TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

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3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

5. Without lawful authority or order of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

6. Without authority, obstruct any street, sidewalk, highway or other public way.

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

8. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report or such warning to be baseless.

9. 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 a public offense.

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in the presence of or in view of another, if the person knows or reasonably should know that such behavior would be offensive to a reasonable person.

2. Consumption in public places - intoxication. No person shall use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or be intoxicated or simulate intoxication in a public place.

3-1-4 MINORS.
1. Supplying liquor to minors. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person under twenty-one (21) years of age, or knowingly permit any person under that age to consume alcoholic liquors, wine, or beer, except in the case of alcoholic liquor, wine, or beer, given or dispensed to a person under twenty-one (21) years of age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to such person by a physician or dentist for medicinal purposes.

3-1-5 STREETs.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof.

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly.

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-6 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on the ground or on the floor of any structure within the City limits.

2. Putting glass, etc., on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife.

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Discharging firearms and fireworks.

   a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive.
b. The City Council may upon application in writing, grant a permit for the display and use of fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.

d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.

e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

7. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

8. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

9. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of his or her family during the course of, or as a result of, the performance of any official duty by said City employee.

10. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

11. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

12. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.

13. False Reports to Law Enforcement Authorities. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

3-1-7 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.
2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

4. Injury to public library books or property. No person shall willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally 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 of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.

6. Injury to gravestones or property in cemetery. No person shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof.

9. Injury to roads, railways, and other utilities. No person shall maliciously injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

10. Tapping telegraph or telephone wires. No person shall wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person, company or association engaged in the transmission of messages on telephone or telegraph lines.

11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

3-1-8 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. “Parade” shall mean 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 generally to the public as a parade.

2. No parade shall be conducted without first obtaining a written permit from the mayor. Such permit shall state the time and date for the parade to be held and the streets or general route therefore. 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. Any parade for which a permit shall have 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.

4. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of the members of the police and fire departments.
TITLE III  COMMUNITY PROTECTION

CHAPTER 2  NUISANCES

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3-2-1  DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

   a. The 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.

   b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

   c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

   d. The 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.

   e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

   f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

   g. 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, especially near intersecting streets.

   h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

   i. Any object or structure hereafter erected within 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.

   j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, within the fire limits of this City, unless it be in a building of fire resistant construction.

   k. The emission of dense smoke, noxious fumes, or fly ash.
1. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.

m. Trees infected with Dutch elm disease.

n. Effluent from septic tank or drain field running or ponding on the ground in the open.

o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

p. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

q. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

2. The removal, repair, or dismantling of dangerous buildings or structures.

3. The numbering of buildings.

   a. For use herein, the following terms shall be defined:

   (1) “Principal Building” shall mean the main building on any lot or subdivision thereof.

   (2) “Owner” shall mean the owner of the principal building.

   b. Every owner shall comply with the following numbering requirements:

   (1) The owner shall obtain the assigned number to his/her principal building from the clerk.

   (2) 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 two and one-half (2 1/2) inches in height and of a contrasting color with their background.

   (3) If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (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.

   c. The clerk shall be responsible for preparing and maintaining a building numbering map.

4. The connection to public drainage systems from abutting property when necessary for public health or safety.
5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists, the Mayor or designated officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice.

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

1. A description of what constitutes the nuisance or other condition.

2. The location of the nuisance or condition.

3. A statement of the act or acts necessary to abate the nuisance or condition.

4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be served by certified mail or personal service to the property owner as shown by the records of the County Auditor.

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and 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 officer finds that a nuisance or prohibited condition exists, the 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 shall 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.

3-2-8 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, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

3-2-9 ABATEMENT BY MUNICIPALITY. 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 City Clerk, who shall pay such expenses on behalf of the municipality.

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail 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 month, the City Clerk shall certify the costs to the County Auditor and they shall then be collected with, and in the same manner, as general property taxes.

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds $100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.
3-2-12  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 shall be in violation of the city code.

3-2-13  CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.
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### TITLE III COMMUNITY PROTECTION

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**SHORT TITLE.** This chapter may be known and cited as the "Traffic Code".

**DEFINITIONS.** See Chapter 1 of Title I.

**POLICE OFFICERS’ AUTHORITY.** Any police officer is authorized to stop any vehicle to require exhibition of the driver’s operator or chauffeur’s license, 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, 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.

**TRAFFIC ACCIDENT REPORTS.** The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Public Safety. A copy of this report shall be filed with the Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.

**POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS.** The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City.
concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-6 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic thereat or in the immediate vicinity.

3-3-7 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

2. 321.229 through 321.234 -- obedience to a peace officer and responsibility of public officers, emergency vehicles and bicycles to obey traffic regulations.
3. 321.256 through 321.260 -- traffic signs, signals and markings, including right or left turns on red.
4. 321.261 through 321.266 and 321.268 -- accidents and accident reporting.
5. 321.275 -- operation of motorcycles.
7. 321.297 through 321.310 -- driving on right, meeting, overtaking, following or towing.
8. 321.311 through 321.318 -- turning and starting, signals on turning and stopping.
9. 321.319 through 321.324 -- right of way and entering through highways.
11. 321.341 through 321.344 -- railroad crossings.
12. 321.353 through 321.360 -- stop at sidewalks, stopping, standing and parking.
13. 321.362 through 321.371 -- unattended vehicle, obstructing driver's view, crossing median, following fire apparatus, or crossing fire hose, and putting glass, etc. on streets.
14. 321.384 through 321.409, 321.415, 321.418 through 321.423 -- lighting equipment required and time of use. (Under the provisions of Section 321.395, motor vehicles parked where permitted by this Ordinance need not have parking lamps lighted if the vehicle is within one hundred sixty (160) feet of a City street light ahead and to the rear of the vehicle and the permitted speed on said street is twenty-five (25) miles per hour or less.)
15. 321.430 through 321.446, 321.449 and 321.450 -- brakes, horns, sirens, mufflers, wipers, mirrors, tires, windows, safety belts, and special markings for transporting explosives.
TRAFFIC CONTROL DEVICES

3-3-8  AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES. The Mayor shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The city shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

3-3-9  MAYOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Mayor is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.

2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-10  PLAY STREETS. The city council has the authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

SPEED REGULATIONS

3-3-11  CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour shall be unlawful on any of the following designated streets or parts thereof:
   a. Vavra Drive from State Street to the northwest end of Vavra Drive.
   b. Poplar Street from Dows Street to the south end of Poplar Street.
   c. Broadview Court from Dows Street to Dows Street.
   d. Fuhrmeister Street from Main Street to State Street.
e. Rowley Street from Main Street to State Street.

f. Main Street from Fuhrmeister Street to Banner Valley Road.

g. Walker Street from Fuhrmeister Street to Rowley Street.

h. Hillcrest Street from Dows Street to the end of Hillcrest Street.

i. Highland Road from Hillcrest Street to the end of Highland Road.

j. Banner Valley Road from Main Street to the corporate limits.

k. Vista Road from State Street to the west corporate limits.

l. Dows Street from Main Street to Jappa Road.

2. Special 35 MPH Zones. A speed in excess of thirty-five miles per hour shall be unlawful on any of the following designated street or parts thereof:

   a. Jappa Road from Dows Street to the north corporate limits.

   b. State Street from the south corporate limits to a point 1,500 feet south of the north corporate limits.

3. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof:

   a. State Street from a point 1,000 feet south of the north corporate limits to a point 1,500 feet south of the north corporate limits.

4. Parks, Cemeteries, and Parking Lots. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated in this chapter, is unlawful.

TURNING MOVEMENTS

3-3-12 TURNING MARKERS, BUTTONS AND SIGNS. The Mayor 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 by the State law 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 the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

3-3-13 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Mayor is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-14 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-15 "U" TURNS. It shall be unlawful for a driver to make a "U" turn.

ONE-WAY STREETS AND ALLEYS

3-3-16 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Mayor shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful
for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-17 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction:

1. The alleys located between Dows and Traer Streets shall be one-way, with traffic entering Dows Street and exiting on Traer Street (Ordinance No. 110).

2. The alleys located between Dows and Rowley Streets shall be one-way, with traffic entering from Dows Street and exiting on Rowley Street (Ordinance No. 110).

SPECIAL STOPS REQUIRED

3-3-18 THROUGH STREETS. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets:

1. State Street from Fuhrmeister Street to Rowley Street.

2. Dows Street from State Street to the Rogers Creek Road (Ord. No. 157 Adopted 12/22/1998)

3. Banner Valley Road from Westerly beginning of Street to East City Limits (Ord. No. 158 Adopted 11/12/01)

3-3-19 OTHER STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

1. Vehicles traveling east on Rowley Street shall stop at Main Street.

2. Vehicles traveling south on Walker Street shall stop at Rowley Street.

3. Vehicles traveling north on Walker Street shall stop at Fuhrmeister Street.

4. Vehicles traveling south on Walker Street shall stop at Traer Street.

5. Vehicles traveling north on Walker Street shall stop at Traer Street.

6. Vehicles traveling east on Traer Street shall stop at Main Street.

7. Vehicles traveling east on Dows Street shall stop at Main Street.

8. Vehicles traveling west on Dows Street shall stop at Main Street.

9. Vehicles traveling west on Dows Street shall stop at Jappa Road.

10. Vehicles traveling east on Dows Street shall stop at Jappa Road.

11. Vehicles traveling north on Dows Street shall stop at Rogers Creek Road.

12. Vehicles traveling west on Rogers Creek Road shall stop at Jappa Road. (Items 9-12 adopted 12/22/1998 – Ordinance No. 157)

13. Vehicles traveling East & West on Banner Valley Road shall stop at Pacific Street. (Ord. No. 158)

14. Vehicles traveling South and North on Main Street shall stop at Rowley Street. (Ord. No. 158)
AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Mayor to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Mayor is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

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.

SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten 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 driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

METHOD OF PARKING

STANDING OR PARKING CLOSE TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway except as provided in the case of angle parking.

ANGLE PARKING. Angle or diagonal parking shall be permitted only in the following locations:

1. Dows Street, on both sides from Walker Street to Main Street.

OBEEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that 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 the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.

2. In front of a public or private driveway.
3. Within an intersection.

4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.

5. On a crosswalk.

6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.

7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

8. Within twenty (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) feet of said entrance when properly signposted.

9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.

12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.

13. At any place where official signs or curb markings prohibit stopping, standing or parking.

14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

16. Upon the parking or terrace, designated as that area between the curb line and the sidewalk line, where curbing has been installed.

3-3-31 PARKING FOR DISABLED PERSONS. Section 321L.5 of the Code of Iowa is hereby adopted by reference.
3-3-32  AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.  When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the city council may cause curbergs to be painted with a yellow or orange color and erect "no parking" or "standing" signs.  It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted.  It shall be unlawful for any person, other than authorized persons, who after having first secured the permission of the city council, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

3-3-33  AUTHORITY TO IMPOUND VEHICLES.  Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1.  When a vehicle is upon a roadway and 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.

2.  When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3.  When any vehicle is left parked upon a street for a continuous period of forty-eight or seventy-two hours or more.  A diligent effort shall first be made to locate the owner.  If the owner is found, the owner shall be given the opportunity to remove the vehicle.

4.  When any vehicle is parked over twenty-four (24) hours in violation of a ban on parking during a snow emergency as proclaimed by the Mayor. or during snow removal operations.

(City of Ely, Ordinance No. 147)

In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing charges and storage.

STOPPING, STANDING OR PARKING

3-3-34  PARKING SIGNS REQUIRED.  Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the city to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense.  When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

1.  Parking shall be limited to 15 minutes for the first two legal parking spaces easterly of alley way entrance between Main and Walker Street on the North side of 1600 bock of Dows Street.

(Ordinance No. 164  Adopted 3/6/2000)

3-3-35  NO PARKING ZONES.  No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal:

1.  Broadview Court, inside of curve, from Dows Street to Dows Street.

2.  Alleys between Rowley Street and Fuhrmeister Street.

3.  The east side of Hillcrest Street.

4.  The south side of Highland Road.
3-3-36 PARKING DURING SNOW EMERGENCY. 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 Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Mayor is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Mayor shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

3-3-37 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking and giving notice thereof between the hours of 2:00 a.m. and 7:00 a.m. (Ord. No. 166 Adopted 12/26/2000)

3-3-38 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. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park, leave unattended or leave motor running for extended period of time, such vehicle, on any of the following designated streets:

1. Dows Street from Main Street to State Street.
2. Within 500 feet of any residential district or private residence.

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. The provisions of this section shall not apply to pick-up, light delivery, or panel delivery trucks. (Ord. No. 166 Adopted 12/26/2000)

MISCELLANEOUS DRIVING RULES

3-3-39 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-40 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-41 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.

3-3-42 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.
3-3-43 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-44 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-45 LOAD AND WEIGHT RESTRICTIONS.

1. 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.

2. Permits for Excess Size and Weight. The Mayor may, upon application in writing and good cause being shown therefore, 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 city ordinance over those streets named in the permit which are under the jurisdiction of the city and for which the city is responsible for maintenance.

3. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on the signs at any time upon any of the following streets or parts of streets:

   a. Rowley Street Extension from State Street to the west corporate limits - 5 tons.

4. 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 Mayor may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

3-3-46 TRUCK ROUTES.

1. Every motor vehicle weighing five tons or more, when loaded or empty, 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 travel over or upon the following streets within the City and none other:

   a. None.

2. Any motor vehicle weighing five tons or more, when loaded or empty, 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 the designated route.

3. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

3-3-47 TAMPERING WITH VEHICLE. No person shall either individually, or in association with one or more other persons, willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

BICYCLE REGULATIONS

3-3-48 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. 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 drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.
3-3-49 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-50 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

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.

3-3-51 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-52 EMERGING FROM ALLEY OR DRIVEWAY. The operators 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 the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-53 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 handle bars.

3-3-54 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-55 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-56 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SKATEBOARDS, SCOOTERS, ROLLER SKATES, AND ROLLER BLADES

3-3-57 UNLAWFUL USE UPON DESIGNATED SIDEWALKS.

A. No person shall roller skate, roller blade or ride a skateboard or scooter upon a sidewalk located in the following areas:

1. Dows Street.
2. State Street.

B. When signs are erected on any sidewalk prohibiting roller skating, roller blading or the riding of skateboards or scooters thereon by any person, no person shall disobey the signs.

C. Whenever any person is roller skating, roller-blading, or riding a skateboard or scooter upon any sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing.

3-3-58 TOWING. It is unlawful for any person who is roller skating, roller blading, riding a skateboard or riding a scooter to be towed or to tow any other person upon the streets of the city.

3-3-59 FOLLOWING FIRE TRUCKS. No person who is roller skating, roller blading, riding a skateboard or riding a scooter shall follow a fire truck or other fire equipment at any time.

3-3-60 IMPROPER RIDING. No person shall roller skate, roller blade, ride a skateboard or ride a scooter in an irregular or reckless manner such as zigzagging, stunting, traveling at an excessive speed or acting in any other manner so as to disregard the safety of the operation or others.

3-3-61 UNLAWFUL USE UPON TENNIS COURTS. No person shall roller skate, roller blade or ride a skateboard or scooter upon any tennis court.

3-3-62 TEMPORARY SEIZURE OF SKATEBOARDS, SCOOTERS, ROLLER SKATES, AND/OR ROLLER BLADES. In the event a police officer has determined that an individual has violated any section of this chapter, said officer shall have the option, in lieu of issuing a citation, of temporarily seizing the skateboard, scooter, roller skates and/or roller blades being used by the individual committing the offense for a period of up to fourteen days. If the individual who is violating a section of this article has committed any previous offense of any section of this chapter within the preceding three hundred sixty-five days, the officer shall have the option to temporarily seize the skateboard, scooter, roller skates and/or roller blades for up to thirty days. At the end of the appropriate number of days, the owner of the skateboard, scooter, roller skates and/or roller blades shall be able to pick up the skateboard, scooter, roller skates and/or roller blades at the Ely City Hall. Duly sworn law enforcement officers shall have the ability to temporarily seize the skateboard, scooter, roller skates and/or roller blades being ridden by the violator even if the skateboard, scooter, roller skates and/or roller blades do not belong to the person committing the violation. If the person accused of violating a section of this article desires to contest the temporary seizure of the skateboard, scooter, roller skates and/or roller blades, that person shall file an application for hearing within five days after the skateboard, scooter, roller skates and/or roller blades were temporarily seized with the Linn County clerk of court, magistrate's division, at the Linn County Courthouse. A hearing shall then be set as soon as practical by the magistrate and shall be tried to the magistrate.

SNOWMOBILES

3-3-63 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

2. "Operate" means to control the operation of a snowmobile.

3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-64 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

1. Snowmobiles may be operated on any of the following designated streets:
a. State Street. From northwest city limits to Fuhrmeister Street, Traer Street southeast 250 feet on west side, Rowley Street southeast to city limits.

b. Fuhrmeister Street. State Street to Main Street.

c. Main Street. Fuhrmeister Street to Rowley Street.

d. Rowley Street. State Street to Main Street.

e. Traer Street. State Street to Main Street.

f. Main Street. Rowley Street to city limits.

g. Banner Valley Road. Main Street to east city limits.

h. Dows Street. Main Street northeast to city limits.

i. Alleys. Blocks 10 and 11, Original Town of Ely.

3. Other Streets. Snowmobiles may be operated on any street within the city for the sole and exclusive purpose of using the most direct roadway for access to a designated street. No snowmobile shall be driven on a roadway solely for entertainment or pleasure.

The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-65 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

7. Operate a snowmobile in the City from eleven o'clock (11:00) p.m. to seven o'clock (7:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer, or to use the most direct route to enter or leave the city limits. (Amended by Ord. No. 162 of 8/16/1999)

8. 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 chapter.
9. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

10. Without displaying a flag with an area of not less than six by nine inches of fluorescent orange color on a staff holder to put such flag at least five feet above the surface of the street.

11. Crossing a prohibited street or highway unless:

   a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents quick and safe crossing; and

   b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveling way of the street or highway; and

   c. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard.

12. Across a public highway by a person under sixteen years of age who does not have in his possession a safety certificate issued pursuant to Chapter 321G of the Iowa Code. Any person twelve to fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator’s or chauffeur’s license, instruction permit, restricted license or temporary permit issued under chapter 321 of the Iowa Code or safety certificate issued under Chapter 321G of the Iowa Code.

13. The operator is under twelve years of age.

14. Operated in any tree nursery or planting in a manner which damages or destroys growing stock.

15. Operated upon a railroad right-of-way except as provided by state law.

16. With a firearm in his possession, unless it is in a carrying case, or with any bow unless it is unstrung or enclosed in a carrying case.

17. Operate for racing any moving object.

18. After having received a visual or audible signal from any police officer to come to a stop, to operate a snowmobile in a willful or wanton disregard of such signal, or interfere with or endanger the officer or any other person or vehicle, or increase his speed or attempt to flee or elude the officer.

3-3-66 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.

2. Adequate brakes in good condition and at least one headlight and one taillight.

3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-67 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-68 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.
TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

NEGLIGENCE. The owner and operator of any snowmobile shall be liable for any injury or damage occasioned by the negligent operation of such snowmobile.

EMERGENCIES. Snowmobiles may be operated on prohibited streets or highways in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

ACCIDENT REPORTS. Whenever any snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars ($200) or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The operator shall file a report of the accident within forty-eight (48) hours, in accordance with state law.

CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the section titled "LOCAL PARKING FINES" in this chapter at the City Clerk's office as provided therein.

PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk’s office within seven days of the violation, for the following parking violations:

1. Overtime parking $25.00
2. Prohibited parking $25.00
3. No parking zone $25.00
4. Blocking Alley $25.00
5. Illegal parking $25.00
6. Street cleaning $25.00
7. Snow removal ban $25.00
8. Handicap parking $100.00

(revised 12/26/2000 Ord. No. 166)

(Code of Iowa, Sec. 321L.4(2))

FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the seven days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.
ENFORCEMENT OFFICER. The mayor shall be responsible for the enforcement of this chapter.

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, as specified in this chapter or any other ordinance 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.

UNSAFE BUILDING. “Unsafe building” shall mean any structure, manufactured home, modular home, or mobile home meeting any or all of the following criteria:

1. Collapse of Member. Whenever any portion or member or appurtenance is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

2. Wind Resistance. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in a place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. Material Deterioration. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. 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.

5. 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.

6. Exterior Walls. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

7. Deterioration. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

8. Damaged Structurally. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

9. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate
light, air or sanitation facilities, 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 and disease.

10. Fire Hazard. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

11. Public Nuisance. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Abandoned. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

3-4-4 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the 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 re-occupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

1. Notice Serviced. Such notice shall be served by sending by registered certified mail to the owner of record, according to Section 364.12(h) of the Code of Iowa, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said 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 he receives such notice.

2. Hearing. Such notice shall also advise the owner that he may request a hearing before the council in the notice by filing a written request for hearing within the time provided in the notice.

3-4-5 CONDUCT OF HEARING. If requested, the council shall conduct a hearing in accordance with the following:

1. Nature. 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.

3-4-6 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 ELY, IOWA.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

3-4-7 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said 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.
PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating
and providing for the planting, care and removal of trees.

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

1. **“Parking”** shall mean 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.

2. **“Superintendent”** shall mean the superintendent of streets or such other person as may be designated by the
council.

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

1. Alignment. All trees hereafter 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 ten (10) feet
from the property line.

2. Spacing. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than
eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet to street
intersections (property lines extended) and ten (10) feet to driveways. If it is at all possible trees should be planted inside
the property lines and not between the sidewalk and curb.

3. Prohibited Trees. No person shall hereafter plant in any street, any fruit-bearing tree or any tree of the kinds
commonly known as cottonwood, poplar, boxelder, Chinese elm, or evergreens.

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 fifteen (15) feet above the surface of the street and eight (8) feet
above the sidewalks.

ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may
serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees 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.

TRIMMING TREES TO BE SUPERVISED. It shall be 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.

REMOVAL OF TREES. The superintendent shall remove, on the order of the council, any tree on the streets
of the city that interferes with making of improvements or with travel thereon. He 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.

3-5-8 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed:

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbor any of the elm bark beetles, that is scolytus multistriatus (echb.) or hylurgopinus rufipes (marsh.).

2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

3-5-9 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in Section 6-5-8 to remain on the premises owned, controlled or occupied by him within the city.

3-5-10 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 6-5-8 exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

3-5-11 REMOVAL FROM CITY PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such a manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

3-5-12 REMOVAL FROM PRIVATE PROPERTY. If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property.

If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, he is authorized to remove or cut specimens from said tree and obtain a diagnosis of such specimens.
TITLE III COMMUNITY PROTECTION

CHAPTER 6 CURFEW FOR MINORS

3-6-1 Preamble
3-6-2 Findings and Purpose
3-6-3 Definitions
3-6-4 Offenses
3-6-5 Defenses
3-6-6 Enforcement
3-6-7 Penalty, Municipal Infraction

3-6-1 PREAMBLE. The City of Ely recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor’s freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

3-6-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Ely; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Ely has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-6-3 DEFINITIONS. In this chapter:

1. Curfew hours means 10:00 p.m. until 5:00 a.m.

2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:
   a. A person who, under court order, is the guardian of the person of a minor; or
   b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:
   a. A biological parent, adoptive parent, or step-parent of another person; or
b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:
   a. Linger or stay; or
   b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-6-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-6-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
   a. Accompanied by the minor's parent or guardian;
   b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
   c. In a motor vehicle involved in interstate travel;
   d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
   e. Involved in an emergency;
   f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
   g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Ely, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Ely, a civic organization, or another similar entity that takes responsibility for the minor;
   h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
   i. Married or had been married.
2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-6-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-6-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Ely.

3-6-7 PENALTY, MUNICIPAL INFRACTION. The violation of this chapter shall be a municipal infraction with penalties not to exceed those contained in the City Code.

"Editor's Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 (Iowa 1992) and Quit v. Strauss, 8 F2d 260 (1993)."
3-7-1 Definitions
3-7-2 Exemptions
3-7-3 Permits
3-7-4 Requirements
3-7-5 Hours of Solicitation
3-7-6 Consumer Protection Law
3-7-7 Bond Required
3-7-8 License Issued
3-7-9 Display of License
3-7-10 License Not Transferable
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3-7-12 Notice
3-7-13 Hearing
3-7-14 Record and Determination
3-7-15 Appeal
3-7-16 Effect of Revocation
3-7-17 Rebates
3-7-18 Obstruction of Pedestrian or Vehicular Traffic

3-7-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.

2. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising, nor newspaper sales, farmers, or persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of all further sections of this chapter. All such organizations shall be required to submit in writing to the clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the clerk shall find that the organization is a bona fide charity or religious organization the clerk shall issue, free of charge, a license containing the above information to the applicant.
3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. The following license fees shall be paid to the clerk prior to the issuance of any license:

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars ($10.00) per year.

2. Peddlers or Transient Merchants.
   a. For one day: $ 5.00
   b. For one week $10.00
   c. For up to six (6) months $20.00
   d. For one year or major part thereof $25.00

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.

2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.

3. A brief description of the nature of the sales method.

4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.

5. Length of time for which the permit is desired.

6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.

7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-7-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of $1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-7-8 LICENSE ISSUED. If the clerk finds the application is completed in conformance with Section 3-7-4 of this chapter and the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

3-7-9 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in section 3-7-8 of this chapter, and shall, upon the request of prospective customers,
exhibit the license as evidence that he has complied with all requirements of this chapter. Each transient merchant shall display publicly his license in this place of business.

3-7-10 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-7-11 REVOCATION OF LICENSE. After notice and hearing, the clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in his application for the license or in the conduct of his business.

2. Violation of Law. The licensee has violated this chapter or has otherwise conducted his business in an unlawful manner.

3. Endangered Public Welfare, Health, or Safety. The licensee has conducted his business in such manner as to endanger the public welfare, safety, order or morals.

3-7-12 NOTICE. The license holder shall be served with written notice containing particulars of the complaints against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

3-7-13 HEARING. The clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his authorized representative fail to appear without good cause, the clerk may proceed to a determination of the complaint.

3-7-14 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he finds clear and convincing evidence of substantial violation of this article or state law.

3-7-15 APPEAL. If the clerk revokes or refuses to issue a license he shall make a part of the record his reasons therefore. The licensee or the applicant shall have the right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council members present and the clerk shall carry out the decision of the council.

3-7-16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

3-7-17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he has paid if he surrenders his license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and the multiplying the result by the number of full days not expired. In all cases, at least five dollars ($5.00) of the original fee shall be retained to cover the administrative costs of the city.

3-7-18 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.
TITLE III  COMMUNITY PROTECTION

CHAPTER 8  CIGARETTE LICENSE

3-8-1 Definitions  3-8-6 Refunds
3-8-2 Permit Required  3-8-7 Revocation
3-8-3 Issuance  3-8-8 Permits not Transferable
3-8-4 Expiration  3-8-9 Display
3-8-5 Fees

3-8-1  DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "cigarette" means any roll for smoking made wholly or in part of tobacco or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition shall not be construed to include cigars.

2. The term "retailer" means and includes every person in this State who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales.

3. The term "place of business" means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

3-8-2  PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Ely, Iowa, without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

3-8-3  ISSUANCE. The City Council shall issue or renew a permit, upon a determination that such issuance or renewal will not be detrimental to the public health, safety, or morals, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 3-8-5.

3-8-4  EXPIRATION. Permits expire on June 30 of each year.

3-8-5  FEES. The fee for permits issued or renewed in July, August, or September is $75.00. The fee for permits issued in October, November, or December is $56.25; in January, February or March, $37.50; and in April, May or June, $18.75.

3-8-6  REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of $56.25; in October, November, or December, for $37.50; or in January, February, or March, for $18.75.

3-8-7  REVOCATION. The City Council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or chapter 453A, Code of Iowa. If grounds exist that would be sufficient for refusal to issue such a permit, it shall not be issued. The City Clerk shall give ten days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held at the regular meeting place of the City Council.

Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown to the City Council.
3-8-8 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public.
TITLE III COMMUNITY PROTECTION
CHAPTER 9 BEER AND LIQUOR LICENSES

3-9-1 Purpose
3-9-2 Required Obedience to Provisions of this Chapter and State Law
3-9-3 Action by Council
3-9-4 Transfers
3-9-5 Open Alcoholic Beverage Containers

3-9-6 Persons Under the Age of Eighteen
3-9-7 Persons Age Eighteen, Nineteen and Twenty
3-9-8 Minors Prohibited

3-9-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

3-9-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.30 Liquor Control Licenses - Classes
5. 123.31 Application Contents
6. 123.33 Records
7. 123.34 Expiration - License or Permit
8. 123.35 Simplified Renewal Procedure
9. 123.36 Liquor Fees - Sunday Sales
10. 123.38 Nature of Permit or License - Surrender - Transfer
11. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
12. 123.40 Effect of Revocation
13. 123.44 Gifts of Liquors Prohibited
14. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Exoneration
15. 123.49 Miscellaneous Prohibitions
16. 123.50 Criminal and Civil Penalties
17. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
18. 123.52 Prohibited Sale
19. 123.90 Penalties Generally

20. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings

21. 123.122 through 123.145 Beer Provisions (Division II)

22. 123.150 Sunday Sales Before New Year's Day

23. 123.171 through 123.182 Wine Provisions (Division V)

3-9-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application pursuant to Code of Iowa, Section 123.32. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa alcoholic beverages division for further action as provided by law.

3-9-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

3-9-5 OPEN ALCOHOLIC BEVERAGE CONTAINERS. Code of Iowa, Section 123.28, second paragraph, is adopted by reference.

3-9-6 PERSONS UNDER THE AGE OF EIGHTEEN. No person shall sell, give or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe such person to be under the age of eighteen (18), and no person or persons under the age of eighteen (18) shall individually or jointly have alcoholic liquor, wine, or beer in such person's possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen (18) 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 such person by either a physician or dentist for medicinal purposes and except to the extent that a person under the age of eighteen (18) may handle alcoholic beverages and beer during the regular course of such person's employment by a liquor control licensee, wine, or beer permittee under State law.

3-9-7 PERSONS AGE EIGHTEEN, NINETEEN AND TWENTY. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen or twenty. A person age eighteen, nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge, presence, and consent of the person's parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee.

3-9-8 MINORS PROHIBITED. A person or club holding a liquor license or wine or beer permit and the person’s or club’s agents or employees shall not permit or allow any person under legal age to remain upon the licensed premises unless over fifty (50) percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision shall not apply to holders of a Class “C” beer permit only.
TITLE III COMMUNITY PROTECTION

CHAPTER 10 JUNK AND ABANDONED VEHICLES

3-10-1 Purpose

3-10-2 Definitions

3-10-3 Removal of Abandoned Vehicles

3-10-4 Notification of Owners and Lienholders

3-10-5 Impoundment Fees and Bonds

3-10-6 Hearing Procedures

3-10-7 Auction or Disposal of Abandoned Vehicles

3-10-8 Junk Vehicles Declared a Nuisance

3-10-9 Notice to Abate

3-10-10 Abatement by Municipality

3-10-11 Collection of Cost of Abatement

3-10-12 Exceptions

3-10-13 Interference with Enforcement

3-10-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

3-10-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
   
a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle totally inoperable; or
   
b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
   
c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
   
d. A vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of ten days; or
   
e. Any vehicle parked on the street determined by the Chief of Police to create a hazard to other vehicular traffic.

   A vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the Chief of Police or city and requests assistance in the removal of the vehicle.

2. "Private property" means any real property within the City which is not public property as defined in this section.


4. A "junk vehicle" means any unlicensed vehicle stored within the corporate limits of the City of Ely, Iowa, and which has any one of the following characteristics:

   a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

   b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.
c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any vehicle which contains gasoline or any other flammable fuel.

e. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

f. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

5. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-10-3 REMOVAL OF ABANDONED VEHICLES.

1. The Chief of Police may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-10-2 (1). The Chief of Police may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Chief of Police shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-10-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Chief of Police shall notify, within three days, by certified mail with five-days return receipt, 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 their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

a. Describe the year, make, model, and serial number of the vehicle.

b. Describe the personal property found in the vehicle.

c. Describe the location of the facility where the vehicle is being held.

d. Inform the persons receiving notice:

   (1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

   (2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Chief of Police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-10-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-10-5.

2. The owner or any person receiving notice may, by written request received by the Chief of Police prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.

3-10-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

a. an impoundment fee

b. towing charges

c. preservation charges

d. storage charges
e. notice charges

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-10-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

   a. the fees required by Section 3-10-5(1)

   b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-10-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

3-10-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Chief of Police shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

3-10-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Ely, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-10-9 NOTICE TO ABATE.

1. Whenever the Chief of Police shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-10-8, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:

   a. the owner of the property.

   b. the occupant of the property.

2. The notice to abate shall:

   a. describe, to the extent possible, the year, make, model, and color of the vehicle.

   b. describe the location of the vehicle.

   c. state that the vehicle constitutes a nuisance under the provisions of this chapter.

   d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-10-10 ABATEMENT BY MUNICIPALITY. 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 City Clerk who shall pay such expenses on behalf of the municipality.
3-10-11  COLLECTION OF COST OF ABATEMENT. The Clerk shall mail 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 month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

3-10-12  EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-10-13  INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.
TITLE III COMMUNITY PROTECTION

CHAPTER 11 RESERVED
## TITLE III COMMUNITY PROTECTION
### CHAPTER 12 HOUSE MOVERS

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3-12-1 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

3-12-2 HOUSE MOVER DEFINED. A “house mover” shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

3-12-3 PERMIT REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the city for each house, building or similar structure to be moved.

3-12-4 APPLICATION. Application for a house mover’s permit shall be made in writing to the clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.

2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

3. Routing Plan. A routing plan approved by the mayor and public utility officials. The route shall be the shortest route compatible with the greatest public convenience and safety.

3-12-5 BOND REQUIRED. The applicant shall post with the clerk a penal bond in the sum of one thousand dollars ($1,000) issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the permittee’s payment for any damage done to the city or to public property, and payment of all costs incurred by the city in the course of moving the building or structure.

3-12-6 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering himself and his agents and employees for the following minimum amounts:

1. Bodily Injury: $50,000.00 per person; $100,000.00 per accident.

2. Property Damage: $50,000.00 per accident.

3-12-7 PERMIT FEE. A permit fee of ten dollars ($10.00) shall be payable at the time of filing the application with the clerk. A separate permit shall be required for each house, building, or similar structure to be moved.

3-12-8 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the clerk shall issue a permit.

3-12-9 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property, the permittee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind, and ahead of the building or structure.

3-12-10 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the city.

3-12-11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 3-12-10 of this chapter the city is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his bond.
3-12-12 PROTECT PAVEMENT. It shall be unlawful to remove any house or building of any kind over any 
pavement, unless the wheels or rollers upon which the house or building is moved shall be at least one (1) inch in 
width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a 
house or building the estimate of the engineer or mayor as to such weight shall be final.

3-12-13 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, telegraph, and 
electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of 
the same. The holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any 
telephone, telegraph or electric wires to remove such wires and the owner of such wires may either remove or direct 
the removal and replacing such wires, and the holder of the permit shall pay the reasonable costs thereof.