30) days.~~

(City Code 1.14; Code of Iowa 903.1(1)(a))

(Section 55.34 – Ord. 19-09 – Nov. 19 Supp.)

55.35 COMMUNITY CATS

1. Requirements. Cats shall be allowed as free roaming community cats if all the following are met.

a. No person owns the cat.

b. Cat has been spayed or neutered, vaccinated, ear tipped, microchipped and determined sufficiently healthy to be a free roaming cat by a veterinarian.

Commented [AS60]: Adding as a new enforcement measure against feral cats as it is a common resident issue. A staff report within the 4/21/25 Council Packet further expands on the update and new partnership with the ARL

2. A property owner or such property owner's designee may utilize any box trap or other trap which complies with State law, designed to keep the animal alive and unharmed in the trap if all the following are met.
 - a. The trap has been set on property owner's property with the explicit intent of trapping a cat and meeting the requirements of Section 55.35(1)(b).
 - b. The property owner or their designee has set the trap after calling a veterinarian subject to an existing agreement with the City and scheduled an appointment with the veterinarian to neuter or spay, treat and/or otherwise evaluate the trapped cat.
 - c. The property owner or their designee checks the trap every 12 hours and releases any unintentionally trapped animals unharmed at the trap location.
 - d. The property owner or their designee promptly transports the trapped cat to a veterinarian subject to an existing agreement with the City.
 - e. The property owner pays any pre-determined fees to the veterinarian under the applicable City-Veterinarian agreement.
 - f. The property owner or their designee promptly picks up and returns the cat to the trap location after the cat receives veterinary treatment, subject to the veterinarian determining returning the cat is sufficiently healthy and appropriate to return the cat.

55.36 PENALTY

1. Violations of this chapter are simple misdemeanors and may also be punishable as municipal infractions. Police officers, animal control officers, and the Chief of Police designees shall have the authority to issue citations for violations of this chapter and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction. Multiple violations of this chapter may be considered by the city for purposes of approving licenses or for any other requirements that are subject to approval by the city.
2. Failure of a hunter to comply with Section 55.33 or other City or State regulation may subject the hunter to revocation of his or her permit. The Chief of Police or designee shall report all incidences of noncompliance to the Polk County Deer Task Force.

CHAPTER 56 DANGEROUS DOGS

56.01 Definitions	56.05 Potentially Dangerous Dog or Dangerous Dog Declaration Requirements
56.02 Determination of a Potentially Dangerous Dog	56.06 Registration or Licensing Requirements
56.03 Determination of a Dangerous Dog	56.07 Responsibility of Owners
56.04 Exceptions	

56.01 DEFINITIONS.

For purposes of this chapter, the following terms are defined:

1. “Dangerous dog” means any dog that:

- A. Without provocation, causes a serious injury to a person or domestic animal; or
- B. Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in subsection 8 of this section or serious injury as defined in subsection 9.

“Euthanized” shall have the same meaning as defined under Iowa Code 162.2.13

2. “Impound” means to take a potentially dangerous dog or dangerous dog into custody by the Animal Control Authority or the organization authorized to enforce this chapter.

3. “Owner” means any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

4. “Pet safety course” means a course, preapproved by the Animal Control Officer or the organization authorized to enforce this chapter, consisting of (but not limited to) instruction in safe management of dogs.

5. “Potentially dangerous dog” means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

- A. Without provocation, causes an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
- B. Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack, causing injury or otherwise threatening the safety of humans or domestic animals;

C. Without provocation, acts in a highly aggressive manner within a fenced yard or enclosure and appears, to a reasonable adult, able to jump over or escape;

D. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

6. "Proper enclosure" of potentially dangerous and dangerous dogs requires:

A. Potentially dangerous and dangerous dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section or caged for transportation. Also, when a dangerous dog is not securely confined or caged for transportation a muzzle shall be placed on the dog.

B. A pen or kennel must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. A pen or kennel must have a secure bottom, floor or foundation attached to the sides of the pen or kennel, or the sides of the pen or kennel must be embedded in the ground no less than two feet so as to prevent digging under the sides of the pen or kennel by the confined potentially dangerous dog or dangerous dog.

C. All pens, kennels, or structures erected to house a potentially dangerous dog or dangerous dog must comply with all zoning and building regulations in their jurisdictions. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

D. All pens or kennels designed, constructed, or used to confine potentially dangerous and dangerous dogs must be locked with a key or combination lock when such animals are within the structure.

E. No potentially dangerous or dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the potentially dangerous or dangerous dog to exit such building on its own volition.

F. No potentially dangerous dog or dangerous dog may be tied or leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

7. "Proper leashing" of potentially dangerous dogs and dangerous dogs requires that potentially dangerous dogs and dangerous dogs shall not be permitted to go outside a proper enclosure as defined in subsection 6 unless secured on a leash no longer than six (6) feet in length that is under the actual physical control of a person eighteen (18) years of age or older who has the physical ability to restrain the dog. Also, when a dangerous dog is not securely confined or caged for transportation, a muzzle shall be placed on the dog.

8. "Provocation" means that the threat, injury, or damage caused by the dog was sustained by a person who, at the time, was willfully trespassing upon the premises occupied by the owner of the dog, or the person was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

9. "Serious injury" means any physical injury incurred by a dog that results in a major bone fracture, muscle tears, disfiguring lacerations or requires multiple sutures or corrective surgery or cosmetic surgery.

56.02 DETERMINATION OF A POTENTIALLY DANGEROUS DOG.

1. After an investigation, the Animal Control Officer or the organization authorized to enforce this chapter is authorized to make a declaration that a dog is potentially dangerous based on the factors listed in subsection 56.01(5) of this chapter and will notify the owner of the dog in writing by certified mail or personal service or posting in a conspicuous place at the last known residence of the owner of the dog.
2. Upon notice, the owner of the dog declared potentially dangerous may, within three (3) business days, file a written appeal in this jurisdiction seeking review of the declaration. However, during an appeal the owner of the dog shall properly confine or properly leash the dog and provide proof of liability insurance in accordance with this chapter.
3. If a written appeal is filed, the owner of the dog declared dangerous will be given no less than three (3) days' (business or otherwise) written notice of the date, time, and location of the hearing.
4. Following notice to the owner of the dog, if the Animal Control Officer or the organization authorized to enforce this chapter has reasonable cause to believe that a dog is a potentially dangerous dog which may pose a threat to public safety, or if the owner has not provided proof of liability insurance, the dog will be impounded, pending disposition of an appeal or until the dog owner has fulfilled the requirements of a potentially dangerous dog declaration. However, if after 30 days from the date of notice the owner of the dog has not completed the requirements, the dog shall be impounded and destroyed in a humane manner.
5. Any dog that is under impoundment or quarantine at the animal shelter and is declared a potentially dangerous dog will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of subsection 56.06(1), except paragraph H of said subsection, which must be completed within 30 days from the date of notice.
6. The owner of the dog shall be liable for the costs of impounding and keeping of the dog.

56.03 DETERMINATION OF A DANGEROUS DOG.

1. After an investigation the Animal Control Officer or the organization authorized to enforce this chapter is authorized to make a declaration that a dog is dangerous based on the factors listed in subsection 56.01(1) and will notify the owner of the dog in writing by certified mail or personal service or posting in a conspicuous place at the last known residence of the owner of the dog.

2. Upon notice, the owner of the dog declared dangerous may, within three (3) business days, file a written appeal seeking review of the determination. However, during an appeal the owner of the dog shall properly confine or properly leash the dog and show proof of liability insurance in accordance with this chapter.

3. If a written appeal is filed, the owner of the dog declared dangerous will be given no less than three (3) days' (business or otherwise) written notice of the date, time, and location of the hearing.

4. Following notice to the owner of the dog, if the Animal Control Officer or the organization authorized to enforce this chapter has reasonable cause to believe the dog to be a dangerous dog which may pose a threat to public safety, or if the owner has not provided proof of liability insurance, the dog will be impounded, pending disposition of an appeal or until the dog owner has fulfilled the requirements of a dangerous dog declaration. However, if after 30 days after the date of notice the owner of the dog has not completed the requirements, the dog shall be impounded and destroyed in a humane manner.

5. Any dog that is under impoundment or quarantine at the animal shelter and is declared a dangerous dog will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of subsection 56.06(1), except paragraph H of said subsection, which must be completed within 30 days from the date of notice, and subsection 56.06(2).

6. The owner of the dog shall be liable for the costs of impounding and keeping the dog if the dog is determined to be a dangerous dog.

56.04 EXCEPTIONS.

No dog shall be declared a dangerous or potentially dangerous dog if:

1. The dog was used by a law enforcement or military official for legitimate law enforcement or military purposes.
2. The dog was protecting or defending a human, offspring, or another animal, within the immediate vicinity of the dog, from an attack or assault.

56.05 POTENTIALLY DANGEROUS DOG OR DANGEROUS DOG DECLARATION REQUIREMENTS.

1. If the Animal Control Officer or the organization authorized to enforce this chapter declares that a dog is a potentially dangerous dog, the owner of the dog shall comply with the provisions of subsections 56.01(6) and (7) and subsection 56.06(1) of this chapter.

2. If the Animal Control Officer or the organization authorized to enforce this chapter declares that a dog is a dangerous dog, the owner of the dog shall comply with the provisions of subsections 56.01(6) and (7) and Section 56.06 of this chapter.

3. Following notice to the owner of the dog, if the Animal Control Officer or the organization authorized to enforce this chapter has reasonable cause to believe the dog to be a dangerous dog and may pose a threat to public safety, or if the owner has not provided proof of liability insurance, the dog will be impounded, pending disposition of an appeal or until the dog owner has fulfilled the requirements of a dangerous dog declaration. However, if after 30 days from the date of notice the owner of the dog has not completed the requirements, the dog shall be ~~destroyed in a humane manner~~ euthanized.

4. If after the notice of declaration a potentially dangerous dog or a dangerous dog is found improperly confined or leashed more than once, the dog will be impounded and ~~destroyed in a humane manner~~ euthanized.

5. If after the notice of declaration the liability insurance on a potentially dangerous dog or dangerous dog is found to be invalid more than twice, the dog will be impounded and ~~destroyed in a humane manner~~ euthanized.

6. The owner of the dog shall be liable for the costs of impounding and keeping the potentially dangerous dog or dangerous dog whether or not the dog is reclaimed.

Commented [AS61]: Is less harsh wording than "destroyed"

Commented [AS62R61]: Definition from ARL 28E

56.06 REGISTRATION OR LICENSING REQUIREMENTS.

1. The Animal Control Officer or the organization authorized to enforce this chapter will issue a certificate of registration or license to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Animal Control Officer or other authority that:

A. The owner of the potentially dangerous dog is 18 years of age or older and has the physical ability to control the dog.

B. The owner of the potentially dangerous dog presents a certificate of insurance issued by an insurance company licensed to do business in this State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$1,000,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such potentially dangerous dog. The certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is potentially dangerous; however, if after 30 days a certificate of insurance or a policy has not been submitted or the insurance coverage is cancelled, the dog shall be deemed unregistered or unlicensed and subject to immediate impoundment.

C. The potentially dangerous dog has a current rabies vaccination at the owner's expense.

D. The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described in subsection 56.01(6).

E. The potentially dangerous dog has been spayed or neutered at the owner's expense.

F. The potentially dangerous dog has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the Animal Control Officer or the organization authorized to enforce this chapter.

G. The potentially dangerous dog has been photographed for identification purposes.

H. The potentially dangerous dog owner shall satisfactorily complete a pet safety course preapproved by the Animal Control Officer at the dog owner's expense.

2. The Animal Control Officer or the organization authorized to enforce this chapter will issue a certificate of registration or license to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration or licensing of a potentially dangerous dog pursuant to subsection 1 of this section, establishes to the satisfaction of the Animal Control Authority that:

A. The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination.

B. The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.

3. If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in Section 56.01(5) within twelve (12) months since the date of the potentially dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors. Such a review shall be completed by a review committee appointed by the City Council consisting of a minimum of three people including a member of the public, a dog professional, and an Animal Control Director or his/her designee.

56.07 RESPONSIBILITY OF OWNERS. It is unlawful to:

1. Keep a dog determined to be dangerous or potentially dangerous without a valid certificate of registration issued under Section 56.06 of this chapter.

2. Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is properly leashed as defined in Section 56.01 of this chapter.

3. Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination, or permit a dangerous dog to be outside of proper confinement without being properly leashed and muzzled or caged for transportation. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible person as defined in Section 56.01, muzzled and restrained with a substantial leash not exceeding six (6) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or obscure its vision or interfere with its respiration but shall prevent it from biting any human being or animal.

4. Permit a dangerous or potentially dangerous dog to be tied or leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

5. Fail to notify law enforcement or the Animal Control Officer immediately in person or by telephone upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.

6. Fail to notify, within three business days, the Animal Control Officer or the organization authorized to enforce this chapter of a change of address or telephone number of the owner of the dangerous or potentially dangerous dog.

7. Fail to notify, within three business days, the Animal Control Officer or the organization authorized to enforce this chapter if the dangerous or potentially dangerous dog has died and the whereabouts of the dead dog.

8. Fail to notify, within one business day, the Animal Control Officer or the organization authorized to enforce this chapter with the name, address, and telephone number of a new owner of the dangerous or potentially dangerous dog if the dog has been sold or has been given away.

9. Fail to surrender a dangerous dog or potentially dangerous dog to the Animal Control Officer or the organization authorized to enforce this chapter for impoundment and confinement, pending a disposition of the case when there is a reason to believe that the dangerous dog or potentially dangerous dog may pose a threat to public safety.

CHAPTER 57

ILLEGAL OR DANGEROUS ANIMALS

57.01 Definitions

57.02 Keeping of Illegal Animals Prohibited

57.03 Seizure, Impoundment, and Disposition of Illegal Animals

57.04 Exemption

57.05 Keeping of Dangerous Animals Prohibited

57.06 Seizure, Impoundment, and Disposition of Dangerous Animals

57.01 DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms, for the purpose of this chapter, have the meanings in this section:

1. "Illegal animal" means: (i) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, maiming, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so; (ii) any animal declared to be illegal by the board of health or the Mayor; (iii) the following animals which shall be deemed to be illegal animals per se:

- A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
- B. Wolves, coyotes and foxes;
- C. Badgers, wolverines, weasels, skunks and mink;
- D. Raccoons;
- E. Bears;
- F. Monkeys and chimpanzees;
- G. Bats;
- H. Alligators and crocodiles;
- I. Elephants;
- J. Tarantula spiders and scorpions;
- K. Snakes that are venomous or constrictors;
- L. Gila monsters;
- M. Apes, baboons and macaques;
- N. Opossums

2. "Dangerous animal" means any animal, except for an illegal animal per se, as listed above, that has bitten or clawed a person or persons without provocation while running at large, or any animal that has exhibited vicious propensities in present or past conduct, including any animal which: (i) has bitten a person or persons on two separate occasions within a 12-month period; (ii) did bite once causing injuries above the shoulders of a person; (iii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; (iv) has attacked or bitten any domestic animal or fowl on two

separate occasions within a 12-month period; or (v) has been found to possess such a propensity by a majority of the City Council, after notice and hearing.

57.02 KEEPING OF ILLEGAL ANIMALS PROHIBITED.

No person shall own, keep, shelter, or harbor any illegal animal or act as a temporary custodian for such animal, or keep for any other purpose or in any other capacity within the City any illegal animal, except in the following circumstances:

1. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
2. The keeping of illegal animals for exhibition to the public by a circus, carnival, exhibit, or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
5. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.
6. Any illegal animal exempted pursuant to Section 57.04 of this chapter.

57.03 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF ILLEGAL ANIMALS.

1. In the event that an illegal animal is found at large and unattended upon public property, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Chief of Police or the Chief's designee, be destroyed. The City shall be under no duty to attempt the confinement or capture of an illegal animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring an illegal animal on premises in the City, the Chief of Police shall cause the matter to be investigated; and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring an illegal animal in the City, the Chief of Police shall order the person named in the complaint safely to remove such animal from the City, permanently place the animal with an organization or group allowed under Section 57.02 of this chapter to possess illegal animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the illegal animal, which notice shall be given in writing to the person keeping, sheltering, or

harboring the animal and shall be served personally or by certified mail. Such order and notice to remove the illegal animal shall not be required where such animal has previously caused serious physical harm or death to any person in which case the Chief of Police shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical injury or death to any person.

3. The order to remove an illegal animal issued by the Chief of Police may be appealed to the City Administrator. In order to appeal such order, written notice of appeal must be filed with the City Administrator within three days after receipt of the order contained in the notice to remove the illegal animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Chief of Police.

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

5. If the City Administrator affirms the action of the Chief of Police, the City Administrator shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such illegal animal, remove such animal from the City, permanently place such animal with an organization or group allowed under Section 57.02 of this chapter to possess illegal animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Chief of Police is not appealed and is not complied with within three days, or the order of the City Administrator after appeal is not complied with within three days of its issuance, the Chief of Police is authorized to seize and impound such illegal animal or kill the animal if seizure and impoundment is not possible without risk of serious physical injury or death to any person. An animal which is seized shall be impounded for a period of seven days. If at the end of the impoundment period the individual or entity against whom the decision and order of the City Administrator was issued has not petitioned the Polk County District Court for a review of said order, the City Administrator shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 57.02 of this chapter to possess such animals, or destroy such animal in a humane manner. Failure to comply with an order issued pursuant to this chapter shall constitute a misdemeanor offense.

57.04 EXEMPTION.

1. Any person owning or keeping an illegal animal as of February 1, 1985, may obtain an exemption, allowing that person to continue to keep such animal by complying with the provisions of this section.

2. A person owning or keeping an illegal animal as of February 1, 1985, in order to obtain an exemption, must register such animal with the City Clerk prior to March 31, 1985. The animal must be re-registered each year subsequent thereto until the animal dies or is otherwise removed from the City.

3. The person shall provide the City Clerk with:

- A. His or her name and address;
- B. The address where the animal is kept;
- C. A description of the animal;
- D. A description of the method of containing or controlling the animal at that location; and
- E. Evidence of the existence of a certificate or policy of insurance in an amount not less than \$100,000.00, providing liability coverage for all damages or injuries which might arise to any person as a result of the keeping of such animal.

F. Certification from a licensed doctor of veterinary medicine that the animal is healthy and is not infected with rabies or any disease dangerous to humans.

4. As a condition of exemption, the owner or keeper of the illegal animal must sign an agreement, provided by the City Clerk, indemnifying the City and agreeing to defend it and hold it harmless from all claims for damages, indemnity, or contributions arising as a result of the keeping or ownership of such animal.

5. All illegal animals, not exempted by the provisions of this section, must be removed from the City of Windsor Heights prior to March 31, 1985.

6. If any owner or keeper of an animal exempted pursuant to the provision of this section shall fail to re-register the animal in any subsequent year, the City may proceed to have the animal removed or destroyed pursuant to this chapter.

57.05 KEEPING OF DANGEROUS ANIMALS PROHIBITED.

No person shall own, keep, shelter, or harbor for any reason within the City a dangerous animal so defined herein, except in the following circumstances:

- 1. Animals under the control of a law enforcement or military agency.
- 2. The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a dangerous animal pursuant to the provisions of Sections 57.05 and 57.06 of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "dangerous dog," or words of similar import, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at said premises.

57.06 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS.

1. The Chief of Police, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a dangerous animal as defined herein, may initiate proceedings to declare such animal a dangerous animal. If the owner contests said designation, a hearing on the matter shall be conducted by the City Administrator. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous, the owner may be required to license and confine the animal as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the City Administrator determines an animal is a dangerous animal, or a dangerous animal held in violation of this chapter as set out in the notice of hearing, the City Administrator shall order the person owning, sheltering, harboring, or keeping the animal to license and confine the animal as required by this chapter, or remove it from the City. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the City Administrator is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the City Administrator was issued has not appealed such order to the City Council, or has not complied with the order, the City Administrator shall cause the animal or animals to be destroyed.

3. The order to license, confine, or remove a dangerous animal from the City issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Administrator within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Administrator. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Administrator within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the City Administrator, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the City Administrator, and any other information the City Council deems necessary.

5. If the City Council affirms the action of the City Administrator, the City Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal shall license and confine said animal as required by this chapter or

remove such animal from the City. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice set out in subsection 1 of this section. If the original order of the City Administrator is not appealed and is not complied with within three days or the order of the City Council after appeal is not complied with within three days of its issuance, the Chief of Police is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the City Administrator or the City Council was issued has not petitioned the Polk County District Court for a review of said order or has not complied with the order, the City Administrator shall cause the animal to be destroyed in a humane manner.

6. Failure to comply with an order of the City Administrator issued pursuant hereto and not appealed, or of the City Council after appeal, is a misdemeanor.

7. Any animal which is alleged to be dangerous and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous. If the animal is not determined to be dangerous, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

CHAPTER 60

TRAFFIC AND VEHICLES

Subchapters

60.01 ADMINISTRATION OF TRAFFIC CODE

60.02 TRAFFIC CONTROL DEVICES

60.03 GENERAL TRAFFIC REGULATIONS

60.04 SPEED REGULATIONS

60.05 TURNING REGULATIONS

60.06 STOP OR YIELD REQUIRED

60.07 LOAD AND WEIGHT RESTRICTIONS

60.08 PEDESTRIANS

60.09 ONE-WAY TRAFFIC

60.10 PARKING REGULATIONS

60.11 TRAFFIC CODE ENFORCEMENT PROCEDURES

60.12 ALL-TERRAIN VEHICLES AND SNOWMOBILES

60.13 BICYCLE REGULATIONS

TITLE.

This chapter may be known and cited as the “Windsor Heights Traffic Code” and is referred to in this chapter as the “Traffic Code.”

SUBCHAPTER 60.01

ADMINISTRATION OF TRAFFIC CODE

60.01.01 Definitions	60.01.05 Peace-Police Officer’s Authority
60.01.02 Administration and Enforcement	60.01.06 Obedience to Peace-Police Officers
60.01.03 Power to Direct Traffic	60.01.07 Parades Regulated
60.01.04 Traffic Accidents: Reports	

60.01.01 DEFINITIONS.

Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace ~~or~~ police officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “Road work zone” means the portion of a highway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone

starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended.

6. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a schoolhouse.

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

8. "Stop" means when required, the complete cessation of movement.

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

10. "Suburban district" means all other parts of the city not included in the business, school, or residence districts.

11. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

12. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.01.02 ADMINISTRATION AND ENFORCEMENT.

Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the Police Department and other officials as provided by this Code of Ordinances.

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

60.01.03 POWER TO DIRECT TRAFFIC.

A ~~peace~~-police officer and, in the absence of a ~~peace~~-police officer, any officer of the Fire Department when at the scene of a fire is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.01.04 TRAFFIC ACCIDENTS: REPORTS.

The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of ~~peace-police~~ officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

(Code of Iowa, Sec. 321.273)

60.01.05 ~~PEACE-POLICE~~ OFFICER'S AUTHORITY.

A ~~peace-police~~ officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A ~~peace-police~~ officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.01.06 OBEDIENCE TO ~~PEACE-POLICE~~ OFFICERS.

No person shall willfully fail or refuse to comply with any lawful order or direction of any ~~peace-police~~ officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

~~60.01.07 PARADES REGULATED.~~

~~—No person shall conduct or cause any parade on any street except as provided herein:~~

~~—1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.~~

~~—2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Chief of Police. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.~~

~~—3. Sponsor Signature. The application for a permit shall be signed by the president, secretary, or some person having authority connected with the association, company, society, order, or exhibition sponsoring the parade.~~

Commented [AS63]: The updated parade ordinance introduces several key changes for clarity, safety, and procedural consistency. It expands the definition of a parade to include any publicized procession of 10 or more people with or without vehicles, and requires a more detailed permit application, including route, time, contact information, and estimated participants. It adds specific grounds for permit denial, such as traffic disruption or legal conflicts, and sets time restrictions for residential areas, limiting parades to between 8:00 a.m. and 8:00 p.m. unless a waiver is granted. The revised ordinance also allows for the use of golf carts, ATVs, or off-road vehicles with approval, updates language regarding enforcement roles, and removes a clause that previously exempted parades from being considered street obstructions.

~~—4. Approval. If the Mayor or Chief of Police, upon presentation of an application for a permit for a street parade, is satisfied that the march or parade will not interfere with the safety of travel or good order of the City, he or she shall issue a permit without charge. Nothing in this section shall be construed as requiring a permit for funeral processions.~~

~~—5. Conditions. The Mayor or Chief of Police is empowered to prescribe the conditions governing any parade, procession or march, including the designation of the routes to be followed, held or proposed to be held on any public street. Should the public interest so require, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under the provisions of this Code. Signs shall be placed, police officers stationed, or other steps taken to inform the public of special regulations.~~

~~—6. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.~~

~~—7. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.~~

No person shall conduct, cause, or participate in any parade on any street except as provided herein:

1. Definition. "Parade" means any march or procession of 10 or more persons, with or without vehicles, organized for marching or moving on the streets, sidewalks, or other public ways in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

A. 2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Chief of Police. Permit Application. The permit application must be made in writing and shall state:

- 1) The date and time for the parade;
- 2) The name, address, signature, and telephone number of the applicant;
- 3) The route of the parade
- 4) The approximate number of persons and vehicles in the parade; and
- 5) Funeral processions are exempted from obtaining a parade permit.

B. Restrictions. The City shall issue the applicant a permit unless:

- 1) The Mayor or Police Chief determines that the time, route, or size of the parade will disrupt the use of any street or sidewalk that is ordinarily subject to significant congestion or traffic;
- 2) Another parade permit has already been issued for that day; or

3) The proposed parade violates any other governing law or ordinance.

3. Hours. No permit shall be granted for a parade through a residential district, except during the hours of 8:00 a.m. to 8:00 p.m., unless a waiver is granted by the City Council.

4. Fee. No fee shall be charged for the parade permit.

5. Parade Conditions. The Mayor or Chief of Police is empowered to prescribe the conditions governing any parade, procession, or march, including the designation of the routes to be followed, held, or proposed to be held on any public street, sidewalks, or other public ways. Should the public interest so require, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under the provisions of this Code. Signs shall be placed, police officers stationed, or other steps taken to inform the public of special regulations. The Mayor or Police Chief may approve other vehicles such as golf carts, all-terrain vehicles, or off-road utility sports vehicles to be operated on or in close proximity to the parade route, immediately before during, and after the event.

6. Parade Control. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel, , other City employees, or designated parade officials.

SUBCHAPTER 60.02 TRAFFIC CONTROL DEVICES

60.02.01 Installation of Traffic Control
Devices

60.02.02 Compliance

60.02.03 Crosswalks

60.02.04 Traffic Lanes

60.02.05 Necessity of Signs

60.02.06 Standards

60.02.07 (Reserved)

60.02.08 Automated Traffic
Enforcement

60.02.01 INSTALLATION OF TRAFFIC CONTROL DEVICES.

The City Administrator or designee shall cause to be placed and maintained traffic control devices when and as required under this traffic code or under State law. The Police Chief shall cause to be placed emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide, or warn traffic. The City Administrator shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

Commented [AS64]: Updated to State code

The Public Works Director shall cause to be placed and maintained appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Chief of Police shall establish the location of traffic control devices and shall also have the power to designate and indicate intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections. The City shall keep a record of all such traffic control devices.

60.02.02 COMPLIANCE.

No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this subchapter, unless at the time otherwise directed by a ~~peace~~ police officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the Code of Iowa.

(Code of Iowa, Sec. 321.256)

60.02.03 CROSSWALKS.

The ~~Chief of Police~~ City Administrator or designee is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] & 321.255)

60.02.04 TRAFFIC LANES.

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

(Code of Iowa, Sec. 372.13[4] & 321.255)

~~60.02.05 NECESSITY OF SIGNS.~~

~~—No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.~~

60.02.06 STANDARDS.

Traffic control devices shall comply with standards established by ~~T~~the Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, Sec. 321.255)

60.02.07 (RESERVED)

~~60.02.08 AUTOMATED TRAFFIC ENFORCEMENT.~~

~~The City of Windsor Heights, in accordance with its police powers, may deploy, erect or cause to have erected an automated traffic enforcement system for making video and/or photographic images of vehicles that fail to obey red light traffic signals at intersections designated by the City Administrator, or designee, or fail to obey speed regulations at other locations in the City. The systems may be managed by a private contractor where the City or private contractor owns and operates the requisite equipment, with supervisory control vested in the City's Police Department. Video and/or photographic images shall be provided to the Police Department by the contractor for review.~~

~~(Ord. 16-03 – Aug. 16 Supp.)~~

~~—1. Definitions. The following terms are defined as used in this section:~~

~~—A. “Automated traffic citation” means a notice of fine generated in connection with the automated traffic enforcement system.~~

~~—B. “Automated traffic enforcement contractor” means the company or entity, if any, with which the City contracts to provide equipment and/or services in connection with the automated traffic enforcement system.~~

~~—C. “Automated traffic enforcement system” (ATE system) shall mean an electronic system consisting of photographic, video, and/or electronic camera(s) and a vehicle sensor(s) installed to work in conjunction with an official traffic controller or Police Department employee(s) to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction.~~

~~—D. “Vehicle owner” means the person or entity identified by the Iowa Department of Transportation, or registered with any other State vehicle registration office, as the registered owner of a vehicle.~~

Commented [AS65]: Removing ATE section as the City no longer has any ATE devices and is ineligible under state law

~~—2. Vehicle Owner’s Civil Liability for Certain Traffic Offenses.~~

~~—A. The vehicle owner shall be liable for a fine as imposed below if such a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle’s direction is emitting a steady red light or arrow.~~

~~—B. The Vehicle Owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the established limit.~~

~~(Ord. 16-03 – Aug. 16 Supp.)~~

~~—C. The violation may be exempted from liability as outlined in this section, and other defenses may be considered in connection with the appeals process.~~

~~—D. An automated traffic citation will not be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner’s driving record.~~

~~—3. Notice of Violation; Fine.~~

~~—A. A notice of any automated traffic citation will be mailed to the vehicle owner. The automated traffic enforcement contractor shall mail the notice within 30 days after the Police Department determines a violation of the City’s Traffic Code has occurred. The notice shall include the name and address of the vehicle owner; the vehicle make, if available and readily discernible, and registration number; the violation charged; the time; the date; the location of the alleged violation; the applicable fine; information on how to contest the notice on its merits; and that the basis of the notice is a photographic record obtained by an automated traffic enforcement system.—~~

~~(Ord. 18-16 – Nov. 18 Supp.)~~

~~—C. Any violation of paragraph 2(A) of this section shall be subject to a civil fine of \$100.00), made payable to the City of Windsor Heights.~~

~~—D. Any violation of Subsection 2(B) shall be subject to one of the civil fines identified in the table below. The fine for any violation committed in a designated Road Work Zone, as defined by the City’s Code of Ordinances Subsection 60.01.01(12), shall be doubled — as identified in the table below. All civil fines shall be made payable to the City of Windsor Heights.~~

~~-~~

Speed Over the Limit in Miles Per Hour (MPH)	Civil Fine	If in a Road Work Zone

1 through 15 MPH	\$65.00	\$130.00
16 through 20 MPH	\$75.00	\$150.00
21 MPH and over	\$80.00, plus \$5.00 for each additional mile over 21 MPH	\$160.00, plus \$5.00 for each additional mile over 21 MPH

(Ord. 16-03 – Aug. 16 Supp.)

—4. Contesting an Automated Traffic Citation. A vehicle owner who has been issued an automated traffic citation may contest the citation as follows:

—A. By submitting, in a form specified by the City, a request for an administrative review to be held at the Police Department before an impartial administrative appeals board (the “Board”). Such a request must be filed within thirty (30) days from the date of the first notice of the Automated Traffic Citation sent to the vehicle owner. The Board may either uphold or dismiss the Automated Traffic citation and shall mail its written decision within ten (10) days after the review to the address provided on the request for the review. If the citation is upheld, then the Board shall include in its written decision a date by which the fine must be paid and, on or before that date, the vehicle owner shall either pay the fine or submit a request pursuant to the paragraph B of this subsection.

(Ord. 16-03 – Aug. 16 Supp.)

—B. By submitting, in a form specified by the City, a request that—in lieu of the automated traffic citation—a municipal infraction citation be filed with the Small Claims Division of the Iowa District Court in Polk County. Such a request will require the vehicle owner to file an answer and appearance with the Clerk of Court for the matter to be set for trial. If at trial the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court costs and municipal infraction penalties may be added to the amount of the fine imposed by this section.

(Ord. 18-16 – Nov. 18 Supp.)

—5. Exceptions to Owner Liability. There shall be no liability pursuant to this section if:

—A. The operator of the vehicle in question was issued a uniform traffic citation for the violation pursuant to the Section 60.11.01 of this Code of Ordinances or Chapter 321 of the Code of Iowa; or

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

~~—C. The vehicle in question was an authorized emergency vehicle engaged in an official act; or~~

~~—D. The officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession; or~~

~~—E. The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle when cited for a red light violation.~~

~~(Ord. 16-03 – Aug. 16 Supp.)~~

~~—6. Failure to Pay or Appeal in a Timely Manner. If the recipient of an automated traffic citation either does not pay the civil penalty when due or does not contest the automated traffic citation as provided herein, the City may file a civil municipal infraction citation, which shall be served and filed with the courts in the manner prescribed by the applicable provision(s) of this Code. Such municipal infraction citation may seek a penalty and/or additional relief to the extent permitted by law. If at trial the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court costs will be added to the amount of the fine imposed by the applicable provision(s) of this Code.~~

~~(Ord. 18-16 – Nov. 18 Supp.)~~

(Subchapter 60.02 - Ord. 16-02 – Feb. 16 Supp.)

SUBCHAPTER 60.03 GENERAL TRAFFIC REGULATIONS

60.03.01 Violation of Regulations

60.03.02 Boarding or Alighting From Moving Vehicle

60.03.03 Vehicles on Sidewalks

60.03.04 Clinging to Vehicle

60.03.05 Climbing on Vehicles Prohibited

60.03.06 Quiet Zones

60.03.07 Pushcarts and Animals on Roadway

60.03.08 Excessive Tire Noise

60.03.09 Dumping of Snow

60.03.01 VIOLATION OF REGULATIONS.

Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the Code of Iowa are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.25 – Application for registration and title; cards attached.
3. Section 321.32 – Registration card, carried and exhibited; exception.
4. Section 321.34 – Plates or validation sticker furnished.
5. Section 321.37 – Display of plates.
6. Section 321.38 – Plates, method of attaching, imitations prohibited.
7. Section 321.41 – Change of address or name or fuel type.
8. Section 321.45 – Title transfer.
9. Section 321.46 – New title upon transfer of ownership.
10. Section 321.47 – Transfers by operation of law.
11. Section 321.48 – Vehicles acquired for resale.
12. Section 321.52 – Out of state sales.
13. Section 321.54 – Registration and financial liability coverage required of certain nonresident carriers.
14. Section 321.55 – Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents.
15. Section 321.57 – Operation under special plates.
16. Section 321.62 – Records required for special plates.
17. Section 321.67 – Certificate of title must be executed.
18. Section 321.78 – Injuring or tampering with vehicle.
19. Section 321.79 – Intent to injure.
20. Section 321.91 – Penalty for abandonment.

21. Section 321.98 – Operation without registration.
22. Section 321.99 – Fraudulent use of registration.
23. Section 321.104 – Penal offenses against title law.
24. Section 321.115 – Antique vehicles; model year plates permitted.
25. Section 321.174 – Operators licensed.
26. Section 321.174A – Operation of motor vehicles with expired license.
27. Section 321.180 – Instruction permits.
28. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
29. Section 321.193 – Restricted licenses.
30. Section 321.194 – Special minor’s licenses.
31. Section 321.208A – Operation in violation of out-of-service order.
32. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
33. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
34. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
35. Section 321.218 – Operating without valid driver’s license or when disqualified.
36. Section 321.219 – Permitting unauthorized minor to drive.
37. Section 321.220 – Permitting unauthorized person to drive.
38. Section 321.221 – Employing unlicensed chauffeur.
39. Section 321.222 – Renting motor vehicle to another.
40. Section 321.223 – License inspected.
41. Section 321.224 – Record kept.
42. Section 321.229 – Obedience to peace officers.
43. Section 321.231 – Authorized emergency vehicles and police bicycles.
44. Section 321.232 – Speed detection jamming devices; penalty.
45. Section 321.234A – All-terrain vehicles.
46. Section 321.235A – Electric personal assistive mobility devices.

47. Section 321.247 – Golf cart operation on City streets.
48. Section 321.257 – Official traffic control signal.
49. Section 321.259 – Unauthorized signs, signals or markings.
50. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
51. Section 321.262 – Damage to vehicle.
52. Section 321.263 – Information and aid.
53. Section 321.264 – Striking unattended vehicle.
54. Section 321.265 – Striking fixtures upon a highway.
55. Section 321.266 – Reporting accidents.
56. Section 321.275 – Operation of motorcycles and motorized bicycles.
57. Section 321.277 – Reckless driving.
58. Section 321.277A – Careless driving.
59. Section 321.278 – Drag racing prohibited.
60. Section 321.284 – Open container; drivers.
61. Section 321.284A – Open container; passengers.
62. Section 321.288 – Control of vehicle; reduced speed.
63. Section 321.295 – Limitation on bridge or elevated structures.
64. Section 321.297 – Driving on right-hand side of roadways; exceptions.
65. Section 321.298 – Meeting and turning to right.
66. Section 321.299 – Overtaking a vehicle.
67. Section 321.302 – Overtaking and passing.
68. Section 321.303 – Limitations on overtaking on the left.
69. Section 321.304 – Prohibited passing.
70. Section 321.306 – Roadways laned for traffic.
71. Section 321.307 – Following too closely.
72. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
73. Section 321.309 – Towing; convoys; drawbars.
74. Section 321.310 – Towing four-wheel trailers.

75. Section 321.312 – Turning on curve or crest of grade.
76. Section 321.313 – Starting parked vehicle.
77. Section 321.314 – When signal required.
78. Section 321.315 – Signal continuous.
79. Section 321.316 – Stopping.
80. Section 321.317 – Signals by hand and arm or signal device.
81. Section 321.318 – Method of giving hand and arm signals.
82. Section 321.319 – Entering intersections from different highways.
83. Section 321.320 – Left turns; yielding.
84. Section 321.321 – Entering through highways.
85. Section 321.322 – Vehicles entering stop or yield intersection.
86. Section 321.323 – Moving vehicle backward on highway.
87. Section 321.323A – Approaching certain stationary vehicles.
88. Section 321.324 – Operation on approach of emergency vehicles.
89. Section 321.324A – Funeral processions.
90. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
91. Section 321.330 – Use of crosswalks.
92. Section 321.332 – White canes restricted to blind persons.
93. Section 321.333 – Duty of drivers approaching blind persons.
94. Section 321.340 – Driving through safety zone.
95. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
96. Section 321.342 – Stop at certain railroad crossings; posting warning.
97. Section 321.343 – Certain vehicles must stop.
98. Section 321.344 – Heavy equipment at crossing.
99. Section 321.344B – Immediate safety threat; penalty.
100. Section 321.354 – Stopping on traveled way.
101. Section 321.359 – Moving other vehicle.

- 102. Section 321.362 – Unattended motor vehicle.
- 103. Section 321.363 – Obstruction to driver's view.
- 104. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
- 105. Section 321.365 – Coasting prohibited.
- 106. Section 321.367 – Following fire apparatus.
- 107. Section 321.368 – Crossing fire hose.
- 108. Section 321.369 – Putting debris on highway.
- 109. Section 321.370 – Removing injurious material.
- 110. Section 321.371 – Clearing up wrecks.
- 111. Section 321.372 – School buses.
- 112. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
- ' 113. Section 321.381A – Operation of low-speed vehicles.
- 114. Section 321.382 – Upgrade pulls; minimum speed.
- 115. Section 321.383 – Exceptions; slow vehicles identified.
- 116. Section 321.384 – When lighted lamps required.
- 117. Section 321.385 – Head lamps on motor vehicles.
- 118. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
- 119. Section 321.387 – Rear lamps.
- 120. Section 321.388 – Illuminating plates.
- 121. Section 321.389 – Reflector requirement.
- 122. Section 321.390 – Reflector requirements.
- 123. Section 321.392 – Clearance and identification lights.
- 124. Section 321.393 – Color and mounting.
- 125. Section 321.394 – Lamp or flag on projecting load.
- 126. Section 321.395 – Lamps on parked vehicles.
- 127. Section 321.398 – Lamps on other vehicles and equipment.
- 128. Section 321.402 – Spot lamps.

129. Section 321.403 – Auxiliary driving lamps.
130. Section 321.404 – Signal lamps and signal devices.
131. Section 321.404A – Light-restricting devices prohibited.
132. Section 321.405 – Self-illumination.
133. Section 321.406 – Cowl lamps.
134. Section 321.408 – Back-up lamps.
135. Section 321.409 – Mandatory lighting equipment.
136. Section 321.415 – Required usage of lighting devices.
137. Section 321.417 – Single-beam road-lighting equipment.
138. Section 321.418 – Alternate road-lighting equipment.
139. Section 321.419 – Number of driving lamps required or permitted.
140. Section 321.420 – Number of lamps lighted.
141. Section 321.421 – Special restrictions on lamps.
142. Section 321.422 – Red light in front.
143. Section 321.423 – Flashing lights.
144. Section 321.430 – Brake, hitch, and control requirements.
145. Section 321.431 – Performance ability.
146. Section 321.432 – Horns and warning devices.
147. Section 321.433 – Sirens, whistles, and bells prohibited.
148. Section 321.434 – Bicycle sirens or whistles.
149. Section 321.436 – Mufflers, prevention of noise.
150. Section 321.437 – Mirrors.
151. Section 321.438 – Windshields and windows.
152. Section 321.439 – Windshield wipers.
153. Section 321.440 – Restrictions as to tire equipment.
154. Section 321.441 – Metal tires prohibited.
155. Section 321.442 – Projections on wheels.
156. Section 321.444 – Safety glass.

- 157. Section 321.445 – Safety belts and safety harnesses; use required.
 - 158. Section 321.446 – Child restraint devices.
 - 159. Section 321.449 – Motor carrier safety regulations.
 - 160. Section 321.450 – Hazardous materials transportation.
 - 161. Section 321.454 – Width of vehicles.
 - 162. Section 321.455 – Projecting loads on passenger vehicles.
 - 163. Section 321.456 – Height of vehicles; permits.
 - 164. Section 321.457 – Maximum length.
 - 165. Section 321.458 – Loading beyond front.
 - 166. Section 321.460 – Spilling loads on highways.
 - 167. Section 321.461 – Trailers and towed vehicles.
 - 168. Section 321.462 – Drawbars and safety chains.
 - 169. Section 321.463 – Maximum gross weight.
 - 170. Section 321.465 – Weighing vehicles and removal of excess.
 - 171. Section 321.466 – Increased loading capacity; reregistration.
 - 172. Section 321A.32 – Other violations; penalties.
 - 173. Section 321.276 – Use of electronic communication device while driving; text-messaging.
 - 174. Section 321.281 – Actions against bicyclists.
 - 175. Section 321.449A – Rail crew transport drivers.
- (Ord. 15-08 – Nov. 15 Supp.)

60.03.02 BOARDING OR ALIGHTING FROM MOVING VEHICLE.

No person shall board or alight from any vehicle on the public highway while such vehicle is in motion.

60.03.03 VEHICLES ON SIDEWALKS.

The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

60.03.04 CLINGING TO VEHICLE.

No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

60.03.05 CLIMBING ON VEHICLES PROHIBITED.

It is unlawful for any person to jump or climb on or hang upon any vehicle on any street, alley, or other public place without the permission of the driver thereof.

60.03.06 QUIET ZONES.

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

60.03.07 PUSHCARTS AND ANIMALS ON ROADWAY.

Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this Code of Ordinances applicable to the driver of a vehicle, except those provisions which by their nature can have no application.

60.03.08 EXCESSIVE TIRE NOISE.

No person shall skid, slide or spin the tires of the motor vehicle such person is operating so as to cause the emission of excessive or unusual noise when the same is not necessary for the safe operation of the vehicle.

60.03.09 DUMPING OF SNOW.

It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the

property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow. † 4

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

Notes

- 4 † EDITOR'S NOTE: See Section 40.03.06 of this Code of Ordinances for additional provisions regarding use of City streets.

SUBCHAPTER 60.04 SPEED REGULATIONS

60.04.01 General	60.04.04 Special Speed Zones
60.04.02 State Code Speed Limits	60.04.05 Minimum Speed
60.04.03 Parks and Parking Lots	60.04.06 Use of Automated Enforcement

60.04.01 GENERAL.

Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

60.04.02 STATE CODE SPEED LIMITS.

The following speed limits are established in Section 321.285 of the Code of Iowa and any speed in excess thereof is unlawful unless specifically designated otherwise in this subchapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

60.04.03 PARKS AND PARKING LOTS.

A speed in excess of fifteen (15) miles per hour in any public park or parking lot, unless specifically designated otherwise in this subchapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

60.04.04 SPECIAL SPEED ZONES.

In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 60.04.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. (Repealed by Ord. 19-04 – Jul. 19 Supp.)
2. Special 30 MPH Speed Zones. A speed in excess of 30 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. 63 rd Street. 63 rd Street, from the south line of Hickman Avenue to the south line of University Avenue.
 - B. University Avenue. University Avenue, from the east corporate limits to the west corporate limits.
3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. 73 rd Street. 73 rd Street, from the south corporate limits to the south line of University Avenue;
 - B. 63 rd Street. 63 rd Street, from the south line of University Avenue to the south corporate limits.
4. Interstate 235. Notwithstanding any speed restrictions contained in this Traffic Code, the following speed restrictions apply to Interstate Highway 235 when official signs are erected giving notice thereof:
 - A. Maximum Speed. No person shall operate a vehicle on said highway at a speed in excess of 60 miles per hour.
 - B. Minimum Speed. No person shall operate a vehicle on said highway at a speed less than 40 miles per hour.

C. Vehicle Capability. No person shall operate any vehicle, implement, or conveyance on said highway which is incapable of obtaining and maintaining a speed of 40 miles per hour.

(Section 60.04.04 – Ord. 19-04 – Jul. 19 Supp.)

60.04.05 MINIMUM SPEED.

A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

60.04.06 USE OF AUTOMATED ENFORCEMENT.

Automated traffic enforcement technologies may be utilized to enforce speed regulations in this subchapter by civil fine pursuant to ATE regulations set forth in Section 60.02.07.

SUBCHAPTER 60.05 TURNING REGULATIONS

60.05.01 Turning at Intersections 60.05.03 Left Turn for Parking
60.05.02 U-Turns

60.05.01 TURNING AT INTERSECTIONS.

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

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.

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

The Chief of Police may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.256)

60.05.02 U-TURNS.

It is unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the Business District and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.236[9])

60.05.03 LEFT TURN FOR PARKING.

No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

SUBCHAPTER 60.06 STOP OR YIELD REQUIRED

60.06.01 Stop or Yield

60.06.02 School Stops

60.06.03 Stop Before Crossing Sidewalk

60.06.04 Stop When Traffic Is Obstructed

60.06.05 Yield to Pedestrians in Crosswalks

60.06.01 STOP OR YIELD.

Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.256)

60.06.02 SCHOOL STOPS.

At any school crossing zone, every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

60.06.03 STOP BEFORE CROSSING SIDEWALK.

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

(Code of Iowa, Sec. 321.353)

60.06.04 STOP WHEN TRAFFIC IS OBSTRUCTED.

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

60.06.05 YIELD TO PEDESTRIANS IN CROSSWALKS.

Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

SUBCHAPTER 60.07

LOAD AND WEIGHT RESTRICTIONS

60.07.01 Temporary Embargo

60.07.04 Load Limits on Bridges

60.07.02 Permits for Excess Size and Weight 60.07.05 Truck Routes
60.07.03 Load Limits Upon Certain Streets

60.07.01 TEMPORARY EMBARGO.

If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

60.07.02 PERMITS FOR EXCESS SIZE AND WEIGHT.

The Chief of Police may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

60.07.03 LOAD LIMITS UPON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.473 & 475)

60.07.04 LOAD LIMITS ON BRIDGES.

Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Subchapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

60.07.05 TRUCK ROUTES.

When truck routes have been designated in accordance with Subchapter 60.02, no person shall operate any motor truck, as defined below, upon any street or parts of streets not designated as a truck route within this section.

1. Definitions. For use in this subsection, the following terms are defined:

A. Light Delivery Truck, Panel Delivery Truck, Delivery Truck, or Pickup Truck. Any motor vehicle designed to carry not more than two thousand (2,000) pounds of merchandise or freight of any kind.

(Code of Iowa, Sec. 321.1)

B. Motor Truck. Every motor vehicle designed primarily for carrying livestock, merchandise, freight of every kinds, or over nine (9) persons as passengers, except light delivery trucks, panel delivery trucks, delivery trucks, and pickup trucks.

(Code of Iowa, Sec. 321.1)

2. Truck Routes Designated. Motor trucks, as defined in this subsection, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall only travel over or upon the following streets within the City and none other.

(Code of Iowa, Sec. 321.473)

- A. 73 rd Street – only that portion of 73 rd Street south of University Avenue;
- B. University Avenue;
- C. 63 rd Street;
- D. Interstate 235.

3. Deliveries Off Truck Route. Any “motor truck,” as defined in this subsection, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

4. Employer’s Responsibility. The owner, or any other person, employing or otherwise directing the driver of any motor truck shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

5. Exceptions. The provisions of this section do not apply to fire apparatus, school buses, and other motor vehicles owned and operated by a governmental agency, road machinery, implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit as provided in this title.

(Sec. 60.07.05 – Ord. 19-11 – Jan. 20 Supp.)

(Ch. 60.07 – Ord. 17-09 – Dec. 17 Supp.)

SUBCHAPTER 60.08 PEDESTRIANS

60.08.01 Pedestrians Subject to Traffic
Control Signals

60.08.02 Pedestrians on Left

60.08.03 Pedestrian's Right-of-Way

60.08.04 When Pedestrian Shall Yield

60.08.05 Prohibited Crossing

60.08.06 Pedestrians Prohibited on
Interstate 235

60.08.07 Pedestrians Soliciting Rides

60.08.01 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians are subject to traffic control signals at intersections, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this subchapter. Any person failing to heed the command of an automatic traffic control signal shall be fined ~~not more than \$25.00 as outlined in the City Fee Schedule or imprisoned not to exceed three (3) days.~~

(Code of Iowa, Sec. 321.325)

Commented [AS66]: Remove fees from code and into fee schedule

Commented [AS67]: Removing mentions of imprisonment³

60.08.02 PEDESTRIANS ON LEFT.

Pedestrians shall, at all times when walking on or along a street, walk on the left side of such street.

(Code of Iowa, Sec. 321.326)

60.08.03 PEDESTRIAN'S RIGHT-OF-WAY.

Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this subchapter.

(Code of Iowa, 1995, Sec. 321.327)

60.08.04 WHEN PEDESTRIAN SHALL YIELD.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. The foregoing rules of this section have no application under the conditions stated in Section 60.08.05 of this subchapter when pedestrians are prohibited from crossing at certain designated places.

60.08.05 PROHIBITED CROSSING.

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. No pedestrian shall cross a roadway other than in a crosswalk in any Business District.

60.08.06 PEDESTRIANS PROHIBITED ON INTERSTATE 235.

No person shall walk upon, along, or within any fenced portion of the right-of-way of Interstate Highway 235, except persons duly engaged in construction, maintenance or law enforcement or persons present for the purpose of leaving, servicing, or removing a disabled vehicle or aiding the injured.

60.08.07 PEDESTRIANS SOLICITING RIDES.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Nothing in this subchapter shall be construed so as to prevent any pedestrian from standing on that portion of the street or roadway not ordinarily used for vehicular traffic for the purpose of soliciting a ride from the driver of any vehicle.

SUBCHAPTER 60.09
ONE-WAY TRAFFIC

60.09.01 ONE-WAY TRAFFIC REQUIRED.

When appropriate signs are in place, as provided for in Subchapter 60.02 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

(Code of Iowa, Sec. 321.236[4] and 321.305)

SUBCHAPTER 60.10
PARKING REGULATIONS

60.10.01 Parking Limited or Controlled	60.10.07 Parking Prohibited
60.10.02 Left Side to Curb Prohibited	60.10.08 Persons With Disabilities Parking
60.10.03 Distance from Curb	60.10.09 Truck Parking Limited
60.10.04 Angle Parking	60.10.10 Snow Removal
60.10.05 Manner of Angle Parking	60.10.11 Temporary No-Parking Signs Near Excavations
60.10.06 Parking for Certain Purposes Illegal	

60.10.01 PARKING LIMITED OR CONTROLLED.

Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Subchapter 60.02 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a ~~peace~~-police officer.

(Code of Iowa, Sec. 321.256)

60.10.02 LEFT SIDE TO CURB PROHIBITED.

Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand

curb except as in the case of angle parking and vehicles parked adjacent to the left-hand curb of a one-way street.

60.10.03 DISTANCE FROM CURB.

Every vehicle stopped or parked upon a roadway shall be so stopped or parked within eighteen (18) inches of the curb.

60.10.04 ANGLE PARKING.

Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. 66 th Street, on the east side, from the north line of University Avenue to a point 100 feet north of the north line of University Avenue, at an angle of 45 degrees.

60.10.05 MANNER OF ANGLE PARKING.

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

(Code of Iowa, Sec. 321.361)

60.10.06 PARKING FOR CERTAIN PURPOSES ILLEGAL.

No person shall park a vehicle upon public property for more than 24 hours, unless otherwise limited under the provisions of Section 60.10.01 of this subchapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236[1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.

5. Abandoned. Vehicles defined as “abandoned” pursuant to Section 52.01 of this Code of Ordinances.

60.10.07 PARKING PROHIBITED.

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

1. Crosswalk. On a crosswalk.

(Code of Iowa, Sec. 321.358[5])

2. Center Parkway. On the center parkway or dividing area of any divided street.

(Code of Iowa, Sec. 321.236[1])

3. Mailboxes. ~~Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway. Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday, within 20 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.~~

(Code of Iowa, Sec. 321.236[1])

Commented [AS68]: Allows for more flexibility in street parking outside of mail delivery times

4. Sidewalks. On or across a sidewalk.

(Code of Iowa, Sec. 321.358[1])

5. Driveway. In front of, ~~or within three (3) feet of a curb cut of,~~ a public or private driveway.

(Code of Iowa, Sec. 321.358[2])

6. Intersection. Within an intersection or within ~~ten (10) 10~~ feet of an intersection of any street or alley, or as otherwise marked.

7. Fire Hydrant. Within five ~~(5)~~ feet of a fire hydrant.

(Code of Iowa, Sec. 321.358[4])

8. Stop Sign or Signal. Within ~~ten (10) 10~~ feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

(Code of Iowa, Sec. 321.358[6])

9. Railroad Crossing. Within ~~fifty (50) 50~~ feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

(Code of Iowa, Sec. 321.358[8])

10. Fire Station. Within ~~twenty (20)~~20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within ~~seventy-five (75)~~75 feet of said entrance when properly sign-posted.

(Code of Iowa, Sec. 321.358[9])

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

(Code of Iowa, Sec. 321.358[10])

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

(Code of Iowa, Sec. 321.358[11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes and Other Buildings. A space of ~~fifty (50)~~50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than ~~twenty-five (25)~~25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley except for the expeditious loading, unloading, and delivery which is incident to said loading and unloading of material or merchandise or passengers, and in no event shall any vehicle park in any alley for more than ~~forty (40)~~40 minutes at any one time.

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Area Between Lot Line and Curb Line. On any unpaved portion of any street between the curb line and the lot line, except that, on recommendation of the City Administrator, duly approved by resolution of the Council, parking may be permitted at such locations when requested in writing by property owners. Each such location must be properly marked by approved metal signs at the extremities of such location. The expense of such signs shall be borne by the property owner.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

19. Safety Zones. Between a safety zone and the adjacent curb or within ~~ten (10)~~10 feet of points on the curb immediately opposite the ends of a safety zone.

(Code of Iowa, Sec. 321.358[7])

20. Off-Street Parking. On privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such privately owned property or facility. ~~(A violation of this subsection shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee, or person in charge of the privately owned property or facility, said vehicle may be dealt with pursuant to the procedures in this Code of Ordinances governing abandoned vehicles.~~

21. Automotive Sales. In an area not zoned for commercial use, parking on public property incidental to the sale of automobiles, as defined in Section 167.07(2)(A) of this Code of Ordinances, and as prohibited in Section 171.08(2)(G) of this Code of Ordinances.

22. Fire Lanes. Within any No Parking Fire or Emergency Vehicle Lane and/or within ~~ten (10)~~10 feet of any No Parking Fire or Emergency Vehicle Lane traffic control device.

(Section 60.10.07 - Ord. 20-06 - Aug. 20 Supp.)

23. Signs. At any place where authorized signs prohibit stopping, standing, or parking of vehicles.

60.10.08 PERSONS WITH DISABILITIES PARKING.

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

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the Code of Iowa when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the Code of Iowa.

60.10.09 TRUCK PARKING LIMITED.

No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236[1])

1. Residential Districts. Excepting only when actually making pickups or deliveries to or conducting lawful business at any resident or building within the districts, governed by this section, no person shall park such vehicle (including specifically any motor truck having a freight capacity greater than one ton) on any portion of a street abutting or adjacent to property zoned for R-1, R-1A, R-2 or R-3 occupancy as defined in this Code of Ordinances.

2. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the Business District. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than thirty (30) minutes.

60.10.10 SNOW REMOVAL.

~~—Notwithstanding all other parking restrictions in this Traffic Code, it is unlawful to park any vehicle, except to avoid an accident or in obedience to the signal of a police officer or a traffic control device, upon any of the streets of the City during the time of any snowfall and within 24 hours following the end of any snowfall.~~

No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area during any snow emergency proclaimed by the public works director, the police chief, or their respective designees. A snow emergency parking ban shall continue from its proclamation through five o'clock (5:00) P.M. the following day.

Commented [AS69]: The language has been significantly expanded and formalized to clarify enforcement authority, notification procedures, and the scope of the snow emergency parking ban. The staff report in the 4/21/25 Council Packet expands on the updates

The public works director, police chief, or their respective designees may extend the duration of the parking ban if conditions require additional time to clear the snow and ice. Notice of an extension shall be posted in the same manner as a proclamation of snow emergency and shall contain the date and time the parking ban shall expire. Such a parking ban shall be of uniform application. The city shall publish information regarding the responsibilities of vehicle owners under this section at least annually. When predictions or occurrences indicate the need, the public works director, police chief, or their respective designees, shall proclaim the snow emergency and direct the appropriate city employee to post said proclamation on the City of Windsor Heights Website or other mass notification platform. Such an emergency may be extended or shortened as the event or conditions warrant. This section shall not be construed as suspending parking limitations or restrictions imposed by any other section of this title or by the direction of a police officer. In addition to enforcement of this section by police officers, code enforcement officials, and public works employees have the authority to enforce the provisions of this section. The code enforcement officials and public works employees shall have the power to issue citation complaints for violations of this section and impound vehicles found in violation of this section as provided in this Code of Ordinances.

60.10.11 TEMPORARY NO-PARKING SIGNS NEAR EXCAVATIONS.

No person shall excavate or obstruct any street until the person first reports to the Public Works Director, or authorized City Official, of the person's intention to do so; whereupon, it shall be the duty of the Director to authorize the erection of temporary "NO PARKING" signs alongside of or opposite such area if the stopping, standing, or parking of vehicles therein would obstruct traffic.

SUBCHAPTER 60.11 TRAFFIC CODE ENFORCEMENT PROCEDURES

60.11.01 Arrest or Citation	60.11.04 Parking Violations: Vehicle Unattended Admitted Violations
60.11.02 Scheduled Violations	60.11.05 Presumption in Reference to Illegal Parking Fine Collection
60.11.03 Parking Violations: Alternate	60.11.06 Impounding Vehicles

60.11.01 ARREST OR CITATION.

Whenever a ~~peace-police~~ officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

60.11.02 SCHEDULED VIOLATIONS.

For violations of the Traffic Code which are designated by Section 805.8A of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the Code of Iowa.

(Code of Iowa, Sec. 805.8 & 805.8A)

~~60.11.03 PARKING VIOLATIONS: ALTERNATE.~~

~~—Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine, payable at the office of the City Clerk, in accordance with the following.~~

~~{Code of Iowa, Sec. 321.236[1a]}~~

- ~~1. The simple notice of a fine for violation of Section 60.10.08, Persons with Disabilities Parking, is \$100.00.~~
- ~~2. The simple notice of a fine for violation of Section 60.10.10, Snow Removal, is \$25.00.~~
- ~~3. The simple notice of a fine for violation of a No Parking Fire Land traffic control device pursuant to Section 60.10.07(22) of this Code of Ordinances is \$50.00.~~

~~{Subsection 3 – Ord. 22-01 – Feb. 22 Supp.}~~

- ~~4. The simple notice of a fine for all other parking violations is \$15.00.~~

~~If the simple notice of a fine in subsections 2, 3, and 4 is not paid within 30 days, it shall be increased by \$5.00.~~

60.11.03 Parking Violations

In the event of a parking violation of the provisions of this ordinance regulating the stopping, standing, or parking of vehicles, it shall be the duty of the police officers or other

Commented [A570]: Removed as we are moving all fees from ordinances to the City Fee Schedule

Commented [A571]: The revised ordinance introduces a few notable clarifications and modifications in the management of on-street parking. The staff report in the 4/21/25 Council Packet expands on the updates

authorized employees of this City to issue a notice of a fine and attach it to the vehicle in a conspicuous place. The notice shall state:

A. The violation involved.

B. The state and license number of the vehicle.

C. The time the ticket was issued.

D. The location (may be described in terms of the hundred block if applicable).

60.11.04 PARKING VIOLATIONS: VEHICLE UNATTENDED.

—When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

60.11.04 Admitted Violations

A. In all cases of violations of the provisions of this ordinance regulating the stopping, standing, or parking of vehicles, such violations that are admitted may be charged and collected upon a simple notice of a fine, as set forth in this ordinance.

B. Violations that are not paid as provided in this ordinance within 30 days after the date of the violation shall be deemed admitted and the corresponding fine imposed.

C. The date on the notice of a fine issued for the alleged violation shall be presumptive evidence of the date of the violation.

D. In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall be sufficient for conviction.

60.11.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

—In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

—1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

—2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

60.11.05 Fine – Collection

A. The owner or operator of any vehicle who receives a simple notice of a fine, either personally or by the placing of such notice on the vehicle, that the vehicle is in violation of the ordinances of the City shall pay to the City a fine as outlined in the City Fee Schedule.

B. Any vehicle on which four or more overtime or illegal parking citations or complaints from the City have been issued and have become delinquent shall be deemed to be a habitual violator. For purposes of this chapter, a delinquent parking citation or complaint is one that has not been paid within 30 days of the date upon which the violation occurred. No person shall park a vehicle and permit it to remain standing upon any public street or City-owned parking lot or property in the City when there are four or more delinquent parking citations or complaints from the City outstanding against that vehicle. A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and the vehicle may be dealt with pursuant to City Ordinance 60.11.06.

60.11.06 IMPOUNDING VEHICLES.

A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot, highway, or privately-owned property or area developed as an off-street parking facility to the nearest garage or other place of safety, or to a garage designated or maintained by the City, and to treat the vehicle as an “abandoned vehicle” pursuant to the provisions of Sections 321.89 and 321.90 of the Code of Iowa, under the circumstances hereinafter enumerated:

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

(Code of Iowa, Sec. 321.236[1])

~~2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.~~

2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic; or when any vehicle is a habitual violator under City Ordinance 60.11.05; or when any vehicle is and has been in violation of Ordinance 60.10.07 this title for more than 24 hours and the owner, lessee, or person in charge of the privately-owned property or facility has posted a sign or signs in a conspicuous location indicating that parking is prohibited, except to customers of the business located on the property or serviced by the facility

(Code of Iowa, Sec. 321.236[1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

~~—4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.~~

4. Parked Over 24-Hour Period. When any vehicle is left parked upon a street for a continuous period of 24 hours or more.

(Code of Iowa, Sec. 321.236[1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this ~~subchapter~~ Code of Ordinances shall be required to pay the reasonable cost of towing and storage, as well as the fines and/or fees associated with the impound and any outstanding parking tickets.

(Code of Iowa, Sec. 321.236[1])

SUBCHAPTER 60.12

ALL-TERRAIN VEHICLES AND SNOWMOBILES

60.12.01 Purpose	60.12.05 Operation of All-Terrain Vehicles
60.12.02 Definitions	60.12.06 Negligence
60.12.03 General Regulations	60.12.07 Accident Reports
60.12.04 Operation of Snowmobiles	

60.12.01 PURPOSE.

The purpose of this subchapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

60.12.02 DEFINITIONS.

For use in this subchapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a

seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. "Off-road utility vehicle" means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:

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

A. "Off-road utility vehicle – type 1" includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. "Off-road utility vehicle – type 2" includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. "Off-road utility vehicle – type 3" includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. "Snowmobile" means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

60.12.03 GENERAL REGULATIONS.

No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

60.12.04 OPERATION OF SNOWMOBILES.

The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this subchapter.

60.12.05 OPERATION OF ALL-TERRAIN VEHICLES.

The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

60.12.06 NEGLIGENCE.

The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the

operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

60.12.07 ACCIDENT REPORTS.

Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

SUBCHAPTER 60.13 BICYCLE REGULATIONS

60.13.01 Scope of Regulations	60.13.11 Operation on Sidewalks
60.13.02 Traffic Code Applies	60.13.12 Towing
60.13.03 Obedience to Signals	60.13.13 Improper Riding
60.13.04 Double Riding Restricted; Riding on Handlebars Prohibited	60.13.14 Parking
60.13.05 Place of Riding; Two Abreast Limit	60.13.15 Equipment Requirements
60.13.06 Bicycle Paths; Nondiscrimination on the Basis of Disability	60.13.16 Alteration of Serial Frame Number
60.13.07 Speed and Reckless Operation	60.13.17 Sirens or Whistles
60.13.08 Emerging from Alley or Driveway	60.13.18 Prohibited Operation – Interstate 235
60.13.09 Carrying Articles	60.13.19 Following Emergency Vehicles
60.13.10 Control	

60.13.01 SCOPE OF REGULATIONS.

These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. The following terms are defined as used in this subchapter.

(Code of Iowa, Sec. 321.236[10])

1. "Bicycle" means either of the following:

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

B. A device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.

2. "Multi-use trail" means a way or place, the use of which is controlled by the City as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the Council, and no multi-use trail shall be considered as a street or highway.

3. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—which is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but which is not a wheelchair within the meaning of this section. This definition does not apply to federal wilderness areas; wheelchairs in such areas are defined in Section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

4. "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to federal wilderness areas; wheelchairs in such areas are defined in Section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

60.13.02 TRAFFIC CODE APPLIES.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application.

(Code of Iowa, Sec. 321.234)

60.13.03 OBEDIENCE TO SIGNALS.

Any person operating a bicycle shall obey the directions of traffic control signs, signals, and devices applicable to other vehicles unless otherwise directed by a police officer and

shall obey direction signs relative to turns permitted unless such person dismounts from the bicycle, in which case he or she shall then obey the regulations applicable to pedestrians.

60.13.04 DOUBLE RIDING RESTRICTED; RIDING ON HANDLEBARS PROHIBITED.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. It is unlawful for the operator of any bicycle (or of any motorcycle not equipped with a side car or built to transport two persons), when upon any public street, to carry any other person upon the handlebars, frame, or other part thereof, or for any other person to so ride on such vehicle. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

(Code of Iowa, Sec. 321.234[3 and 4])

60.13.05 PLACE OF RIDING; TWO ABREAST LIMIT.

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

A. When overtaking and passing another bicycle vehicle proceeding in the same direction.

B. When preparing for a left turn at an intersection or into a private road or driveway.

C. When reasonably necessary to avoid conditions, including (but not limited to) fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes, which make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

D. A facility that would allow bicycle traffic on the left side of the roadway.

2. Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

3. When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.

4. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

60.13.06 BICYCLE PATHS; NONDISCRIMINATION ON THE BASIS OF DISABILITY.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. The City shall permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any area open to pedestrian use, including bicycle paths. The City shall also permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless it is demonstrated that the class of power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the City has adopted in accordance with the Americans with Disabilities Act Part 35.

(Code of Iowa, Sec. 321.236[10])

60.13.07 SPEED AND RECKLESS OPERATION.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and no person shall operate a bicycle in such a manner as to constitute a willful and wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.236[10])

60.13.08 EMERGING FROM ALLEY OR DRIVEWAY.

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

(Code of Iowa, Sec. 321.236[10])

60.13.09 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code of Iowa, Sec. 321.236[10])

60.13.10 CONTROL.

The operator of a bicycle upon a street or public way shall keep the same under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

60.13.11 OPERATION ON SIDEWALKS.

Bicycles may be operated upon the public sidewalks in a careful and prudent manner, except where signs are erected to prohibit riding on the sidewalk, and at a rate of speed not exceeding eight miles per hour. Every person lawfully operating a bicycle upon a public sidewalk, when approaching a pedestrian or a vehicle occupied by a child under the age of 16 years, shall either dismount or give a clear right-of-way to the full extent of such sidewalk to such pedestrian or child and, in overtaking such pedestrian or child, shall give an audible signal before passing.

60.13.12 TOWING.

It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

60.13.13 IMPROPER RIDING.

No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

60.13.14 PARKING.

No person shall leave a bicycle lying on its side on any sidewalk, or park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

60.13.15 EQUIPMENT REQUIREMENTS.

Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps and Reflectors. Every bicycle shall be equipped with a lamp on the front exhibiting a white light, when used on the public ways of the City at any time from sunset to sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of 500 feet ahead. Such light shall be visible from a distance of at least 300 feet to the front. Such bicycle when so used shall display a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that in lieu thereof may be used a red reflector mounted not less than 24 inches or more than 42 inches above the ground, which shall be visible at night from all distances within

500 feet to 50 feet from the bicycle when directly in front of a motor vehicle displaying lawfully lit headlamps.

2. Brakes. Each bicycle used upon the public ways of the City shall be equipped with a brake which will enable the operator to make the braked wheel skid on a dry, level pavement and which may be applied and bring the bicycle to a stop without the brake locking the braked wheel.

3. Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.

4. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

60.13.16 ALTERATION OF SERIAL FRAME NUMBER.

It is unlawful for any person willfully or maliciously to remove, destroy, mutilate, or alter the manufacturer's serial frame number of any bicycle.

60.13.17 SIRENS OR WHISTLES.

No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. This section does not apply to bicycles ridden by peace officers in the line of duty.

60.13.18 PROHIBITED OPERATION – INTERSTATE 235.

No person shall ride, park, or stop any bicycle within any fenced portion of the right-of-way of Interstate Highway 235.

60.13.19 FOLLOWING EMERGENCY VEHICLES.

No person riding a bicycle shall follow closer than 500 feet to an emergency vehicle, as defined by Section 321.1 of the Code of Iowa, which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.

New subsection – 60.14.

OPERATION OF GOLF CARTS ON CITY STREETS

60.14.01 Purpose

60.14.02 Definition

60.14.07 Equipment

60.14.08 Hours of Operation

Commented [AS72]: A new section that allows golf carts on city streets and outlines operation guidelines and enforcement of golf carts. Recommendation additions from Police Chief Pete Roth

60.14.03 Operation of Golf Carts Permitted 60.14.09 Speed
60.14.04 Traffic Code Applies 60.14.10 Parking
60.14.05 Prohibited Areas 60.14.11 Penalty
60.14.06 Unlawful Operation

-

60.14.01 PURPOSE.

The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street, alley, or other public ways of the City.

60.14.02 DEFINITION.

"Golf cart" means a four-wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric-powered or gas-powered with an engine displacement of less than 351 cubic centimeters and a total dry weight of less than 800 pounds.

60.14.03 OPERATION OF GOLF CARTS PERMITTED.

Golf carts may only be operated upon the streets with the approval of the Mayor or Police Chief for authorized functions, special events, or official City business by persons possessing a valid operator's license, and at least 18 years of age, except as prohibited in Section 60.14.05 of this chapter.

60.14.04 TRAFFIC CODE APPLIES

Every person operating a golf cart upon a street or alley shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.

60.14.05 PROHIBITED AREAS.

1. Streets. Golf carts shall not be operated upon any City streets with a posted speed limit of greater than 25 mph or any City streets or parts of any City streets listed below:

- A. 63rd Street
- B. 70th Street

C. 73rd Street

D. However, golf carts may cross the aforementioned streets.

G. Golf carts may be operated on closed or controlled streets for approved City special events, parades, and other official City business.

2. Trails. Golf carts shall not be operated on any recreational, bike, or walking trail.

3. Sidewalks. Golf carts shall not be operated on sidewalks unless authorized for an approved function, special event, or official City business.

4. City Parks and other land owned by the City. Golf carts shall not be operated in City parks or upon other city-owned land unless for an approved function, special event, or official City business.

6. Special Exemptions. The Mayor or Chief of Police is authorized to permit golf carts to operate on restricted City streets as authorized by State law or this Code of Ordinances.

60.14.06 UNLAWFUL OPERATION.

1. No golf cart shall be operated while under the influence of alcoholic beverages, narcotics, or habit-forming drugs.

2. No person shall operate a golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to same.

3. No golf cart shall carry more passengers than the golf cart is designed for.

60.14.07 EQUIPMENT.

Golf carts operated upon City streets shall be equipped with a minimum of the following safety features:

1. A slow moving vehicle sign.

2. A bicycle safety flag, the bottom of which shall be above the top of the golf cart.

3. Adequate brakes.

5. Rear view mirror - driver's side.

60.14.08 HOURS OF OPERATION.

Golf carts may be operated on City streets, alleys, and other public ways only between sunrise and sunset.

60.14.09 SPEED.

No golf cart shall be operated on any City street at a speed in excess of 20 miles per hour.

60.14.10 PARKING PROHIBITED.

Golf carts shall park in areas open for parking. Golf carts shall not be parked overnight on City streets, alleys, parks, or other public ways, unless approved by the Chief of Police or designee.

60.14.11 PENALTY.

A person who violates this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code. Schedule of City Fines:

1. First Offense - Seventy-five dollars (\$75.00)
2. Second Offense and Subsequent - One Hundred dollars (\$100.00)



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL
FROM: Adam Plagge, City Administrator
SUBJECT: Discuss Trap Neuter Release Program

GENERAL INFORMATION

Current Ordinance & Challenges

The City's existing ordinance prohibits animal trapping, except for water-based rodent control. However, there has been interest in allowing residents to legally trap cats on private property for the purpose of spaying or neutering them. In 2024, the City received 24 service calls related to stray or unwanted cats. Currently, the City does not engage in animal trapping efforts.

Financial limitations further restrict the City's ability to take on stray cat management. In 2024, pet licensing brought in \$4,720 in revenue, while animal-related expenses included \$2,592 to Polk County Animal Control, several hundred dollars for housing dogs at the Animal Rescue League (ARL), in addition to staff time spent on other animal-related issues like loose pets and dog park maintenance.

Prior Discussions & New Developments

The Public Safety Committee previously discussed stray cat issues and Trap-Neuter-Return (TNR) options in June 2024, but no action was recommended. The Committee did express concern about the city becoming overly involved in trapping and/or handing out traps. At the time, staff had spoken with the ARL and local veterinarians but were unable to find a partner with affordable capacity—costs exceeded \$300 per cat.

Recently, Mayor Jones re-engaged with the ARL and learned they have secured additional funding and staff, enabling them to support a Windsor Heights TNR program at a significantly reduced cost of \$60 per cat. Under this program, the ARL would spay or neuter, vaccinate, microchip, ear-clip, and provide a general health check for each cat.

Ordinance Changes & Program Details

The proposed ordinance amendments would allow residents to humanely trap feral cats on their own property as part of the City's formal TNR program. Requirements for participation include:

- Scheduling a veterinary appointment
- Transporting the cat to and from the veterinarian
- Paying the \$60 fee per cat

Unless a cat's health prohibits safe return, it would be reintroduced to its original neighborhood as a "community cat." Trapping of any animals outside of this program—including other animals or cats not scheduled for TNR—would remain prohibited and subject to fines. Any unintentionally trapped animals must be released at the capture site. Expanding trapping more broadly would require additional research and discussion due to challenges related to releasing or disposing of trapped animals.

Implementation & City Involvement

TNR programs have proven successful in Des Moines. The Windsor Heights program would not impose additional burdens on the Police Department, aside from occasional use of microchip scanners to verify ownership.

The City would formalize an agreement with the ARL to operate the TNR program. There would be no cost to the City beyond providing a small number of box traps for the ARL to loan to participating residents.

Expected Impact

While the Ordinance change is unlikely to eliminate stray cat sightings or related calls, it provides a low-cost, legal method to reduce the stray cat population over time.

If approved by City Council, the Ordinance updates will take effect alongside other Ordinance changes, and a formal agreement will be established between the City and the ARL.

ATTACHMENTS

1. ARL - WH TNR contract outline

ARL – Windsor Heights TNR Agreement Terms

1. ARL will provide TNR veterinary services to WH cats subject to available veterinary capacity and subject to pre-scheduled appointments.
2. ARL veterinarians will confirm that such animals are sufficiently healthy for return to free roaming in WH.
3. ARL will charge a fee of \$60 to the person delivering a WH cat to ARL. ARL reserves the right to increase this fee upon 30 days' notice to WH.
4. WH confirms that all cats brought to ARL from WH under this Agreement will be deemed to be unowned cats. WH will indemnify, defend and hold ARL harmless from any claims of ownership by third parties. (We will also want to develop an intake form with reps from the WH person dropping the cat off: no owner, no identification, free roaming, trapped on owner's property in WH)
5. WH agrees that in the event ARL determines that the cat is not sufficiently healthy for return to free roaming or that return would not otherwise be appropriate, further disposition of the cat (which may include adoption or euthanasia) is subject to ARL's sole discretion.
6. This agreement may be cancelled by either party with 30 days' notice.



STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL

FROM: Chad Norris

SUBJECT: Discuss Polk County Deer Task Force - Urban Hunt

GENERAL INFORMATION

In September of 2024, the Urban deer hunt kicked off across the state. Windsor Heights had previously been part of this program, (Council approved in 2019) but had not participated for several years, and began exploring the possibility of re-implementing the program. Discussion took place regarding a single piece of isolated private property on the Northwest side of the city. (1705 Plaza Circle) with possible expansion of the program in 2025 to other locations, if appropriate. One trained hunter was selected to hunt the property and had been approved by both the property owner and the city. Even though this was private property, the area that could legally be hunted was small, due to most of this property owner's land being inside the city of Clive, which does not allow any hunting on private property within their city

Even though the season started at the end of September, the unusually warm weather through the end of the year made it difficult to hunt and presented limited hunting opportunities, and no deer were harvested off this property.

While the hunt was going on I was contacted by two different individuals who expressed interest in participating in the Urban Deer Hunt in Windsor Heights. One lived in Windsor Heights at 1508 73rd Street, and the other was not a resident. I explained to them that this program was just starting back up and that this year, we only had the one area that was approved to hunt, and to contact me again the next year to see if things had changed. One of the hunters has reached back out inquiring about the Urban Hunt in Windsor Heights in 2025. Additionally, over the last year and a half, I have had two other residents reach out complaining of "Deer Problems" in the area, one on 79th Street and the other on 73rd Street, which is in the general area where the hunt was scheduled, and an area identified as having a higher deer population.

Looking at the Deer Management Zone, there are private properties on the Northwest side of the city which could be expanded to be authorized to hunt, particularly those along Marilyn Drive, assuming the hunters respected the required approved setbacks from the trail and other buildings

not owned by the hunter. The 100 foot setback from the trail poses a problem in my opinion though, as this is an imaginary line that could easily be crossed and hunters may get too close to the trail, which could create a problem, and technically there are other buildings within 200 feet of any one of these properties, so they would have to have written permission from the other property owner alongside them, to hunt even their own property.

Looking at crash data for 01/01/2024 through 12/31/2024, there were no reported crashes involving deer in this corridor from Hickman Road to University Avenue, between 70th Street and 80th Street. This area lies within the hunt area from 2024 and is known to have the higher population of deer in the city of Windsor Heights.

The department would not recommend expanding the authorized zone for hunting. This is based on the crash data, limiting the risk of this activity, and low number of complaints received at the police department.

One last thing to mention, during the most recent Task Force meeting, I learned that the County partners with the State try and get deer population counts for a particular area. One of the things that they do to accomplish this is by doing aerial surveys. There are 12 different agencies that are part of the Task Force, and the conversation came up as to how to separate the bill among these 12 agencies for this survey. (Cost of aircraft and fuel) Right now, the thought is to try and come up with a formula that splits the cost proportionately among the 12 agencies, and the amount of time the aircraft was surveying that area. Obviously, Windsor Heights is the smallest of the 12, so in theory, our costs should be relatively low, but there could be a cost associated with this survey coming at some point.

ATTACHMENTS

None



STAFF REPORT
CITY COUNCIL
April 21, 2025

TO: CITY COUNCIL

FROM:

SUBJECT: Mayor, Council Reports and Committee Updates, and Administration Reports

GENERAL INFORMATION

ATTACHMENTS

None



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL
FROM: Adam Plagge, City Administrator
SUBJECT: BRAVO and CatchDSM Report

GENERAL INFORMATION

BRAVO currently maintains individual agreements with each of its community partners regarding the allocation of the 2/7th Hotel Motel Tax funding. Recently, the cities of Norwalk and Altoona provided formal notice of their intent to discontinue participation in this funding model, effective June 2026.

Among the remaining community partners, most have expressed interest in transitioning to a revised funding structure based on a 25% contribution model. Under this model, payments would be made within 30 days of receipt of funds from the state, with an implementation date of July 1, 2025. Ankeny has confirmed its intention to adopt this new structure on April 21, while other communities are expected to take similar action in May or early June.

Parallel discussions are underway regarding adjustments to the CatchDSM funding framework. Unlike BRAVO's individual agreements, CatchDSM operates under a single, unified 28E Agreement that includes all participating communities as signatories.

Pending alternative City Council input, Administration anticipates bringing forward the revised agreements for formal consideration in May or early June. One outstanding issue for the City of Windsor Heights pertains to the minimum contribution requirement for communities without a hotel. Alignment with this standard is currently under review.

ATTACHMENTS

1. Bravo_Windsor Heights-OnePg 4.4.25 FINAL

Bravo Greater Des Moines is the region's arts council, providing significant funding and support to maximize the impact of arts, culture and heritage on advancing regional priorities.

A healthy cultural ecosystem is more than just a “nice to have” amenity. Beyond quality of life, arts and culture drive the economy, support education and jobs, and advance every regional goal. Bravo is an essential contributor to Greater Des Moines’ reputation as a thriving and vibrant region.

- > **Hotel/Motel tax revenue contributed by Bravo’s 17 28E partners makes up nearly 95% of Bravo’s annual revenue.**

Bravo intentionally does not fundraise to avoid competing with the organizations we were formed to support; any reduction in public funding is unlikely to be recovered from other sources.

- > **93% of total H/M tax revenue received by Bravo in the last 5 years (FY19-FY24) has gone out directly in grants.**

Bravo meets a need for a regional strategy for supporting arts and culture that is efficient, accountable and impactful, saving city staff and local elected officials time and resources.

- > In Bravo’s most recent grant cycle, **70% of Bravo’s grant funding went to 16 organizations with annual operating budgets \$1 million and above.** Another 21% of funding went to 19 organizations with budgets between \$200,000 and \$1,000,000.

Bravo primarily invests in the larger organizations that are most likely to serve regional audiences and drive hotel/motel taxes.

- > More than 1 million paid attendees participated in programming offered by Bravo-funded organizations that were able to provide zip code data from 2023-2024. **Of those, 340,000 were from outside the metro.**

67% of these visitors said they would not have visited Greater Des Moines if not for the arts and culture event they attended.

- > **For every \$1 of public funding Bravo invests, the nonprofit cultural ecosystem generates nearly \$70 in regional economic return** through stays in hotels, shopping, dining and more. This includes nearly \$15 million in local tax revenue generated by the sector each year.

*Arts & culture annually generate **more than a \$3:\$1 direct return on local tax revenue.***

- > **Bravo has funded 100% of eligible applications** received by organizations headquartered in the City of Windsor Heights.
- > **More than 17,000 admissions/tickets to Bravo-funded organizations that collect zip code data were sold to Windsor Heights residents last year.** An additional 2,275 Windsor Heights students participated in education/outreach programs.
- > Windsor Heights residents make up approximately 1% of the metro population and 3% of total paid attendance to Bravo-funded organizations that collect zip code data; **participaion by Windsor Heights residents closely tracks with community size.**
- > 41.5% of local attendees said they would have “traveled to a different community to attend a similar arts event.”
Windsor Heights residents will go elsewhere to spend their money if Central Iowa doesn’t have a robust, vibrant cultural scene.

CITY OF WINDSOR HEIGHTS - FUNDING HISTORY (GC19 - GC25)

Data below reflects Bravo investment into organizations that report headquarters in the City of Windsor Heights and does not fully capture the benefit to Windsor Heights residents of Bravo investment in organizations across the metro.

OPERATING GRANTS

	GC19	GC20	GC21	GC22	GC23	GC24	GC25	TOTAL
Heartland Youth Choir	\$25,750	\$27,500	\$43,000	\$47,300	\$35,000	\$24,075	\$34,300	\$236,925

PUBLIC ART GRANTS

	GC25	TOTAL
City of Windsor Heights	\$18,750	\$18,750

PASSPORT TO CULTURE

Windsor Heights Students	All Windsor Heights students are eligible for up to \$4.50/student of Passport to Culture funding through their school district for high-quality arts and culture experiences.
City of Windsor Heights	The City of Windsor Heights has not utilized available funding for cultural programs offered through the city since the Passport to Culture government partners' program started in Spring 2023.



**STAFF REPORT
CITY COUNCIL**
April 21, 2025

TO: CITY COUNCIL
FROM: Nate Leuthold, Deputy City Clerk
SUBJECT: Tree Removal Report

GENERAL INFORMATION

TREE REMOVAL ENFORCEMENT UPDATE

In the fall of 2024, staff identified various trees around the City that were deemed as potentially hazardous (dead, dying, damaged, diseased, etc.). After the initial inspections, staff sent letters to 27 different property owners regarding the identified trees. The letters asked property owners to contact the City with a plan to remove the tree or to request to be included in a City-bid tree removal. The letters also advised that failure to do so may result in the City removing the trees and charging property owners for said removal.

In early April, a second round of letters went out. To date, 12 property owners have removed a total of 15 dead or dying trees. Two (2) additional owners have requested additional time to remove the trees themselves, with plans to remove the trees by the end of June. Four (4) property owners have opted into the City-bid tree removal program. Two (2) have requested clarification regarding the trees—they believe they have already removed the problem trees or that the problem tree is not on their property; staff is waiting for trees to leaf out for the season to confirm. And finally, 7 properties (with a total of 9 trees collectively) have yet to reach out.

The next steps involve requesting bids from removal companies and hiring a certified arborist to obtain an official tree risk assessment for any trees that have not been removed/have not responded to our letters. The goal is to begin the removal process in late summer.

Staff is also continuing to evaluate trees within the ROW that may require removal, including a number of large ash trees on 64th St.

ATTACHMENTS

None