

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
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145.01 ENFORCEMENT OFFICER. The Zoning/Building Administrator is responsible for the enforcement of this chapter.

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

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

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

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

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

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

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

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

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

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost

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

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

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CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Plans Submitted
147.03 Buildings Prohibited
147.04 Construction Standards

147.05 Reconstruction Prohibited
147.06 Special Permit
147.07 Removal of Buildings
147.08 Storage of Materials Restricted

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

All that area bounded by Main and Gaines Streets and Front and North Third Streets

147.02 PLANS SUBMITTED. It is unlawful to build, enlarge, or alter any structure, building, or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III fire resistant construction, as specified in the *International Building Code*.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

147.06 SPECIAL PERMIT. The Council may, by four-fifths vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the City Administrator to remove or tear down the same, and if such removal or taking down is not completed within 30 days from the time of the service of such notice, the City Administrator shall cause the same to be removed or taken down and the expense therefor shall be charged to the person owning such building. The City Administrator shall present the bill to the owner of the property and if the bill is not paid within 10 days from the date it is presented, the amount of the bill shall be certified to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the City Administrator, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

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CHAPTER 148

BUILDING CODE

148.01 Title
148.02 Administrative Provisions

148.03 Adoption of Building Code

148.01 TITLE. This chapter shall be known as the Stuart, Iowa, Building Code, may be cited as such, and will be referred to herein as the “Building Code.”

148.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes constituting the Stuart, Iowa, Building Code. The Building Official shall be appointed by the Mayor, subject to approval of the City Council, for the enforcement of the Building, Electrical, Plumbing, Mechanical, Fire, Housing, Existing Buildings, and Property Maintenance, and such other ordinances as shall be assigned to said official, and shall perform such other duties as may be required by the Mayor/City Council. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council, as said official may deem necessary in order to clarify the application of the provisions of this Code. Such rules, regulations, and interpretations shall be in conformity with the intent and purpose of this chapter.

148.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following Codes are hereby adopted as, and constitute, the Building Code of the City, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures within the City, and (except for such portions as may be hereinafter deleted, modified, or amended) the same are by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The *International Building Code*, 2015 Edition, as Published by the International Code Council.
 - A. Section 101.1. Title. “Stuart.”
 - B. Section 101.4.1. Electrical. Delete “ICC Electrical Code” and insert “*National Electrical Code*, 2014 Edition, as published by the National Fire Protection Association.”
 - C. Section 104.11. Alternative methods. After paragraph insert “the Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”
 - D. Section 108.2. Fees. After “in accordance with the” insert “attached schedule as established by Stuart.”
 - E. Section 108.3. Valuations. At the end of last sentence delete period and insert “using the latest Building Valuation Data Sheet.”

- F. Section 1612.3. “Stuart.”
2. The *International Mechanical Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. “Stuart.”
 - B. Sec. 106.6.2. Fee Schedule. “Stuart Building Permit Fee Schedule”.
 - C. Sec. 108.4. Penalties. \$500.00 (offense amount) and 30 (number of days).
 - D. Sec. 108.5. Stop work. \$100.00 (amount)
 - E. Delete Appendix B.
 3. The *International Plumbing Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. “Stuart”.
 - B. Sec. 106.6.2. Fee schedule. “Stuart Building Permit Fee Schedule”.
 - C. Sec. 108.4. Penalties. \$500.00 (offense amount) and 30 (number of days).
 - D. Sec. 108.5. Stop work. \$100.00 (amount).
 - E. Sec. 305.6.1. Insert “42 inches” in 2 places.
 - F. Sec. 904.1. Insert “12 inches.”
 - G. Delete Appendix A.
 4. State of Iowa § 661 Iowa Administrative Code Chapter 504, including *The National Electrical Code* and Appendix Chapters, 2014 Edition, as published by the National Fire Protection Association with amendments as referenced by the State Fire Marshal.
 - A. Permit fees for electrical work shall be according to the attached City of Stuart, Iowa, electrical fee schedule.
 5. The *International Fire Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Section 101.1. Title. “Stuart”.
 - B. Section 109.3. Penalties. \$500.00 (offense amount), and 30 (number of days).
 - C. Section 111.4. Stop work. \$100.00 (amount).
 6. The *International Property Maintenance Code*, 2015 Edition, as published by the International Code Council.
 - A. Section 101.1. Title. “Stuart”.
 - B. Section 303.14. Screens. “April 15” and “September 15”.
 7. The *International Residential Code for One- and Two-Family Dwellings* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Section R101.1. Title. “Stuart”.

B. Section R104.11. Alternative methods. After paragraph insert “The Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes.”

C. Section R108.2. Permit fees. After “in accordance with the attached schedule as established by Stuart for the regular Building Permit Fee Schedule.”

D. Delete Appendix F

E. Delete Appendix L

F. Delete Appendix P

G. Section R105.5 – 12-Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Building Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. No permit shall be renewed more than once.

H. Table R301.2(1) Climatic and Geographic Design Criteria. Table R301.2(1), Climatic and Geographic Design Criteria is hereby amended by modifying said table as follows:

**TABLE R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject to Damage From:				Winter Design Temp.	Ice Barrier Required	Flood Hazards	Air Freezing Index	Mean Annual Temp.
			Weathering	Frost Line Depth	Termite	Decay			NFIP Adoption		
30 PSF	90	A	Severe	42"	Moderate-Heavy	Slight-Moderate	-5° F	Yes	1982	1833	48.6° F

I. Replace Table R403.1 with the following:

**TABLE R403.1
FOUNDATIONS FOR STUD BEARING WALLS**

Number of Stories	Thickness of Foundation Walls	Minimum Width of Footing	Thickness of Footing	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade
1	8 inches	16 inches	8 inches	42 inches
2	8 inches	16 inches	8 inches	42 inches
3	10 inches	18 inches	12 inches	42 inches

8. The *International Energy Conservation Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Section 101.1. Title. “Stuart”.
9. The *International Fuel Gas Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Section 101.1. Title. “Stuart”.
 - B. Section 105.5.2. Fee Schedule. Insert “Stuart fee schedule as attached for the Mechanical and Plumbing permit fees.”
 - C. Section 108.4. Penalties. \$500.00 (offense amount), and 30 (number of days).
 - D. Section 108.5. Stop work. \$100.00 (amount in two places).
10. The *International Existing Building Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Section 101.1. Title. “Stuart”.
 - B. Section 108.2. Permit fees. Delete after “established” and insert “for the various disciplines herein adopted.”
11. The *International Zoning Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
12. The *International Swimming Pool Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.

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CHAPTER 149

STORM WATER CONTROL

149.01 Purpose
149.02 Applicability
149.03 Definitions
149.04 Design Criteria

149.05 Construction
149.06 Maintenance
149.07 Easements
149.08 Procedure

149.01 PURPOSE. The purpose of this chapter is to establish procedures to control the flow of storm water from developing areas so as to maintain the rate of the flow in natural or manmade channels equal to the rate of flow from those areas in their undeveloped state, so as to provide for the safety, health and well-being of those living within the developing area as well as those downstream who will be affected by its development.

149.02 APPLICABILITY. The provisions of this chapter are applicable to:

1. All new residential, commercial, and industrial developments in excess of four acres.
2. Any new development, less than four acres, where the percentage of the impervious area of the lot is 50 percent or greater.
3. Any new development, less than four acres, which, in the opinion of the City Engineer, lacks an adequate outlet for the passage of storm waters.

149.03 DEFINITIONS. When used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section.

1. “By-pass channel” means a channel formed in the topography of the earth’s surface to carry storm water runoff through a specific area.
2. “Control structure” means a structure designed to control the flow of storm water runoff that passes through it during a specific length of time.
3. “Development” means the improvement of the land from its natural state to one providing for residential, industrial, or commercial use.
4. “Dry bottom storm water storage area” means a facility designed to be normally dry and contain water only when excess storm water runoff occurs.
5. “Excess storm water” means that portion of storm water runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.
6. “Natural drainage” means channels formed by the existing surface topography prior to changes made by unnatural causes.
7. “Safe storm drainage capacity” means the flow of storm water runoff that can be transported by a channel or conduit without causing a rise of the water surface over the conduit or adjacent to the channel.
8. “Storm water runoff” means the flow of water resulting from precipitation which is not absorbed by the soil or plant material.

9. “Storm water runoff release rate” means the rate at which storm water runoff is released from dominant to subservient land.
10. “Storm water storage areas” means areas designed to store excess storm water.
11. “Tributary watershed” means all of the area that contributes storm water runoff to a given point.
12. “Wet bottom storm water storage area” means a facility designed to be maintained as a pond or free water surface and which has the capacity to contain excess storm water runoff.
13. “X-year storm” means the average recurrence intervals within which a rainfall of given intensity and duration will be equaled or exceeded only once. A 100-year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in 100 years. This does not imply that it will occur in 100 years, or having occurred, will not happen again for 100 years.

149.04 DESIGN CRITERIA. The design of storm water control and/or detention facilities shall be prepared in accordance with the following:

1. Runoff Calculation:

- A. The Rational Formula may be used to compute the volumes of water to be stored and/or released for drainage basins of 10 acres or less. The basic formula is:

$$Q = ciA$$

where:

“Q” is the computed rate of runoff in cubic feet per second at a specified point;

“c” is the selected ratio of runoff to rainfall depicting the percentage of rainfall expected to appear as runoff at the designated point in a specified time interval;

“i” is the average intensity of rainfall, in inches per hour, for a storm of a selected frequency extending over the time period required for the runoff to concentrate at a given point; and

“A” is the area tributary to a given point, expressed in acres.

- (1) Runoff Coefficient. In designing sewers and detention facilities, the factor “c” in actual conditions varies from 0.1 to 1.5, depending on the degree of imperviousness (urbanization) of the basin, soils, foliage, etc. Factors greater than unity represent conditions where rain occurs on frozen ground covered by snow.

- (2) Average Rainfall Intensity. The average factor “i” varies for storms of different frequencies.

- B. For drainage areas greater than 10 acres, *Urban Hydrology for Small Watersheds*, Technical Release No. 55, Engineering Division, Soil Conservation Service, U.S. Department of Agriculture (January 1975) shall be used in calculating storm water runoff and detention.

2. Release Rate. The release rate of storm water from any detention basin required under this chapter shall not exceed the storm water runoff rate from the drainage area in its natural state or from a five-year frequency storm with a duration equal to the time of concentration of the drainage area having a runoff coefficient “c” of 0.15, whichever is the smaller amount. Applicants may claim a higher natural rate of runoff if documented by detailed computations to show that higher capacity exists in the natural outlets serving the area. However, only the “safe storm drainage capacity” of the conduit or channel may be included in these calculations. Design of the floodway system shall also take into consideration control of storm water velocity to prevent erosion or other damage to the facility which will restrict its primary use. Depths of flow shall be consistent with the “safe storm drainage capacity” of the facility and detention or channel configurations shall be totally under City control.

3. Detention Requirements. The required volume of storm water detention shall be that necessary to handle the runoff of a 100-year rainfall, for any and all durations from the drainage area tributary to the storm water storage area based on full development of said tributary area, less the volume discharge during the same duration at the approved release rate. The storm water release rate shall be considered when calculating the storm water storage capacity and the control structure shall be designed to maintain a relatively uniform rate regardless of the depth of storm water in the storm area. Thus, the “required detention storage” (RDS) will be that found to be the most critical resulting from the inflow from the runoff of a fully developed tributary area from a 100-year storm and outflow of the five-year storm with the same area in its unurbanized or natural state. Also, see subsection 2 of this section, Release Rate. Detention storage may be provided as a “dry bottom” or “wet bottom” storm area.

A. Dry bottom storm water storage areas shall be designed to serve a secondary purpose for recreation, open space, or other types of uses that will not be adversely affected by intermittent flooding.

(1) A method of carrying the low flow through these areas shall be provided in addition to a system of drains to prevent soggy areas. Both shall be provided with an outlet to a natural channel or storm sewer with adequate capacity as described in subsection 4 of this section, By-Pass Channel. Dry bottom storm water storage areas should be designed to drain completely within 24 hours after a storm.

(2) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the “natural” or surface channel system described in subsection 4 of this section. Hydraulic calculations shall be submitted to substantiate all design features.

(3) Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Existing downstream hazards (garages, houses) must be considered. Storm water runoff velocities shall be kept at a minimum and turbulent conditions at an outlet control

structure will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only as a last resort when no other method is feasible. All impounding structures within the City designed to be over six feet in height must be approved by the Council. Complete engineering plans must be submitted to the Council for review.

(4) Paved surfaces that are to serve as storm water storage areas and rooftop storage shall be designed with permanent-type control inlets and retaining or parapet walls to contain runoff on the surface. Emergency overflow areas shall be provided.

B. Wet bottom storm water storage areas shall be designed with all of the items required for dry bottom storm water storage areas, except that the provisions of subsection A(1) of this subsection shall not be required. However, the following additional conditions shall be complied with:

(1) Water surface area shall not exceed one-fifteenth of the tributary drainage area.

(2) Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance. Shoreline protection shall be provided to prevent erosion from wave action.

(3) Minimum normal water depth shall be four feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine feet deep.

(4) Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in water surface level. Hydraulic calculations shall be submitted to the City Engineer to substantiate all design features.

(5) Only that portion of the detention area above the normal water level shall be used in calculating the storage capacity. Wet bottom storm water storage areas shall be designed to provide a storage duration not exceeding 24 hours after a storm.

4. By-Pass Channel. A "natural" or surface channel system shall be designed with adequate capacity to convey through the development the storm water runoff from all tributary upstream areas. This "by-pass" channel shall be designed to carry the peak rate of runoff from a 100-year storm, assuming all storm sewers are blocked and the upstream areas fully developed. The by-pass flow rate shall be computed utilizing a runoff coefficient of not less than 0.35. No habitable structure shall be constructed within this floodway; however, streets and parking, parks, playground or open space areas, and utility easements shall be considered compatible primary uses. In the event that the area within a "by-pass" channel is reshaped or restricted for use as a floodway, the City will cause the restrictions to be removed at the expense of the parties causing said restrictions. Should the development contain an existing "natural" waterway, this land configuration shall be preserved or improved as part of the "by-pass" channel system.

149.05 CONSTRUCTION.

1. Where development of a property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be construed as a part of the first phase of construction of that project.
2. The construction of the storm water control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the City, negotiations for public participation in the cost of development shall be initiated.
3. All flood control items such as earthen embankments, conduits, outlet structures, flood control structures, spillways, by-pass channels, etc., shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

149.06 MAINTENANCE. All plans submitted for storm water detention systems shall describe an adequate procedure of normal maintenance for the detention system. Any failure of the storm water detention system, due to inadequate normal or capital maintenance, shall be the responsibility of the owner of the property on which the detention system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system. The submittal of plans for such a system or the purchase of property on which such system is located shall be deemed as acceptance of responsibility for normal and capital maintenance of the system.

149.07 EASEMENTS. Drainage easements shall be provided for all conduits and those by-pass channels where the 100-year runoff exceeds one cubic foot per second.

149.08 PROCEDURE.

1. Plans, specifications and all calculations for storm water runoff control shall be submitted for review and approval prior to the approval of a final plat (in the case of a subdivision or planned unit development) or prior to approval of a site plan (in case of commercial or industrial construction).
2. No certification of occupancy for any building in the development will be issued until the storm detention facilities are constructed, inspected and approved.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Police Chief.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three and one-half inches in height and of a contrasting color with their background.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Police Chief.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 10 feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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