

CHAPTER 145

MANUFACTURED AND MOBILE HOMES

145.01 Definitions

145.02 Conversion to Real Property

145.03 Foundation Requirements

145.04 Permit Required

145.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 435.1*)

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

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

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

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

1. **Retailer's Stock.** Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

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

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

145.04 PERMIT REQUIRED. Before any manufactured or mobile home located in a manufactured home community or mobile home park receives a connection, repair, reconnection or installation to a sewer or water line, a written permit must be obtained from the City. The fee for the required permit shall be established by resolution of the Council. The proposed connection, reconnection, repair or installation must be completed in compliance with the City requirements for public water and sewer connections and all work is subject to inspection and approval of the City.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

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

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

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 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.
(Code of Iowa, Sec. 364.12[3h])

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

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CHAPTER 151

TREES

151.01 Definitions

151.02 Tree Ownership

151.03 Tree Care of Street Trees

151.04 Underground Utility or Above Ground Construction

151.05 Street Right-of-way Plantings

151.06 Street Right-of-way Spacing Requirements

151.01 DEFINITIONS. The following words and phrases are defined for use in this chapter.

1. “Drip-line” means the outline of a tree’s canopy at its greatest circumference transposed down to the ground.
2. “Shrub” means any plant material that may grow between one (1) foot and fifteen (15) feet in height. Shrubs must be less than eighteen (18) inches at mature growth or more than ten (10) feet at mature growth.
3. “Street right-of-way” means the area commonly known as the “parking” and existing between the traveled portion of a street and the lot line of adjacent private property.
4. “Street tree” means a tree or shrub within the street right-of-way.
5. “Traffic control device” means any official sign, signal or device that regulates the movement or parking of motor vehicle, pedestrian, or other traffic upon or across streets.
6. “Tree” means any single-stemmed, perennial woody plant with a minimum average mature height of fifteen (15) feet.
7. “Tree care” means cutting, trimming, pruning, removing, spraying, or otherwise treating trees.
8. “Tree topping” means the severe cutting back of tree limbs to stubs within a tree’s crown so as to remove the normal canopy and disfigure the tree.
9. “Utility lines” means City-maintained utilities and privately owned underground and overhead utilities.

151.02 TREE OWNERSHIP. Trees existing and planted in the street right-of-way are the property of the City.

151.03 TREE CARE OF STREET TREES. Any cost created by tree care for work on or around an existing utility or for new construction of a utility

shall be borne by the entity needing the tree care. An abutting property owner may, at the owner's expense, provide tree care. The City may perform required tree care if the abutting property owner does not maintain the street trees. Except as provided by Chapter 384 of the Code of Iowa, the resultant cost may not be passed on to the abutting property owner by the City. Street tree care includes the following requirements:

1. Trees shall be kept trimmed to a clearance height of fourteen (14) feet for branches overhanging a street and eight (8) feet for branches overhanging a sidewalk. Private trees whose growth enters the street right-of-way or area above the sidewalk must be kept trimmed to the same distances as above.
2. Tree topping is not permitted on any tree in the street right-of-way. If tree topping is needed due to conflict with utilities, tree removal is required.
3. The City will remove any trees from the street right-of-way if they are a public hazard. Trees that fall into this category are dead trees, trees severely damaged by storms or insects, and trees that are leaning precariously. No stumps may remain in the street right-of-way. No burning or chemical means of stump removal is allowed. The City Administrator or Department of Public Works will make the final determination of what constitutes a public hazard.
4. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree in the street right-of-way; or allow any gaseous, liquid, chemical or solid substance that is harmful to such trees to come into contact with them; or set fire to any such tree or part thereof; or cause or permit any burning which will damage any such tree.
5. Tree care required after natural disasters will be initiated and managed by the City as needed.

151.04 UNDERGROUND UTILITY OR ABOVE GROUND CONSTRUCTION.

1. Construction work is to be designed and performed by means of boring or other means to avoid existing trees in street right-of-way where possible. If a new underground utility cannot be located except where trees or tree roots are located, then such trees are subject to removal. All costs of such work shall be borne by the entity requesting tree removal. The City may require such cost to include the cost, in cash or in kind, of replacement street trees. The Tree Board may coordinate tree selection and planting.
2. Vehicle traffic or stockpiling of construction materials shall not take place within a tree's drip-line.
3. Suitable construction fencing located no closer to a tree than its drip-line is required to prevent damage to trees and tree roots during construction.

151.05 STREET RIGHT-OF-WAY PLANTINGS. Tree plantings are subject to the following conditions:

1. A person shall not engage in any excavation unless the requirements of Chapter 480 of the Iowa Code have been satisfied. Before planting all new trees in the right-of-way, property owners must call Iowa One-Call (1-800-DIG-IOWA) to have the location of underground utilities marked for tree location.
2. No trees shall be planted in the street right-of-way if the street right-of-way width is less than five (5) feet.
3. Trees must be planted five (5) lineal feet from all existing City utility lines.
4. Unless approved in writing by the utility owner, no street tree shall be planted less than three (3) feet from any utility. Private utility owners shall be contacted immediately if damage occurs or is suspected during tree planting.
5. No trees shall be planted closer than three (3) feet from the curb line or two (2) feet from the sidewalk edge.
6. Willows, pines, and evergreens are examples of tree species not allowed in the street right-of-way. A full list of tree species not suitable for planting as street trees shall be created and enforced by the Tree Board.

151.06 STREET RIGHT-OF-WAY SPACING REQUIREMENTS.

1. Trees shall be spaced at least fifteen (15) feet apart, center-to-center.
2. Trees shall be at least ten (10) lineal feet from water hydrants, utility poles, transformers, telephone junction boxes and manholes.
3. Trees shall be at least fifteen (15) lineal feet from traffic signs and street lights.
4. Trees shall be at least twenty (20) lineal feet in all directions from intersecting roads with traffic control devices and thirty (30) lineal feet from intersections with partial or no traffic control devices.
5. Trees shall be at least five (5) feet from residential driveway approaches.

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CHAPTER 152

DANGEROUS BUILDINGS

152.01 Enforcement Officer
152.02 General Definition of Unsafe
152.03 Unsafe Building
152.04 Notice to Owner

152.05 Conduct of Hearing
152.06 Posting of Signs
152.07 Right to Demolish
152.08 Costs

152.01 ENFORCEMENT OFFICER. The City Administrator is responsible for the enforcement of this chapter.

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

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

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

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

(6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

152.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 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 date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

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

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

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

152.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF HUXLEY, IOWA." Such notice shall remain posted until the

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

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.

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

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

152.08 COSTS. Costs incurred under Section 152.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

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CHAPTER 156

RIGHTS-OF-WAY

156.01 Definitions
156.02 Registration
156.03 Right-of-Way Installation Permits
156.04 Completion of Installations
156.05 As-Built Drawings
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156.09 Compliance with Permit
156.10 Emergency Removal or Relocation
156.11 Coordination of Installations
156.12 Insurance and Bond Requirements
156.13 Pole Attachments
156.14 Appeal To Council
156.15 No Easement; Permission Only; Not Assignable
156.16 Franchise Fee Credit

156.01 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. “City right-of-way” means the area on, below, or above a City roadway, street, bridge, bicycle path, or City sidewalk, in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements. A City right-of-way does not include the airwaves above a City right-of-way with regard to cellular or other non-wire telecommunications or broadcasts service or utility poles owned by the City.
2. “Right-of-way users” means those entities, except the City, that own or operate facilities that are or are proposed to be installed within City right-of-way for purposes of conducting, transmitting or distributing water, drainage, sanitary sewage, electricity, steam, gas, or electronic communications.

156.02 REGISTRATION. The City and all right-of-way users that have or propose to have facilities within the City right-of-way shall register annually with the City on or before January 1 of each year to provide the following information:

1. The identity and form of legal entity of the registrant and if wholly owned by another legal entity the identity of the owning entity.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement, and for local operations of the right-of-way user.
3. A description of the registrant’s existing and proposed facilities within the City right-of-way.
4. A description of the service that the registrant intends to offer or is currently offering within the City.
5. Information sufficient to enable the City to determine that the registrant has applied for or received any document or certificate required by State or Federal law to provide services or facilities within the City.
6. Proof of registration with the Iowa ‘one-call’ system.

Each right-of-way user registration, and registration by the City, shall be accompanied by such registration fee as shall be set from time to time by resolution of the City Council. The purpose of the registration required by this section is to assist the City in enforcement of its regulations and to assist the City in the abatement of dangerous conditions or conditions that threaten to interfere with the property of others by reason of the registrant's facilities.

156.03 RIGHT-OF-WAY INSTALLATION PERMITS.

1. A right-of-way user shall obtain, by application to the City Superintendent of Public Works, a permit for installation in the City right-of-way whenever the right-of-way user desires to place, construct, or bury anything in the City right-of-way. Such application shall be accompanied by:

A. Written and graphic material that states and shows with dimensioning the particular part of or point on the City right-of-way where placement, construction, or excavation is proposed to occur. Graphic material shall include the location of other permanent fixtures such as landscaping, other utilities, street signs, and the like, within the right-of-way that will be affected by the work proposed in the permit application.

B. A statement of the beginning and ending dates for the time during which the work is to be done and completed.

C. A sign-off sheet showing that the City and all other registered right-of-way users with facilities in the vicinity of the proposed installation or repair work have reviewed the plan for the proposed work and have no objection. So as not to have undue delay, the right-of-way user making application for the permit need only wait ten working days from the time of submitting its plans to the other right-of-way users. Failure by a right-of-way user to respond to such requested plan review within ten (10) days shall constitute an expression of no objection. If there is a dispute between right-of-way users as to location of the respective facilities of each in a segment of City right-of-way, the Superintendent of Public Works shall determine the placement of such facilities in a manner reasonably consistent with how various kinds of facilities are shown to be placed on a model right-of-way cross section established and maintained on file for public inspection by the Superintendent of Public Works.

D. Plans and specifications for the proposed work in such detail as the Superintendent of Public Works shall reasonably require to show that the work as proposed conforms to City ordinances, regulations, policies and adopted specifications.

2. In making excavations in the City right-of-way the right-of-way user shall do the work in a manner devised to cause the least possible inconvenience to the public.

3. The right-of-way user shall properly protect, according to safety standards generally accepted at the time that the installation in the City right-of-way occurs, all excavations and obstructions by proper placement of barricades, warning lights and such other or additional devices, in accordance with the current Manual on Uniform Traffic Control Devices, as circumstances may warrant. If in the opinion of the Superintendent of Public Works, obstruction is not properly and safely protected, the Superintendent of Public Works shall notify the right-of-way user and the right-of-way user shall comply immediately with the instructions of the Superintendent of Public Works. Failure or refusal by the right-of-way user to follow such instructions shall constitute a violation of this section.
4. Any trenches or excavations opened by a right-of-way user in the City right-of-way shall be filled by the right-of-way user. All backfilling in the City right-of-way shall be done in accordance with City specifications, including specifications for the replacement of grass and other landscaping features.
5. Temporary street surfacing shall be placed in excavations in a City street as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters or other portions of streets and public places opened, disturbed or damaged shall be promptly restored and replaced with like materials at the expense of the right-of-way user and left in as good a condition as before the opening, disturbance or damage occurred. In the event that the materials for replacement are not available, the Superintendent of Public Works may approve the use of an alternative material that is reasonably close in effect to the original material. The Superintendent of Public Works will consider, evaluate and review with the City Engineer for approved use, on a case by case basis, such alternative methods that meet standards of good engineering practice.
6. Where a cut or disturbance is made by a right-of-way user to a section of a street or a sidewalk paving, rather than replacing only the area cut, the right-of-way user shall replace the full width of the existing sidewalk or street paving and the full length of the section or sections cut, a section being that area marked by expansion joints or scoring, or as directed by the City.
7. Right-of-way users shall maintain, repair and keep in good condition for a period of two (2) years following such disturbance all portions of the City street surface disturbed by a right-of-way user. Landscaping that is so disturbed shall be repaired and maintained for a period of one year. Grass that is so disturbed shall be repaired and maintained for a period of 60 days or such period of time necessary to establish 70% success in grass growth.
8. No right-of-way user or any person acting on the right-of-way user's behalf shall commence any non-emergency work in the City right-of-way without five (5) working days' advance notice to the City. In the event of an emergency involving public safety, the Superintendent of Public Works may issue the permit orally, but the written documentation of the application for and

issuance of the permit shall be completed as soon as practicable after the work has started.

9. Whenever any existing electric utility facilities, cable television facilities, or other telecommunications facilities are installed underground in a certain segment of the City right-of-way, any other right-of-way user shall also locate its facilities underground in that segment of the City right-of-way.

10. Street crossings and sidewalk crossings by right-of-way user facilities shall be bored at those locations where reasonably required by the Superintendent of Public Works. Some examples of where such boring may be required are: major streets, new streets, and locations of major events that conflict with construction.

11. No permit shall be issued for the installation of right-of-way user facilities in the City right-of-way unless the right-of-way user has filed with the City a registration statement in accordance with this chapter.

12. No permit for installation of right-of-way user facilities in the City right-of-way shall be issued by the City Superintendent of Public Works unless the right-of-way user has paid such installation permit fee as shall be established from time to time by resolution of the City Council.

13. Installation and repair work shall be done in accordance with the City street tree protection policy requirements. All trees, landscaping and grounds removed, damaged or disturbed as a result of installations by a right-of-way user in the City right-of-way shall be replaced or restored as soon as is reasonably possible, in accordance with the City street tree protection policy with respect to effects of construction in the City right-of-way.

156.04 COMPLETION OF INSTALLATIONS. A right-of-way user shall promptly complete all installations in the City right-of-way so as to minimize disruption of the City ways and other public and private property. All installation work authorized by permit within the City right-of-way, including restoration work, shall be completed as soon as possible but not later than 180 days after the date the City Superintendent of Public Works issued a permit for the installation. An extension may be granted for good cause due to circumstances beyond the control of the right-of-way user.

156.05 AS-BUILT DRAWINGS. A right-of-way user shall, within 60 days of making an installation of facilities in the City right-of-way, furnish the City with one complete set of as-built drawings, in an electronic format compatible with the City's mapping system, if required, drawn to scale and certified by the contact person for the right-of-way user as accurately depicting the location of the facilities installed pursuant to the permit. When the Superintendent of Public Works has issued a single installation permit document relative to multiple installations linked in a single project, the as-built drawing pertaining to those installations are not required as aforesaid until 60 days after completion of all installations to be done for the project.

156.06 INTERFERENCE WITH THE CITY. A right-of-way user shall so construct, maintain, operate and locate its facilities in the City right-of-way so as not to interfere with the construction, location, maintenance and operation of City sewer, water, drainage, electrical, communications, signal and fiber optic facilities, or any other operations or facilities of the City. The City shall have the right and power by resolution of its Council, or by order of its Superintendent of Public Works, to specifically direct the location of right-of-way user facilities with reference to City facilities existing or proposed, in such a manner as shall serve the public use and convenience. Failure or refusal by a right-of-way user to promptly follow such directions shall be a violation of this section.

156.07 RELOCATION OR REMOVAL. Within 60 days following written notice from the City, a right-of-way user shall, at its own expense, temporarily or permanently relocate, change or alter the position of any facilities within the City right-of-way whenever the City shall have determined that such relocation, change or alteration is reasonably necessary for the construction, repair, maintenance, or installation of any City public improvement, or for the operations of the City in or upon the City right-of-way.

156.08 REMOVAL OF UNAUTHORIZED FACILITIES. Within 30 days following written notice from the City, a right-of-way user that owns, controls or

maintains any unauthorized facility within the City right-of-way shall remove such facilities from the City right-of-way at the right-of-way user's sole expense. A facility is unauthorized if:

1. Any license, permit or authorization required by Federal, State or City regulations with respect to the facilities has not been obtained, or has been revoked, or allowed to expire.
2. The facilities are not installed in accordance with the permit for installation or other requirements of this chapter.

156.09 COMPLIANCE WITH PERMIT. All installation work and activities for right-of-way user facilities in the City right-of-way shall be in accordance with the installation permit issued by the Superintendent of Public Works. Any work done that is not in accordance with an applicable installation permit shall be a violation of this section by the right-of-way user, and failure to do work required by an installation permit shall be a violation by the right-of-way user, regardless of involvement of agents or contractors of the right-of-way user.

156.10 EMERGENCY REMOVAL OR RELOCATION. The City shall have the right and power to cut or move any right-of-way facilities in the City right-of-way as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. The City shall endeavor to give notice of such emergency disruption, but nothing in this chapter shall be deemed to create a duty to give such notice. Restoration of right-of-way facilities that have been cut or moved as aforesaid shall be done by the right-of-way user at its own expense.

156.11 COORDINATION OF INSTALLATIONS. All right-of-way users with facilities in the City right-of-way or who expect to install facilities in the City right-of-way shall coordinate such activities with the City and with each other right-of-way user. Between January 1 and February 1 of each year, all registered right-of-way users shall provide to the City a schedule of their anticipated installations in the City right-of-way for that calendar year. Each registered right-of-way user shall meet with the City, and with the other registered right-of-way users as scheduled by the City Superintendent of Public Works, to schedule and coordinate installation of right-of-way user facilities in the City right-of-way, so as to minimize public inconvenience and costs.

156.12 INSURANCE AND BOND REQUIREMENTS.

1. A right-of-way user that has or expects to install facilities within the City right-of-way shall maintain in effect such insurance as the City shall reasonably deem appropriate to the nature of the facilities installed or to be installed, and the location of such installations.
2. The Superintendent of Public Works may require performance security in an amount commensurate with the scope of the work, to secure satisfactory installation in accordance with the installation permit, by means of an

irrevocable letter of credit in a form approved by the City Attorney, or by cash deposit.

156.13 POLE ATTACHMENTS.

1. Nothing in this chapter shall be deemed to require a right-of-way user to attach its facilities to the utility poles of any other right-of-way user. Installation of right-of-way user facilities underground in the same places where other right-of-way user facilities are attached to an existing set of utility poles shall be permitted.

2. Nothing in this chapter shall be deemed to confer upon any right-of-way user any right or entitlement to make any attachment to the utility poles of any other right-of-way user.

3. At those locations on the City right-of-way where there are already existing utility poles of some other right-of-way user, a second set of poles is strictly prohibited, except when done by or at the request of the City. If there is not sufficient space on the existing utility poles for attachment of the proposed additional right-of-way user facilities, or if the right-of-way user proposing to install right-of-way user facilities at the site of the existing poles cannot reach an agreement with the owner of the poles to allow attachment of those facilities, then those facilities shall be installed underground.

156.14 APPEAL TO COUNCIL. A right-of-way user that is denied registration, denied a right-of-way installation permit, that has its right-of-way installation permit revoked, or that believes that the fees imposed do not conform to the requirements of Chapter 480A, Code of Iowa, may request in writing that such denial, revocation or fee imposition be reviewed by the City Council. The Council shall act within 60 days of a timely written request. A decision by the Council affirming the denial, revocation, or fee imposition must be in writing and supported by a written finding establishing the reasonableness of the decision.

156.15 NO EASEMENT; PERMISSION ONLY; NOT ASSIGNABLE. The provisions of this chapter, and the permits and authorizations granted pursuant to this chapter, shall not be deemed to create or grant to anyone any easement, estate, or interest in the property of the City. A permit to install right-of-way user facilities in the City right-of-way is a mere license – that is, an authorization to the stated entity to go onto the land of the City to do only that which is explicitly stated by the permit – that may be revoked by the City as provided in this chapter, and that cannot be assigned to another. A right-of-way user that occupies City right-of-way or makes an installation of facilities in the City right-of-way on the basis of a purported assignment of an installation permit granted to another entity, shall be in violation of this section.

156.16 FRANCHISE FEE CREDIT. For a right-of-way user that pays a franchise fee, the amount of any registration fee paid per Section 156.02 and any installation permit fee paid per Section 156.03 shall be applied as a credit to reduce the amount due for the franchise fee.

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CHAPTER 157

BUILDING CODE

157.01 Short Title	157.07 Effective Date of Resolution Setting Fees
157.02 Administrative Provisions	157.08 Effective Date and Amortization Period for Existing Structures
157.03 Adoption of Building Codes	157.09 Penalties
157.04 Permits	157.10 Control and Cleaning of Rights-of-Way
157.05 Fees	157.11 Sanitation
157.06 Site Control	

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

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

157.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following Codes are hereby adopted by reference as, and constitute, the Building Code of the City:

1. The *International Building Code*, 2003 Edition and Appendix Chapters, as published by the International Code Council, amended as follows:
 - A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 101.4.1. Electrical. After ICC Electrical Code insert “and the National Electrical Code, 2002 Edition, as published by the National Fire Protection Association.”
 - C. Sec. 104.11. Alternative methods. After paragraph insert “the Iowa Administrative Code 66 1, chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”
 - D. Sec. 108.2. Fees. “In accordance with the resolution setting fees as established by City of Huxley.”

- E. Sec. 108.3. Valuations. At the end of last sentence delete period and insert “using the latest Building Valuation Data Sheet.”
 - F. Sec. 1612.3. Insert “City of Huxley, Iowa.”
 - G. Sec. 1612.3. Insert date of latest flood map.
2. The *International Mechanical Code* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 106.6.2. Fees. Insert “in accordance with the resolution setting fees as established by City of Huxley.”
 - C. Sec. 108.4. Penalties. Insert “per Municipal Infractions as listed in the Municipal Code of the City of Huxley.”
 - D. Sec. 108.5. Stop work. Insert “up to \$100.00.”
3. The *International Plumbing Code* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. 101. 1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 106.6.2. Fees. Insert “in accordance with a resolution adopted from time to time by the City Council setting fees.”
 - C. Sec. 108.4. Penalties. Insert “per Municipal Infractions as listed in the Municipal Code of the City of Huxley.”
 - D. Sec. 108.5. Stop work. Insert “up to \$100.00.”
 - E. Sec. 305.6.1 Insert “42 inches” in 2 places.
 - F. Sec. 904.1 Insert “12 inches.”
4. The *National Electrical Code* and Appendix Chapters, 2002 Edition, as published by the National Fire Protection Association, amended as follows:
- A. Permit fees for electrical work shall be set as per resolution adopted by the City Council of the City of Huxley, Iowa.
5. The *International Fire Code* and Appendix Chapters, 2003 Edition, as published by the National Fire Protection Association, amended as follows.
- A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 109.3. Penalties. Insert “per the Municipal Code of the City of Huxley, Iowa, under the chapter titled Municipal Infractions.”
 - C. Sec. 111.4. Stop work. Insert “up to \$100.00.”
6. The *Life Safety Code* and Annex A & B, 2003 Edition, as published by the National Fire Protection Association.
7. The *International Property Maintenance Code*, 2003 Edition, as published by the International Code Council, amended as follows:

- A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 103.6. Fee Schedule. Insert “per resolution adopted by the City Council of the City of Huxley, Iowa” and “Rental Housing Compliance Inspection Fee Schedule.”
 - C. Sec. 303.14. Screens. Insert “April 15” and “September 15.”
 - D. Sec. 602.3. Heat. Delete “during the period from (date) to (date).”
 - E. Sec. 602.4. Work spaces. Delete “during the period from (date) to (date).”
8. The *International Residential Code for One & Two Family Dwellings* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. R101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. R104.11. Alternative methods. After paragraph insert “The Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes.”
 - C. Sec. R108.2. Permit fees. Insert “per resolution adopted by the City Council of the City of Huxley, Iowa, to set the regular Building Permit Fee Schedule.”
9. The *International Energy Conservation Code* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
10. *International Fuel Gas Code* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. 101. 1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 105.5.2. Fee Schedule. Insert “per resolution adopting and setting the fee schedule for the Mechanical and Plumbing permit fees.”
 - C. Sec. 108.4. Penalties. Insert “per the Municipal Code of the City of Huxley, Iowa, under the chapter titled Municipal Infractions.”
 - D. Sec. 108.5. Stop work. Insert “up to \$100.00” (amount in two places).
11. The *International Existing Building Code* and Appendix Chapters, 2003 Edition, as published by the International Code Council, amended as follows:
- A. Sec. 101.1. Title. Insert “City of Huxley, Iowa.”
 - B. Sec. 108.2. Permit fees. Delete after “established” and insert “for the various disciplines herein adopted.”

157.04 PERMITS. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the City for issuance of a building permit. To obtain a permit, the applicant shall first file an application in writing on approved "City of Huxley - Building Permit" forms. The application, at a minimum, shall include the following:

1. Identify and describe the work to be covered by the permit for which the application is made;
2. Describe the land on which the proposed work is to be done by legal description and street address, or by similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use and occupancy for which the proposed work is intended;
4. Be accompanied by construction documents, including but not limited to: a site plan showing building location; floor plan for each level of the building being constructed; elevations of all sides of the structure; electric, gas, mechanical and plumbing system diagrams and complete listing of the materials to be used;
5. State the valuation of the proposed work;
6. Propose a start date and intended term of construction;
7. Be signed by the applicant, or applicant's authorized agent; and
8. Provide such other data and information as required by the Building Official.

Every permit issued shall become invalid unless work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work has commenced. The Building Official is authorized to grant, in writing, one or more extensions or time, for periods not more than 180 days for justifiable cause demonstrated.

157.05 FEES. Fees shall be assessed in accordance with a resolution adopted from time to time by the Council. The applicant for a permit shall provide an estimated permit value at the time of application. Permit applications shall include total value of work, including materials and labor for which the permit is being issued. If, in the opinion of the Building Official, the valuation of the project/construction is underestimated on the permit application, the Building Official shall determine the value of the project based on the latest Building Valuation Data Sheet as published by the International Council of Building Officials Standards.

157.06 SITE CONTROL. During the course of the project/construction, contractor shall keep the site clean and have properly taken care of soil control to prevent soil

erosions. Contractor shall have in place a dumpster, no less than 20 cubic yards, by the start of framing. The dumpster shall be emptied periodically to prevent waste from blowing onto property and adjoining property. Contractor must keep street clean of mud and other building material and waste. Controls must be in place to prevent soil eroding onto streets. If a contractor is notified to clean mud and debris that is on the street placed there from activity of the construction must clean street no later than 48 hours from being notified. Until a functioning toilet is in place on the premises, contractor must have a portable toilet on or near the site for workers to use. No burning of building waste shall be done within the corporate limits of the City. The Building Official may, at the Building Official's discretion, order the suspension of work until the site is brought into compliance.

157.07 EFFECTIVE DATE OF RESOLUTION SETTING FEES. The effective date of the permit fees as adopted by resolution shall be in full force and effect April 4, 2005. Permits that have been lawfully issued by the City prior to April 4, 2005, shall remain in effect. The provisions of this chapter for the issuance of a certificate of occupancy for existing permits shall be the same for permits issued for new permits issued April 4, 2005, and after.

157.08 EFFECTIVE DATE AND AMORTIZATION PERIOD FOR EXISTING STRUCTURES. The codes adopted by Ordinance 356 are enforceable with respect to new construction and any alteration that adds additional cubic footage to an existing structure from and after April 7, 2005. For any structure completed on or before April 7, 2005, no enforcement of the codes adopted by Ordinance 356 shall be commenced until January 1, 2007.

157.09 PENALTIES.

1. The City shall not issue new permits to an applicant who has been assessed fees or penalties and who has not paid such fees or penalties.
2. The City shall assess a minimum penalty of \$500 for occupancy without permit, for work on City utilities without permits or inspections.
3. The City may forfeit any required deposit in payment of a penalty assessed and unpaid when due.
4. The Council may, from time to time, prescribe by separate resolution a schedule of penalties for various building code infractions.
5. The City Administrator may suspend or waive an order or a penalty assessed by the Building Official for good cause shown and may correct errors made by the Building Official and may enter into agreements for compliance. An aggrieved party may appeal the decision of the City Administrator to the Council, which may affirm, reverse, or modify the penalty or other order. If the Building Official determines that a condition which is the subject of such order is an imminent threat to health or safety of the public, the order shall be complied with as required by the Building Official and shall not be stayed pending appeal.

157.10 CONTROL AND CLEANING OF RIGHTS-OF-WAY.

1. If the Building Official gives a notice to clean the street before noon, the contractor shall clean the street by 3:00 p.m. of the same day. If the Building Official gives a notice to clean the street after noon, the contractor shall clean the street by 10:00 a.m. of the next day.
2. Building materials, equipment and debris shall not be stored in the right-of-way and only will be stored on a building site. Dumpsters may be moved to the street temporarily, with permission from the City.
3. If the City deems that debris or building materials in the street are a hazard to vehicle or pedestrian safety and immediate action is necessary, the City may take the necessary action to remove the hazard and may bill the cost to the contractor or developer.

157.11 SANITATION. Portable toilets must be placed on each commercial or industrial development that does not have permanent facilities available on site. Portable toilets are not required at each residential work site. The City may order a portable toilet placed on a site if, in the opinion of the City, a health issue is present.

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CHAPTER 158

PUBLIC IMPROVEMENTS

158.01 Urban Design Standards
158.02 Urban Standard Specifications

158.03 Additional Standards

158.01 URBAN DESIGN STANDARDS. The *Iowa Statewide Urban Design Standards for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2004, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City's design standards for public improvements.

158.02 URBAN STANDARD SPECIFICATIONS. The *Iowa Statewide Urban Standard Specifications for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2004, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City's standard specifications for public improvements.

158.03 ADDITIONAL STANDARDS. In addition to the standards set forth in this chapter and consistent with Section 166.19 of this Code of Ordinances, the Council may, from time to time, adopt by resolution, technical standards or specifications for public improvements. Such technical standards or specifications may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards or specifications for public improvements shall have such force and effect as if they were fully set forth in this section.