

## CHAPTER 145

### DANGEROUS BUILDINGS

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145.03 Unsafe Building  
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145.05 Conduct of Hearing  
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**145.01 ENFORCEMENT OFFICER.** The Zoning Administrator is responsible for the enforcement of this chapter.

**145.02 GENERAL DEFINITION OF UNSAFE.** All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that 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 and 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:
  - A. Dilapidation, deterioration, or decay;
  - B. Faulty construction;
  - C. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
  - D. The deterioration, decay, or inadequacy of its foundation; or
  - E. Any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six 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 they 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.<sup>†</sup>

**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 NEW HAMPTON, 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.

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<sup>†</sup>**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 their recommendation carefully.

**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 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

# BUILDING NUMBERING

### 146.01 Definitions

### 146.02 Owner Requirements

### 146.03 Building Numbering Plan

**146.01 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.

**146.02 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 Zoning Administrator.

*(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 four inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

**146.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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## CHAPTER 147

# SUMP PUMP REGULATIONS

147.01 Prohibited Sump Pump Connections	147.13 Right of Entry
147.02 Sump Pump Connections or Discharges	147.14 Emergency
147.03 Consent to Inspection of Sump Pumps	147.15 Penalty
147.04 Permit and Inspection	147.16 Inspection Warrants Defined
147.05 Inspection of Excavations	147.17 Grounds for Issuance
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147.09 Shutting Off Sewer Service	147.21 Issuance
147.10 Disposal of Discharge	147.22 Term
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### **147.01 PROHIBITED SUMP PUMP CONNECTIONS.**

1. Sanitary Sewers. Connecting, pumping, or draining sump pumps, tile drains, roof drains and any other drain, pump, system, or tile designed to carry off surface or percolating waters into the sanitary sewer system is hereby prohibited.
2. Outlets to City Street. From and after the adoption of this chapter, no additional sump pumps, tile drains, roof drains, and any other similar system designed to carry off surface or percolating waters shall outlet into a City street.

**147.02 SUMP PUMP CONNECTIONS OR DISCHARGES.** From and after the adoption of this chapter, all sump pumps and other systems described in Section 147.01 shall have a permanent pipe connection to the storm sewer system as long as a connection is reasonably available in the judgment of City officials. If no reasonable connection to a storm sewer is available, the property owner may discharge the water to a seepage collective system, French drain, or any other discharge point on the property owner's property. The surface discharge shall be at least four feet distant from a property line or any sidewalk. It shall be the responsibility of the property owner and any contractor installing a sump pump or drainage system to make the connection in compliance with this chapter. A contractor shall be defined as any person or entity who receives compensation for the services provided.

**147.03 CONSENT TO INSPECTION OF SUMP PUMPS.** Any person who resides within the corporate limits of the City, and whose residence is connected to the sanitary sewer system operated by the City, shall be deemed to have given consent to the inspection of said residence for the purpose of determining whether a connecting, pumping or draining sump pump, tile drain, roof drain, or any other drain, pump, system, or tile designed to carry off surface or percolating waters is connected to the sanitary sewer system. The inspection of the residence shall be conducted by the Public Works Director or their authorized representative only after notice to the resident and only during the hours during which a search warrant may be executed pursuant to Section 147.23 of this Code.

**147.04 PERMIT AND INSPECTION.** Before the installation or repair of any such pump or drainage system, exclusive of roof drainage emptying at or above ground surface and not connected to any drainage system, a permit shall be obtained for such installation or repair from the Public Works Director and upon completion of such installation the same shall be

inspected for compliance with this chapter by the Public Works Director, or such person as they may designate.

**147.05 INSPECTION OF EXCAVATIONS.** All ditches opened for the purpose of making repairs to existing sewer or water installations, or for the purpose of installing new sewer or water installation, which are connected to the City sewer or water system shall be inspected by the Public Works Director, or a person designated by them, after the connections have been made to the City sewer or water systems, and before the ditches have been closed. In the event that any firm, person, or corporation, their agents or otherwise, shall close a ditch containing connections to the City sewer or water systems before said inspection has been made, the City shall have the right and authority to re-open said ditch or ditches and inspect the same, and assess the cost or re-opening to the property of the firm, person, or corporation having installations connected to the City sewer or water systems.

**147.06 EXCEPTIONS.** Where connection to the storm sewer system is not practicable, such permanent outside connection for the drainage system herein provided for shall be made at least through the outside wall of the structure to such spillway or other method of disposition as may be used.

**147.07 REFUSAL TO PERMIT SEARCH.** If a residence refuses to permit Public Works Director or their authorized representative to search their residence after notice of the intent to search, then after giving reasonable notice of the intent to shut off sewer service, the Public Works Director may shut off the supply of water to any customer because of any substantial violation of this chapter that is not being contested in good faith. The service shall not be restored until all violations have been corrected and the Public Works Director has ordered the service to be restored.

**147.08 RESISTANCE TO EXECUTION OF WARRANT.** If a resident resists the execution of a warrant by the Public Works Director or their authorized representative under this chapter, for the search of their residence, after notice of the intent to search, then after giving reasonable notice of the intent to shut off the supply of water to any customer because of any substantial violation of this chapter that is not being contested in good faith. The service shall not be restored until all violations have been corrected and the Public Works Director has ordered the service to be restored.

**147.09 SHUTTING OFF SEWER SERVICE.** After giving reasonable notice, the Public Works Director may shut off the sewer service to any customer because of any substantial violations of this chapter that is not being contested in good faith. The service shall not be restored until all violations have been corrected and the Public Works Director has ordered the service to be restored.

**147.10 DISPOSAL OF DISCHARGE.** Discharge from a sump pump shall be disposed of by the property owner on their own land and during the months of April through October, on the adjacent right-of-way. During the months of November through March, if the discharge flows upon the adjacent right-of-way and creates a hazardous condition due to freezing weather, then the Public Works Director may approve an application from the property owner to connect the sump pump to the sanitary sewer if the property owner, at their own expense, installs a valve system, which can be sealed by the City upon approval of their application. Such an application must also grant the City the right and authority to inspect the connection and valve at any reasonable time, without notice to the property owner. This permit shall not be granted if any other non-hazardous method of water disposal exists.



**147.11 INSTALLATION AND REPLACEMENT OF SUMP PUMPS.** All sump pumps newly installed or replacing older pumps shall be connected to the storm sewer system if there is a portion of said system located on right-of-way adjacent to the premises, on any side.

**147.12 INSPECTIONS.** The Public Works Director or their authorized representative is authorized to make such inspection and take such actions as may be required to enforce the provisions of the City Code.

**147.13 RIGHT OF ENTRY.** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Code or other applicable law, or whenever the Public Works Director, or their authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises hazardous, unsafe, or dangerous for any reason specified in this Code or other similar law, the Public Works Director, or their authorized representative, hereby is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Building Official by this Code or other applicable law; provided that (1) if such property be occupied, they shall first present proper credentials to the occupant and request entry explaining their reasons therefor; and (2) if such property be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining their reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Building Official, or their authorized representative, shall have recourse to every remedy provided by law to secure the lawful entry and inspect the property.

**147.14 EMERGENCY.** If the Public Works Director, or their authorized representative, has reasonable cause to believe that the building or premises is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, they shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, they shall first present proper credentials to the occupant and demand entry, explaining their reasons therefore and the purpose of their inspection.

**147.15 PENALTY.** Any person who shall fail or refuse, after proper demand has been made upon them as provided in this section, to promptly permit the Building Official or their authorized representative to make any inspection provided for by this chapter, shall be guilty of a simple misdemeanor.

**147.16 INSPECTION WARRANTS DEFINED.** An inspection warrant is an order in writing, in the name of the City, signed by a magistrate, directed to a duly authorized public official, authorizing them to enter into or upon any public or private property for the purpose of making any inspection authorized by State or local law or regulation relating to building, fire, safety, plumbing, electrical, health, public utility, or service or zoning law.

**147.17 GROUNDS FOR ISSUANCE.** An inspection warrant may be issued to permit any inspection of any property, public or private, which is required or authorized to be made by law. Such a warrant shall be issued upon reasonable cause therefor being shown to the satisfaction of the magistrate by affidavit or declaration under penalty of perjury, particularly

describing the property or properties to be inspected and the purpose, scope, and legal authority for such inspection. In addition, the affidavit or declaration shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

**147.18 FORM.** An inspection warrant shall be in substantially the form prescribed for search warrants in Chapter 808 of the *Code of Iowa*, except that the form of an inspection warrant shall differ from the form of a search warrant in such respects as are appropriate to state the nature and purpose of such warrant.

**147.19 CAUSE.** Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

**147.20 EXAMINATION UNDER OATH.** Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness, and shall satisfy themselves of the existence of grounds for granting such application.

**147.21 ISSUANCE.** If the judge is satisfied that cause for the inspection exists, they shall issue the warrant particularly describing each place, dwelling, structure, premises, or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this chapter.

**147.22 TERM.** An inspection warrant shall be effective for the time specified therein, but not for a period of more than 14 days, unless extended or renewed by the judge who signed and issued the original warrant, upon satisfying themselves that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed, is void.

**147.23 TIME OF INSPECTION.** An inspection pursuant to this warrant may not be made between 7:00 p.m. of any day and 7:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises, or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of State or local law or regulation relating to building, fire, safety, plumbing, electrical, health, or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice that a warrant has been issued must be given at least 24 hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary in the circumstances shown.

## CHAPTER 148

### FIRE ZONE

148.01 Fire Limits Established  
148.02 Fire Limits Contracted  
148.03 Knox Program  
148.04 Cost Sharing  
148.05 Plans Submitted  
148.06 Buildings Prohibited  
148.07 Construction Standards

148.08 Reconstruction Prohibited  
148.09 Special Permit  
148.10 Removal of Buildings  
148.11 Unrestricted Fire  
148.12 Burn Bans  
148.13 Storage of Materials Restricted

**148.01 FIRE LIMITS ESTABLISHED.** The fire limits are established to include all territory within the following boundaries:

*All of blocks 38, 33, 24, 19, 30, 32, 25, 18, and 11 of the Original Plat of the City of New Hampton, Iowa, and all of Block 10, and Block 5, Bigelow's Addition to the City of New Hampton, Iowa, and all property included in any of the above blocks shall be within the fire limits of the City of New Hampton, Iowa.*

**148.02 FIRE LIMITS CONTRACTED.** The fire limits defined in this chapter shall remain as fire limits established, and amended there to the Fire District shall be defined as the Fire Limits Established and include all contractual areas agreed to cover for fire protection. Any fire limits contractually agreed to in writing to cover within bordering townships, these contractually covered areas shall be defined as with the Fire District.

**148.03 KNOX PROGRAM.** The Fire Department participates with the City in a Knox Program. The Fire Department and the Police Department are administrators on this program and would like to encourage any business in the Fire District to consider having a Knox Box on site for facility access and expedited entry should a call at that premises occur.

**148.04 COST SHARING.** It is the Fire Department's discretion along with the City to establish a cost sharing or billing fee schedule. It is the Fire Department's discretion along with the City Council's to engage in billing for any fire call alarm to any owner or responsible party including any hazardous material spiller or agency responsible. Billing can be coordinated through the City or other means as deemed by the Fire Department, an entity of the City.

**148.05 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.

**148.06 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.

**148.07 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*.

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

**148.09 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.

**148.10 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 Mayor 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 Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk 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, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

**148.11 UNRESTRICTED FIRE.** No person shall build or maintain a bonfire, fire for the burning of rubbish or any other fire except that which shall be in a stove, furnace of heating plant and which is confined within a building, in any alley or street, or upon private property within the fire limits as established in Section 148.01.

**148.12 BURN BANS.**

1. In the *Code of Iowa*, Section 100.40, the Fire Marshal may prohibit open burning on request. The State Fire Marshal, during periods of extremely dry conditions or under other conditions when the State Fire Marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the State at the request of the chief of a local fire department, a city council, or a board of supervisors and when an investigation supports the need for the prohibition. The State Fire Marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council, or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the State Fire Marshal of the intent to do so, when the chief, city council, or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.
2. Violation of a prohibition issued under this section is a simple misdemeanor.
3. A proclamation issued by the State Fire Marshal pursuant to this section shall not prohibit a supervised, controlled burn for which a permit has been issued by the fire chief of the fire district where the burn will take place, the use of outdoor fireplaces, barbecue grills, property supervised landfills, or the burning of trash in

incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

4. The violation of prohibition in Subsection 2, shall constitute a penalty fee paid to the City, based on the degree of negligence.

**148.13 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 Mayor, 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 149

# MANUFACTURED AND MOBILE HOMES

149.01 Definitions

149.02 Conversion to Real Property

149.03 Foundation Requirements

149.04 Location of Mobile Homes

149.05 Emergency and Temporary Parking

149.06 Mobile Home Park License

149.07 Mobile Home Rental

149.08 Zoning

**149.01 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 10 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 the State. 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.

**149.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that 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)*

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 that 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.

**149.03 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 that 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 and 414.28)*

**149.04 LOCATION OF MOBILE HOMES.** It shall be unlawful for any person, firm, or corporation to park or place any mobile home on the streets, alleys, or highways, any public place, or on any private land within this City, except as is provided by State law and this chapter. This section shall not apply to;

1. Mobile Home Parks. Mobile homes parked or placed within duly licensed mobile home parks.
2. Dealer's Stock. Mobile homes parked upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

**149.05 EMERGENCY AND TEMPORARY PARKING.** Emergency or temporary parking of mobile homes upon the streets, alleys, or highways or any other public or private place for a period not in excess of 48 hours shall not constitute a violation of Section 149.04, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this City.

**149.06 MOBILE HOME PARK LICENSE.** No person, firm, or corporation shall establish, maintain, conduct, or operate a mobile home park within this City without first obtaining an annual license therefore from the State Department of Health. No person, firm, or corporation shall construct, expand, remodel, or make alterations to the sanitary facilities in a mobile home park within this City without first obtaining a permit therefor from the State Department of Health.

*(Code of Iowa, Sec. 135D.3 and 135D.7)*

**149.07 MOBILE HOME RENTAL.**

1. Rental agreements shall be for a term of one year unless otherwise specified in the rental agreement. Rental agreements shall be cancelled by at least 90 days written notice given by either party. A landlord shall only cancel a rental agreement if the tenant has violated the rental agreement and shall not cancel a rental agreement solely for the purpose of making the tenant's mobile home space available for another mobile home.



2. At the completion of a rental term, unless the landlord is no longer renting the mobile home space, the landlord shall offer to renew the rental agreement for another term lasting one year or, upon request of the tenant, a shorter term.
3. Each tenant shall be notified, in writing, of any rent increase at least ninety days before the effective date. Such effective date shall not be sooner than the expiration of the original rental agreement or any renewal or extension thereof. The landlord shall not increase the amount of rent more than once per year.

**149.08 ZONING.** No person shall establish, expand, or operate a mobile home park except in conformity with applicable zoning regulations.

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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

151.07 Vision

151.08 Maintenance

151.09 Removal of Trees

151.10 Trees Subject to Removal

151.11 Duty to Remove

151.12 Inspection

151.13 Trees in Parking

**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. Except as hereafter set forth, trees shall not be planted on the parking if it 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 25 feet to street intersections (property lines extended) and 10 feet to driveways. Trees shall be planted not less than 30 feet apart. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb or within the City right-of-way.
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, walnut, or any fruit-bearing or nut tree.
4. Linn Avenue and Milwaukee Street. From the date of enactment of this chapter, no trees shall be planted in the parking on Linn Avenue and on West Milwaukee Street from Linn Avenue west to the corporate limits.
5. Main Street. From the enactment of this chapter, no trees shall be planted in the parking on Main Street.

**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 and do not interfere with or obscure utility wires or street lights.

*(Code of Iowa, Sec. 364.12[2c])*

**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 that 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 and h])*

**151.07 VISION.** No tree shall be maintained upon the parking in such a manner as to interfere with the clear vision of drivers of vehicles, nor within 25 feet of any intersection, and any trees existing contrary to the provisions hereof, may be removed by the Superintendent without compensation to the abutting property owners.

**151.08 MAINTENANCE.** It shall be the duty of the owner and occupant of the abutting or adjacent property to remove all dead, damaged, and broken limbs and all limbs which are or may become dangerous to travel upon the public street.

**151.09 REMOVAL OF TREES.** The Superintendent shall remove, on the order of the Council, any tree of the streets of the City which interferes with the making of improvements or with travel thereon. The Superintendent 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])*

**151.10 TREES SUBJECT TO REMOVAL.** The Council having determined that the health of the trees within the City is threatened by fatal epidemic diseases and hereby declares the following shall be removed:

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

1. Living or Standing Trees. Any living or standing tree or part thereof infected with the fatal epidemic disease.
2. Dead Trees. Any dead tree or part thereof including logs, branches, stumps, firewood, or other material from which the bark has not been removed and burned or sprayed with an effective insecticide.

**151.11 DUTY TO REMOVE.** No person, firm, or corporation shall permit any tree or material as defined in this chapter to remain on the premises owned, controlled, or occupied by them within the City.

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

**151.12 INSPECTION.** The City Tree Board shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in this chapter exists thereon, and shall also inspect or cause to be inspected any trees reported or suspected to be infected. If the City Tree Board is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with disease, it is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

**151.13 TREES IN PARKING.** Effective as of July 1, 2024, no new trees shall be planted within the parking or right-of-way area without first obtaining approval through a digging permit and entering into an ownership agreement with the City. All existing trees within the parking shall be maintained in accordance with the requirements of this chapter by the owner of the lot(s) or parcel(s) of land. All new trees planted will be the full responsibility of the owner moving forward, including cost for removal when diseased or damaged.

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## CHAPTER 153

### MOWING

153.01 Duty to Mow

153.02 Notice

153.03 Cutting and Mowing by City and Assessment to  
Property

153.04 Limits on City Duty

153.05 Prohibited

**153.01 DUTY TO MOW.** The owner and occupant of any property within 100 feet of a lot that is inhabited shall have the duty to mow and cut all such lawns and lots so that grass, weeds, and uncultivated vegetation do not exceed eight inches in height at any time.

**153.02 NOTICE.** If the City determines that an owner or occupant is failing to maintain property as provided for above, the Clerk may direct that a notice be served on the owner or occupant directing said owner or occupant to cut or mow as required within a specified time. Notice may be served either personally or by mailing the notice by certified mail, return receipt requested, to the last known address of the owner or occupant.

**153.03 CUTTING AND MOWING BY CITY AND ASSESSMENT TO PROPERTY.** If a property owner refuses or fails to cut or mow as required above after receiving notice from the City as provided for above, the Council may authorize completion of the mowing or cutting and shall assess the cost against the property for collection in the same manner as a property tax.

**153.04 LIMITS ON CITY DUTY.** Regardless of the above, the City shall not have any duty to cut or mow all grass that is in excess of the permitted height.

**153.05 PROHIBITED.** It is prohibited for any grass to be mowed into the street. If grass is not immediately removed from the street upon mowing, the City will issue a written notice after the first occurrence to the property owner. If it occurs twice within the same season, the City will clean the street and will issue an invoice or assess the property owner a street sweeping charge, as set by resolution of the Council.

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