

TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - LAW ENFORCEMENT  
CHAPTER 1 - PUBLIC OFFENSES

ARTICLE I  
PUBLIC PEACE

2.1-1.0101 ASSAULT AND BATTERY.

It shall be unlawful for a person to apply, or to threaten or attempt to apply, an unlawful and unpermitted physical force to the person of another in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat.

(Code of Iowa, 1975, Sec. 694.1)

2.1-1.0102 AFFRAY.

It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

(Code of Iowa, 1975, Sec. 727.1)

2.1-1.0103 DISTURBANCE OF PEACE: ASSEMBLIES.

It shall be unlawful for a person to make or excite any disturbance in a tavern, store or grocery, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

(Code of Iowa, 1975, Sec. 744.1)

2.1-1.0104 DISTURBING CONGREGATIONS OR OTHER ASSEMBLIES.

It shall be unlawful for a person to willfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, or literary society or other lawful assembly of persons.

(Code of Iowa, 1975, Sec. 744.2)

2.1-1.0105 DISTURBING OF PEACE: NOISE.

It shall be unlawful for a person to disturb the peace by excessive, loud or unusual noise, by blowing horns or

ringing bells, or by the use of sirens, radios or any type of speaking devices or noise makers.

2.1-1.0106 UNLAWFUL ASSEMBLY AND RIOT.

It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act, or when together to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

(Code of Iowa, 1975, Sec. 743.1 and 2)

2.1-1.0107 ASSAULTING POLICE OFFICERS.

It shall be unlawful for a person or persons to assault city police officers, or threaten or attempt to apply an unlawful and unpermitted use of physical force, or with the apparent ability to execute any attempt or threat. He shall be guilty of a misdemeanor, and be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not more than thirty (30) days.

(Ord. 194, 1980)

2.1-1.0108 EXCESSIVE NOISE PROHIBITED DURING CERTAIN HOURS.

No persons or businesses shall be allowed to cause excessive noise as to disturb the peace of others before 6:00 A.M. and after 10:00 p.m. This shall include excessive, loud or unusual noise, by music, radios or any type of speaking devices or noisemakers, blowing horns or ringing bells, pounding of any type on construction or mechanical devices or projects, power saws of any type, any type of vehicle repairs or reconstruction, lawn or garden maintenance, noisy or bothersome animals, screaming or fighting, operation of any business not in the business zoned area causing a disturbing noise, or any other disturbing noises not within the 6:00 A.M. to 10:00 p.m. time limit. This excludes emergency vehicles, trains and normal boat and automobile traffic on designated routes.

(Ord. 259, 1989)

2.1-1.0109 NOISE DISTURBANCE FROM MOTOR VEHICLES.

1. It is unlawful for any person owning or operating a motor vehicle to create, cause, permit, produce, or play a radio, stereo, or similar device which produces or amplifies

sound in such a manner as to create or cause a noise disturbance, which shall be defined as any sound which annoys or disturbs a reasonable person of normal sensitivities and which can be heard at a distance of fifty (50) feet or more from the source, when such motor vehicle is operated or parked on a public right-of-way or public property.

2. This section shall not apply to loudspeaker/public address systems and emergency signaling devices, including car alarms.

3. A person in violation of this section commits a simple misdemeanor and upon conviction shall be assessed a fine in the sum of twenty-five dollars (\$25.00) plus such applicable fees as surcharge and court costs.

4. If a person is found guilty or pleads guilty to a third or subsequent violation of this section occurring within a six-month period, each such violation shall result in a scheduled fine of one hundred dollars (\$100.00).

(Ord. 345, 1997; Ord. 342, 1997;  
Iowa Code Secs. 805.8(1), 911.2)

## ARTICLE 2 PUBLIC MORALS

### 2.1-1.0201 PROSTITUTION.

It shall be unlawful for any person to engage in, assist, or in any manner promote prostitution within the city. For the purpose of this section, the following acts are prohibited and the commission of any such act or acts shall constitute a violation of the city code.

1. Prostitutes. To resort to, use, occupy or inhabit for the purpose of prostitution or lewdness any house of ill-fame or place kept for such purpose, or to be found at any hotel, boarding house, store or other place, leading a life of prostitution.

(Code of Iowa, 1975, Sec. 724.1)

2. Soliciting. To ask, request or solicit another to have carnal knowledge with any male or female for a consideration or otherwise.

(Code of Iowa, 1975, Sec. 724.2)

3. Keeping House of Ill Fame. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness.

(Code of Iowa, 1975, Sec. 724.3)

4. Leasing House For Prostitution. To let any house, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purposes.

(Code of Iowa, 1975, Sec. 724.6)

2.1-1.0202 BLASPHEMOUS OR OBSCENE LANGUAGE.

It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

(Code of Iowa, 1975, Sec. 728.1)

2.1-1.0203 VAGRANCY.

It shall be unlawful for a person to be at large, not in the care of some discreet person, in a state of vagrancy. For the purpose of this chapter, the following persons are vagrants:

(Code of Iowa, 1975, Sec. 746.6)

1. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.

(Code of Iowa, 1975, Sec. 746.1)

2. All habitual drunkards, gamesters, or other disorderly persons.

(Code of Iowa, 1975, Sec. 746.1)

3. All persons wandering about and lodging in barns, outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.

(Code of Iowa, 1975, Sec. 746.1)

4. All persons begging in public places, or from house to house, or persons inducing children or others to do so.

(Code of Iowa, 1975, Sec. 746.1)

5. All persons representing themselves as collectors of alms for charitable institutions under any false or fraudulent pretenses.

(Code of Iowa, 1975, Sec. 746.1)

2.1-1.0204 INDECENT PUBLIC EXPOSURE.

No person shall expose those parts of his or her body hereinafter listed to another in any public place, or in any place where such exposure is seen by another person or persons in any public place:

1. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant.

2. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

ARTICLE 3  
MINORS

2.1-1.301 CURFEW

1. Definition. The term "minor" shall mean, in this section, any unemancipated person below the age of eighteen (18) years.

2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets, or public places or places of business and amusement in the city between the hours of 10 pm and 5 am of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and the hours of 11 pm and 5 am on Saturday and Sunday.

3. Exceptions. The restriction provided by Section 2.1-1.0301(2) shall not apply to any minor who is accompanied by a parent, legal guardian, or other adult authorized by a parent to accompany said minor; when the minor is traveling, via direct route, to or from a place of employment or in conjunction with employment duties; when the minor is traveling through the city from and to desti-

nations outside the city and when such travel is by direct route; when the minor is returning home by a direct route from and within 30 minutes from the termination of a school, church, or government sponsored activity or event.

(Ord. 416, 2007)

2.1-1.0302 MINORS IN BILLIARD ROOMS.

It shall be unlawful for any person who keeps a billiard hall where beer is sold, or the agent, clerk, or employee of any such hall, to permit any minor under eighteen (18) years of age to remain in such hall or to take part in any of the games known as billiard or pool.

(Code of Iowa, 1975, Sec. 726.9)

2.1-1.0303 MINORS IN TAVERNS.

It shall be unlawful for any person under the age of eighteen (18) years of age to enter, remain in, or frequent a business establishment holding a retail liquor or beer permit unless over fifty (50) percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods.

2.1-1.0304 MINORS AND CIGARETTES OR TOBACCO.

It shall be unlawful for any person under the age of eighteen (18) years of age to be in possession of or smoking of any tobacco. The scheduled city fine will be twenty-five dollars (\$25.00).

(Ord. 350, 1997)

ARTICLE 4  
PUBLIC HEALTH AND SAFETY

2.1-1.0401 SPITTING.

It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

(Code of Iowa, 1975, Sec. 170.24)

2.1-1.0402 SALE OF TAINTED FOOD.

It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or

other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

2.1-1.0403 STENCH BOMBS.

It shall be unlawful to 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, upon or about any theatre, restaurant, car, structure, place of business or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to 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, prison officials 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.

(Code of Iowa, 1975, Sec. 732.10, 12 and 13)

2.1-1.0404 FIREWORKS.

1. Definition. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance.

(Code of Iowa, 1975, Sec. 732.17)

2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when such fireworks display will be handled by a

competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of issuance in the following amounts:

Personal injury:	\$100,000 per person
Property damage:	\$50,000 per person
Total exposure:	\$1,000,000

This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, 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 sold for medicinal or fumigation purposes. Only the Buffalo fire department, under direction of the fire chief or his appointed other, shall be allowed to display fireworks.

(Ord. 326, 1996; Code of Iowa, 1975, Sec. 732.18)

2.1-1.0405 FALSE ALARMS.

It shall be unlawful for a person to give or cause to be given a false alarm of fire by setting fire to any combustible material, or by crying or sounding an alarm, or by any other means, without cause.

(Code of Iowa, 1975, Sec. 714-31)

2.1-1.0406 IMPERSONATING AN OFFICER.

It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa department of public safety or conservation officer, and take upon himself to act as such or require anyone to aid or assist him in any manner.

(Code of Iowa, 1975, Sec. 740.5)

2.1-1.0407 RESISTING EXECUTION OF PROCESS.

It shall be unlawful for a person to knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to know-

ingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process.

(Code of Iowa, 1975, Sec. 742.1)

2.1-1.0408 REFUSING TO ASSIST AN OFFICER.

If any person, being lawfully required by any sheriff, deputy sheriff, constable or other peace officer, willfully neglects or refuses to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue, he shall be considered to have violated the city code.

(Code of Iowa, 1975, Sec. 732.3)

2.1-1.0409 RESISTING ARREST.

It shall be unlawful for any person to attempt to escape from, or to forcibly resist, any peace officer while said officer is in the process of arresting such person or maintaining custody of such person.

(Ord. 213, 1982)

2.1-1.0410 ANTENNA AND RADIO WIRES.

It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0411 DISCHARGING WEAPONS.

It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the city limits except by authorization of the council.

2.1-1.0412 THROWING AND SHOOTING.

It shall be unlawful for a person to throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

(Code of Iowa, 1975, Sec. 364.12 [2])

2.1-1.0413 INTERFERENCE WITH CITY OFFICERS.

It shall be unlawful for a person to interfere with or hinder any policeman, fireman, officer, or city official in the discharge of his duty.

2.1-1.0414 BARBED WIRE.

From and after September 1, 1975 it shall be unlawful for a person to use barbed wire to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land.

2.1-1.0415 CARRYING CONCEALED WEAPONS.

1. Prohibition, It shall be unlawful for any person, except as hereinafter provided, to go armed with or to carry, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him. No person shall carry a pistol or revolver concealed on or about his person or whether concealed or otherwise in any vehicle operated by him, except in his dwelling house or place of business or on other land possessed by him, without a permit from the sheriff of the county.

(Code of Iowa, 1973, Sec. 695.2)

2. Exemptions, It shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of lawful hunting, lawful sale or attempted sale, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either (1) in the trunk compartment of a vehicle or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefore.

(Code of Iowa, 1975, Sec. 695.2)

2.1-1.0416 INHALATION OF CERTAIN FUMES.

1. Definition, For use in this section the following terms are defined:

A. "Cleaning solvent": shall mean any material or substance which contains hydro-carbons and has the capability of releasing toxic vapors.

B. "Gasoline": shall mean any petroleum product which gives off or otherwise releases toxic vapors.

C. "Model glue": shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles, containing toluene, acetone or other solvent or chemical having the property of releasing toxic vapors.

2. Prohibition. It shall be unlawful for a person, for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, to intentionally smell or inhale the fumes from any nodal glue, gasoline, cleaning solvent or any other substance containing hydrocarbons or any other agents capable of releasing toxic vapors.

2.1-1.0417 DEPOSIT OF HUMAN BODY WASTE ON STREETS.

It shall be unlawful to deposit any human body waste on city street(s) or in any undesignated area within the city limits of Buffalo.

(Ord. 192, 1980)

2.1-1.0418 DANGEROUS WEAPONS.

1. "Dangerous weapon" means any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, brass knuckles, butterfly knife, dagger, razor, stiletto or concealed knife having a blade of three inches or longer in length, or nunchuku, sai, kama, tonfa, or throwing star.

2. No person shall sell, give, or otherwise supply offensive weapons as defined in subsection 1 of this section to any person knowing or having reasonable cause to believe him to be under eighteen (18) years of age, and no person or persons under eighteen (18) years of age shall individually or

jointly have offensive weapons in his or their possession or control.

3. This section shall not apply to any of the following:

A. A person under eighteen (18) years of age, within a private home, and with the knowledge and consent of the parent or guardian;

B. A person under the age of eighteen (18) years of age upon the premises of a martial arts school or studio, such school possessing all licenses necessary to conduct the business of teaching and instructing persons in the martial arts and such person under the age of eighteen (18) having the written authorization to so participate from his or her parent or guardian.

C. Anyone violating any of the provisions of this section is guilty of a simple misdemeanor and upon conviction is subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that a violation continues to exist shall constitute a separate offense.

(Ord. 238, 1986)

## ARTICLE 5 PUBLIC PROPERTY

### 2.1-1.0501 DEFACING PUBLIC GROUNDS.

It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

(Code of Iowa, 1975, Sec. 364.1 and 364.1 [2])

### 2.1-1.0502 INJURING NEW PAVEMENT.

It shall be unlawful for a person to 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.

(Code of Iowa, 1975, Sec. 364.1 [2])

2.1-1.0503 DESTROYING PARK EQUIPMENT.

It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

(Code of Iowa, 1975, Sec. 364.1 [2])

2.1-1.0504 DEFACING PROCLAMATIONS OR NOTICES.

It shall be unlawful for a person to 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 this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, 1975, Sec. 714.20)

2.1-1.0505 INJURY TO FIRE APPARATUS.

It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

(Code of Iowa, 1975, Sec. 714.28)

2.1-1.0506 DAMAGE TO PUBLIC PROPERTY.

It shall be unlawful for a person to 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 to willfully tap, cut, injure, break, disconnect, connect, make 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 to aid or abet any other person in so doing.

(Code of Iowa, 1975, Sec. 716.7)

2.1-1.0507 INJURY TO CEMETERY PROPERTY.

It shall be unlawful for a person to 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 other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, 1975, Sec. 714.23)

ARTICLE 6  
PRIVATE PROPERTY

2.1-1.0601 TRESPASSING PROHIBITED.

It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in private property without legal justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 1975, Sec. 729.1 [2a])

2. Vacate Property When Requested. Enter or remain upon or in private property without legal justification after being notified or requested to abstain from entering or to remote or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

(Code of Iowa, 1975, Sec. 729.1 [2b])

3. Interfere With Lawful Use of Property. Enter upon or private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, 1975, Sec. 729.1 [2c])

4. Use of Property Without Permission. Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, 1975, Sec. 729.1 [2d])

2.1-1.0602 TELEGRAPH OR TELEPHONE WIRE TAPS.

It shall be unlawful for a person to wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person engaged in the transmission of messages on telephones or telegraph lines.

(Code of Iowa, 1975, Sec. 716.8)

ARTICLE 7

DISCRIMINATORY HOUSING PRACTICES

2.1-1.0701 DECLARATION OF POLICY.

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons.

(Ord. 201, Sec. 1, 1980)

2.1-1.0702 DEFINITIONS.

When used herein:

1. "Real property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

2. "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this article.

3. "Person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

4. "Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

5. "Financial institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

6. "Real estate broker" or "real estate salesman" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

7. "Housing accommodation" or "dwelling" means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.

8. "Mortgage broker" means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by Texas Statutes.

9. "Open market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

(Ord. 201, Sec. 2, 1980)

#### 2.1-1.0703 UNLAWFUL PRACTICES.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the city for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

2. To discriminate against any person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith; or

3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase,

rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, or national origin, sex or place of birth; or

6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;

7. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, or any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex or national origin or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

A. The lowering of property values in the area,

B. An increase in criminal or antisocial behavior in the area, or

C. A decline in the quality of schools serving the area;

9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated

listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the city for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

10. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this article; or

12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this article; or to obstruct or prevent any person from complying with the provisions of this article; or any order issued thereunder; or

13. By canvassing, to commit any unlawful practices prohibited by this article;

14. Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or

15. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in

connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

16. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin.

(Ord. 201, Sec. 3, 1980)

2.1-1.0704 EXEMPTIONS.

This article shall not apply to:

1. A religious organization, association, or society or any non-profit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex or national origin;

2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members;

3. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period; provided further, that such bona fide private individual

owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:

A. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and

B. Without the publication, posting or mailing, after notice, of any advertisement of written notice in violation of the provisions of 42 United States Code Section 3604 (c) or of Section 2.1-1.0703; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(Ord. 201, Sec. 4, 1980)

#### 2.1-1.0705 PROCEDURE.

Any person aggrieved by an unlawful practice prohibited by this article may file a complaint with the city attorney within thirty days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty days after the alleged unlawful practice occurred. The city attorney or his duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this article shall cause the city attorney to forward the complaint and his findings to appropriate state and federal officials.

(Ord. 201, Sec. 5, 1980)

2.1-1.0706 OTHER REMEDIES.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

(Ord. 201, Sec. 6, 1980)

2.1-1.0707 PENALTIES.

Any person violating any provision of this article shall, upon conviction thereof, be punished as provided by law.

(Ord. 201, Sec. 7, 1980)

ARTICLE 8  
DRUG PARAPHERNALIA

2.1-1.0801 DEFINITIONS.

The following words shall have the following meanings when used in this chapter:

1. The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Act. It includes, but is not limited to:

A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

D. Testing equipment used, intended for use, or designed for use in weighing or measuring controlled substances;

E. Scales and balances used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

I. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

J. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

L. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,

(2) Water pipes,

- (3) Carburetion tubes and devices,
- (4) Smoking and carburetion masks,
- (5) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand,
- (6) Miniature cocaine spoons and cocaine vials,
- (7) Chamber pipes,
- (8) Carburetor pipes,
- (9) Electric pipes,
- (10) Air-driven pipes,
- (11) Chillums,
- (12) Bongs,
- (13) Ice pipes or chillers.

2. The term "controlled substance" means a controlled substance as defined in the Act.

3. The term "Act" means the Uniform Controlled Substances Act, Chapter 204, Code of Iowa, and regulations promulgated thereunder.

(Ord. 274, Sec. 1 (part), 1991)

2.1-1.0802 CRITERIA FOR DETERMINING DRUG  
PARAPHERNALIA.

In determining whether an object is drug paraphernalia, a court and the police department should consider the following factors in addition to all other logically relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of the Act or this chapter;

4. The proximity of the object to controlled substances;

5. The existence of any residue of controlled substances on the object;

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of the Act or this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Act or this chapter should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community;

14. Expert testimony concerning its use.

(Ord. 274, Sec. 1 (part), 1991)

2.1-1.0803 POSSESSION PROHIBITED.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Act.

(Ord. 274, Sec. 1 (part), 1991)

2.1-1.0804 MANUFACTURE OR DELIVERY PROHIBITED.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Act.

(Ord. 274, Sec. 1 (part), 1991)

2.1-1.0805 ADVERTISEMENT PROHIBITED.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. 274, Sec. 1 (part), 1991)

2.1-1.0806 PENALTY FOR VIOLATION.

Any person, firm, or corporation who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be fined up to one hundred dollars (\$100.00) or imprisoned in the county jail for not more than thirty (30) days.

(Ord. 274, Sec. 1 (part), 1991)

CHAPTER 2 - TRAFFIC CODE

ARTICLE 1  
GENERAL PROVISIONS

2.1-2.0101 TITLE.

This chapter may be known and cited as the Buffalo Traffic Code".

2.1-2.0102 DEFINITIONS.

Where word and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

1. "Park or Parking": shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

2. "Stand or Standing": shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or charging passengers.

3. "Stop": shall mean when required, the complete cessation of movement.

4. "Stop or Stopping": shall mean, when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control sign or signal.

5. "Business District": shall mean the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

(Code of Iowa, 1975, Sec. 321.1 [57])

6. "Residence District": shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

(Code of Iowa, 1975, Sec. 321.1 [58])

7. "School District": shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.

(Code of Iowa, 1975, Sec. 321.1 [59])

8. "Suburban District": shall mean all other parts of the city not included in the business, school or residence districts.

(Code of Iowa, 1975, Sec. 321.1 [60])

9. "Peace Officer": shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Code of Iowa, 1975, Sec. 321.1 [45])

10. "Traffic Control Device": shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

(Code of Iowa, 1975, Sec. 321.1 [62])

#### 2.1-2.0103 ADMINISTRATION AND ENFORCEMENT.

Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the chief of police.

(Code of Iowa, 1975, Sec. 372.13 [4])

#### 2.1-2.0104 POWER TO DIRECT TRAFFIC.

A peace officer, and any officer of the fire department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency traffic may be directed as conditions require notwithstanding the provisions of the traffic laws.

2.1-2.0105 TRAFFIC ACCIDENTS: 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 city for the confidential use of the peace officers and shall be subject to the provisions of Section 321.271 of the Code of Iowa, 1973.

(Code of Iowa, 1975, Sec. 321.273 and 321.274)

2.1-2.0106 INVESTIGATION OF TRAFFIC ACCIDENTS.

The chief of police shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

(64th G.A., Ch. 1088, Sec. 59 [4])

2.1-2.0107 TRAFFIC ACCIDENTS: STUDIES.

Whenever the accidents at any particular location become numerous, the chief of police shall conduct studies of such accidents and propose remedial measures.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-2.0108 FILES MAINTAINED.

The chief of police shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three year period.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-2.0109 HABITUAL TRAFFIC VIOLATORS.

The chief of police shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such persons suspended or revoked as provided by state law.

(Code of Iowa, 1975, Sec. 321.201 - 321.215)

2.1-2.0110 ANNUAL SAFETY REPORTS.

The chief of police shall prepare annually a traffic report which shall be filed with the mayor and council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured, the number and nature of violations, and other pertinent traffic data

including plans and recommendations for future traffic safety activities.

(Code of Iowa, 1975, Sec. 372.13 [4])

## ARTICLE 2 TRAFFIC CONTROL DEVICES

### 2.1-2.0201 INSTALLATION.

The chief of police shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this city to make effective its provisions; 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 code of this city or under state law, or to guide or warn traffic. He shall keep a record of all such traffic control devices.

(Code of Iowa, 1975, Sec. 321.254 and 321.255)

### 2.1-2.0202 CROSSWALKS.

The chief of police is hereby authorized, subject to approval of the council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, 1975, Sec. 372.13 [4];  
Code of Iowa, 1975, Sec. 321.255)

### 2.1-2.0203 TRAFFIC LANES.

The chief of police is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this city. Where such 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 any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, 1975,  
Sec. 372.13 [4] and 321.255)

2.1-2.0204 STANDARDS.

Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways.

(Code of Iowa, 1975, Sec. 321.255)

2.1-2.0205 COMPLIANCE.

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, 1975, Sec. 321.256)

ARTICLE 3  
GENERAL REGULATIONS

2.1-2.0301 VIOLATION OF STATE REGULATIONS.

Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire or other emergency incident, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. The police department, when issuing citations, to simplify the code numbers for easier writing and reading by the county clerk, will implement the following: the code number will start with 2.1-2., followed by the last digits or digits and letter of the state code. (Example: Excessive speed is state code 321.285. City code will be written on citations 2.1-2.285. These sections of the Code of Iowa are:

1. Operating non-registered vehicles: 321.17.
2. Registration, License to Drive, Plates, Title, I.D., Motor Vehicle Rental.
  - A. Failure to carry registration card: 321.32;
  - B. Registration violation: 321.34;
  - C. Failure to properly display registration plates: 321.37;

- D. Failure to properly maintain registration plates: 321.38;
- E. Failure to give notice of address or name change: 321.41;
- F. Violation of title transfer: 321.45;
- G. Violation of new title/registration upon transfer to new owner: 321.46;
- H. Violation of title—vehicles acquired for resale: 321.48;
- I. Violations of title—out-of-state sale, junked/ salvaged vehicles: 321.52;
- J. Registration required/certain non-resident carriers: 321.54;
- K. Registration required/other non-resident carriers: 321.55;
- L. Failure to have proper plates (mfr., transporter, dealer): 321.57;
- M. Failure to have proper records of special plates: 321.62;
- N. Failure to deliver/acquire certif. of title upon sale/purchase: 321.67;
- O. Operation without registration: 321.98;
- P. Violations—certificate of title: 321.104;
- Q. Failure to have valid license/permit for operating mtr. vehicle: 321.174;
- R. Operating with expired license: 321.174A;
- S. Violation of conditions of restrictions of a license: 321.193;

T. Violations of conditions of minor's school license: 321.194;

U. Violation of out-of-service order: 321.208A;

V. Unlawful use of license or non-operator's I.D. card: 321.216;

W. Falsifying licenses and forms and non-operator's I.D. cards: 321.216A;

X. Use of license by underage person to obtain alcohol: 321.216B;

Y. Operating without valid license or when disqualified: 321.218;

Z. Permitting unauthorized minor to drive: 321.219;

AA. Permitting unauthorized person to drive: 321.220;

BB. Employing unlicensed chauffeur: 321.221;

CC. Renting motor vehicle to another: 321.222;

DD. Motor vehicle license inspection for motor vehicle rental: 321.223;

EE. Record kept of rental: 321.224;

FF. Failure to prove security against liability (non accident related): 321.20B;

GG. Failure to prove security against liability (accident related): 321.208.

3. Obedience to Peace Officer and Responsibility of Public Officers and Emergency Vehicles to Obey Traffic Regulations.

A. Failure to comply with lawful order of peace officer: 321.229;

- B. Public officers not exempt: 321.230;
  - C. Failure of driver of emergency vehicle to exercise caution: 321.231;
  - D. Radar jamming devices: 321.232;
  - E. Road worker exempted: 321.233;
  - F. Failure to observe seating requirements: 321.234.
4. Traffic Signs, Signals and Markings.
- A. Failure to obey traffic control device: 321.256;
  - B. Failure to yield to pedestrian within intersection: 321.257(2H);
  - C. Failure to respond to yellow (caution) signal: 321.257(2B);
  - D. Vehicles failure to respond to steady red signal: 321.257(2A);
  - E. Pedestrians and bicyclists failing to stop: 321.257(2A);
  - F. Failure to yield—pedestrian—crosswalk under grn arrow: 321.257(2D);
  - G. Failure to obey flashing red stop signal: 321.257(2E);
  - H. Failure to obey flashing yellow signal: 321.257(2F);
  - I. Unauthorized signs, signals and markings: 321.259;
  - J. Interference with devices, signs or signals: 321.260.
5. Accidents and Accident Reporting.
- A. Reporting accidents: 321.266;

- B. Driver unable to report: 321.268.
- 6. Operation of Motorcycles and Motorized Bicycles.
  - A. (1-8) Motorcycle and motorized bicycles violations: 321.275;
  - B. Failure to display safety flag: 321.275.
- 7. Reckless Driving, Drag Racing, Alcohol in Vehicle, Speed, Control or Vehicle and Minimum Speed.
  - A. Careless driving: 321.277A;
  - B. Drag racing prohibited: 321.278;
  - C. Open containers of alcohol in motor vehicles: 321.284;
  - D. Excessive speed: 321.285;
  - E. Failure to maintain control: 321.288;
  - F. Failure to maintain minimum speed: 321.294;
  - G. Excessive speed on bridge: 321.295.
- 8. Driving on Right, Meeting, Passing, Overtaking, Following and Towing.
  - A. Driving on wrong side of two-way highway: 321.297;
  - B. Failure to yield half of roadway upon meeting vehicle: 321.298;
  - C. Passing on wrong side: 321.299;
  - D. Overtaking on the right: 321.302;
  - E. Unsafe passing: 321.303;
  - G.(1) Passing on grade or hill,

(2) Passing too near a bridge, intersection or rail crossing,

(3) Passing contrary to highway signs or markings: 321.304;

H. Violating one-way traffic designation: 321.305;

I. Improper use of lanes: 321.306;

J. Following too closely: 321.307;

K. Following too closely (trucks and towing vehicles): 321.308;

L. Failure to use approved drawbar: 321.309;

M. Unlawful towing of four-wheeled trailer: 321.310.

9. Turning and Starting, Signals on Turning and Stopping.

A. Turning from improper lane: 321.311;

B. Making U-turn on curve or hill: 321.312;

C. Unsafe starting of a stopped vehicle: 321.313;

D. Unsafe turn or failure to give signal: 321.314;

E. Failure to give continuous turn signal: 321.315;

F. Failure to signal stop or rapid deceleration: 321.316;

G. Signal light requirements—see equipment violation: 321.317;

H. Incorrect hand signal: 321.318.

10. Right of Way.

A. Failure to yield to vehicle on right: 321.319;

- B. Failure to yield upon left turn: 321.320;
- C. Failure to yield upon entering through highway:  
321.321;
- D. Failure to obey stop or yield sign: 321.322;
- E. Unsafe backing on highway: 321.323;
- F. Failure to yield to emergency vehicle: 321.324.
- 11. Pedestrian Rights, Blind Person and Safety Zones.
  - A. Pedestrian disobeying traffic control signal:  
321.325;
  - B. Pedestrian walking on wrong side of highway:  
321.326;
  - C. Pedestrian right of way: 321.327;
  - D. Pedestrian failing to use crosswalk: 321.328;
  - E. Vehicle failing to yield to pedestrian: 321.329;
  - F. Use of crosswalks: 321.330;
  - G. Soliciting ride from within roadway: 321.331;
  - H. Unlawful use of white cane: 321.332;
  - I. Failure to yield to a blind person: 321.333;
  - J. Driving in or through safety zone: 321.340.
- 12. Railroad Crossings.
  - A. Failure to properly stop at railroad crossing:  
321.341;
  - B. Failure to obey stop sign at railroad crossing:  
321.342;

C. Failure to stop cargo or passenger vehicle at r.r. crossing: 321.343;

D. Unlawful moving of construction equipment across r.r. track: 321.344.

13. Stopping, Standing or Parking.

A. Unsafe entry into sidewalk or roadway: 321.353;

B. Stopping on traveled part of highway: 321.354;

C. Disabled vehicle: 321.355;

D. Officers authorized to remove: 321.356;

E. Removed from bridge: 321.357;

F. Stopping, standing or parking where prohibited: 321.358;

G. Moving other vehicle: 321.359;

H. Parking too far from curb/angular parking: 321.361;

I. Parking without stopping engine and setting brake: 321.362.

14. Obstructing Driver's View, Hazardous Materials, Crossing Median, Following Fire Apparatus or Crossing Fire Hose, Putting Debris on Streets.

A. Driving with obstructed view or control: 321.363;

B. Contaminated food/hazardous materials: 321.364;

C. Coasting upon downgrade: 321.365;

D. Improper use of median, curb or controlled access facility: 321.366;

E. Failure to maintain distance from fire-fighting vehicle: 321.367;

- F. Crossing unprotected fire hose: 321.368;
- G. Putting debris on highway: 321.369;
- H. Failure to remove debris from highway: 321.370;
- I. Clearing up wrecks: 321.371.

15. School Bus.

A.(1) Failure of school bus driver to use appropriate signals,

(2) Improper discharge of school bus passengers,

(3) Unlawful passing of school bus: 321.372.

16. Unsafe, Slow-Moving Vehicles.

A. Driving or towing unsafe vehicle: 321.381;

B. Operating underpowered vehicle: 321.382;

C. Failure to display reflective device on slow-moving vehicle: 321.383.

17. Lighting Equipment Required and Time of Use.

A. Failure to use headlamps when required: 321.384;

B. Insufficient number of headlamps: 321.385;

C. Insufficient number of headlamps—motorcycles/motor bikes: 321.386;

D. Improper rear lamp(s): 321.387;

E. Improper registration plate lamp: 321.388;

F. Improper rear reflector: 321.389;

G. Reflector requirements: 321.390;

H. Approval of reflectors: 321.391;

- I. Improper clearance lighting on truck or trailer:  
321.392;
- J. Lighting device color and mounting: 321.393;
- K. No lamp or flag on rear-projecting load: 321.394;
- L. Parking on certain roadways without parking lights:  
321.395;
- M. Exception: 321.396;
- N. Improper light on bicycle: 321.397;
- O. Improper light on other vehicle: 321.398;
- P. Improper use of spotlight: 321.402;
- Q. Improper use of auxiliary driving lights: 321.403;
- R. Improper brake light: 321.404;
- S. Self-illumination: 321.405;
- T. Cowl Lamps: 321.406;
- U. Back-up lamps: 321.408;
- V. Improperly adjusted headlamp: 321.409;
- W. Failure to dim: 321.415;
- X. Alternate road-lighting equipment: 321.418;
- Y. Improper headlighting when driving: 321.419;
- Z. Excessive number of driving lights: 321.420;
- AA. Special restrictions on lamps: 321.421;
- BB. Lights of improper color—front and rear: 321.422;

CC.(2) Unauthorized use of emergency vehicle lighting equipment,

(6) Failure to use flashing signal on slow moving vehicle: 321.423.

18. Brakes, Horns, Sirens, Mufflers, Mirrors, Windows, Wipers, Tires, Safety Glass, Safety Belts, Child Restraints, Safety Regulations and Transporting Hazardous Materials.

A. Defective braking equipment: 321.430;

B. Performance ability: 321.431;

C. Defective audible warning device: 321.432;

D. Unauthorized use of emergency audible warning devices: 321.433;

E. Use of siren or whistle on bicycle: 321.434;

F. Defective or unauthorized muffler system: 321.436;

G. Failure to meet mirror requirements,

Failure to have proper exterior mirror (towing): 321.437;

H.(1,3) Windshield/windows requirements,

(2) Dark window/windshield: 321.438;

I. Defective windshield wiper: 321,439;

J. Defective tires: 321.440;

K. Unauthorized use of metal tire or track: 321.441;

L. Unauthorized use of metal projections on wheels: 321.442;

M. Failure to use safety glass: 321.444;

N. Failure to maintain or use safety belts: 321.445;

O. Failure to secure child: 321.446;

P. Failure to comply with safety regulations rules,  
Operation by unqualified driver,

Max. hours of service violation/hours of service evi-  
dence violation,

Operation of maximum hours: 321.449;

Q. Violation of hazardous materials transportation  
regulations: 321.450.

19. Size, Weight, Spills, Towing and Load.

A. Scope and effect: 321.452;

B. Exceptions: 321.453;

C. Width and length violations: 321.454;

D. Excessive side projection of load-passenger vehi-  
cle: 321.455;

E. Excessive height: 321.456;

F. Excessive length: 321.457;

G. Excessive projection from front of vehicle:  
321.458;

H. Excessive weight-dual axles (each 2000 lb. over):  
321.459;

I. Spilling loads on highway: 321.460;

J. Excessive tow-bar length: 321.461;

K. Failure to use required towing equipment: 321.462;

L. Fines for overloads on axles (see schedule):  
321.463;

M. Weighing vehicles and removal of excess: 321.465;

N. Gross wt. in excess of registered gr. wt. (for ea. 2000 lb.): 321.466.

(Ord. 380,2002: Ord. 351, 1997;  
Ord. 343, 1997; Iowa Code Secs.  
321.98, 805.8(1), 911.2;  
Ord. 254, Sec. 1, 1988)

2.1-2.0302 PLAY STREETS DESIGNATED.

The chief of police shall have 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 any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code of Iowa, 1975, Sec. 321.255)

2.1-2.0303 VEHICLES ON SIDEWALKS.

The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

2.1-2.0304 CLINGING TO VEHICLES.

No person shall drive a motor vehicle on the streets of the city unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person 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 to any vehicle upon a roadway.

2.1-2.0305 MUFFLERS.

It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.

(Code of Iowa, 1975, Sec. 321.436)

2.1-2.0306 QUIET ZONES.

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

2.1-2.0307 SCHOOL BUSES.

1. Signals. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

(Code of Iowa, 1975, Sec. 321.372 [1])

2. Lights On. The driver of a school bus shall, while carrying passengers, have its headlights turned on.

(Code of Iowa, 1975, Sec. 321.372 [1])

3. Discharging Pupils. All pupils shall be received and discharged from the right front entrance of every school and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, 1975, Sec. 321.372 [2])

4. Passing Prohibited. The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen (15) feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is re-

tracted and school bus resumes motion, or until signaled by the driver to proceed.

(Code of Iowa, 1975, 321.372 [3])

5. Application. This section shall apply to the business, residential and suburban districts of the city.

(Code of Iowa, 1975, Sec. 321.372 [4])

#### 2.1-2.0308 FUNERAL OR OTHER PROCESSIONS.

Identified. A funeral or other procession composed 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 chief of police.

(Code of Iowa, 1975, Sec. 321.236 [3])

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

(Code of Iowa, 1975, Sec. 321.236 [3])

3. Interrupting 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 such 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 peace officers.

(Code of Iowa, 1975, Sec. 321.236 [3])

#### 2.1-2.0309 USE OF STREETS FOR STORAGE OF VEHICLES RESTRICTED.

A person owning any vehicle or special mobile equipment (such as camping trailers, motor homes, campers, "fifth wheel motor homes," boats, trailers, boats and trailers) shall not leave parked on city streets or city property, without written consent from the city clerk's office, the aforementioned for a length of time not to exceed forty-eight (48) hours. When the vehicle or special mobile equipment or boats and/or trailers is left parked upon a city street or city property for a continuous period of forty-eight (48) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found in this search, he shall be given the op-

portunity to remove the vehicle in due haste. If the owner cannot be found, he may be charged and collected upon a simple notice of a fine not exceeding fifteen dollars (\$15.00), plus in addition, all towing fees, to the city clerk. One hundred (100) percent of all fines collected by this city shall be retained by the city.

(Ord. 328, 1996: Ord. 197, 1980)

2.1-2.0310 JAKE BRAKES.

No driver of any vehicle within the city limits of Buffalo equipped with jake brakes shall use such jake brakes unless it is needed in case of an emergency or public safety. The city shall place signs at both east Front Street and west Front Street describing this section.

(Ord. 400, 2005)

ARTICLE 4  
SPEED REGULATIONS

2.1-2.0401 GENERAL.

Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, 1975, Sec. 321.285)

2.1-2.0402 BUSINESS DISTRICT.

A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [1])

2.1-2.0403 RESIDENCE OR SCHOOL DISTRICT.

A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [2])

2.1-2.0404 SUBURBAN DISTRICT.

A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.

(Code of Iowa, 1975, Sec. 321.285 [4])

2.1-2.0405 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 otherwise in this article, is unlawful.

(Code of Iowa, 1975,  
Sec. 321.236 [5] and Sec. 714.23)

2.1-2.0406 MINIMUM SPEED.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, 1975, Sec. 321.294)

2.1-2.0407 EMERGENCY VEHICLES.

The speed limitations set forth in this article do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, 1975, Sec. 321.296)

2.1-2.0408 ALLEYS.

1. The maximum speed on all alleys in Buffalo shall be ten (10) miles per hour.

2. Parking in any alley shall be prohibited except to receive or make deliveries. Such vehicles shall be limited to five (5) minute parking at any one (1) time.

3. Any person found guilty of violating any part of this section shall be subject to a fine not to exceed one hundred dollars (\$100.00) or thirty (30) days imprisonment in the county jail or both.

(Ord. 318, 1996; Ord. 176, Secs. 3, 4 and 7, 1977)

2.1-2.0409 HIGHWAY 22.

The following speed limits hereby govern the speeds on Iowa Highway 22 in the incorporated limits of the city:

1. Thirty-five (35) miles per hour from Sta. 143.40 (WCL) to Sta. 195-00;

2. Forty-five (45) miles per hour from Sta. 195-00 to Sta. 205.00;

3. Fifty (50) miles per hour from Sta. 205-00 to Sta. 301.20 (ECL).

(Ord. 171, Secs. 2 and 3, 1976)

2.1-2.0410 Y-48.

The speed limit on 110th Avenue (a/k/a Y-48 or landfill road) shall be forty-five (45) miles per hour effective immediately upon passage and publication of the ordinance codified in this section as provided by law. This is the area only within the city limits.

(Ord. 257, 1988: Ord. 178, Sec. 2, 1978)

2.1-2.0411 Y-40.

The speed limit of all vehicular traffic on Y-40 between State Highway No. 22 and the city limits to the north shall be set at forty-five (45) miles per hour.

(Ord. 200, Sec. 1, 1980: Ord. 196, Sec. 1, 1980)

2.1-2.0412 SCHOOL DISTRICT.

A school district zone shall be established along Jefferson Street from the beginning of the south property line of the Buffalo Elementary School, and ending at the north driveway of the cemetery. The speed limit in this school district zone shall be limited to twenty-five (25) miles per hour.

(Ord. 379, 2002)

ARTICLE 5  
TURNING REGULATIONS

2.1-2.0501 AUTHORITY TO MARK.

The chief of police may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby

require and direct, as traffic conditions require, that a different course from that specified 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 such markers, buttons or signs.

(Code of Iowa, 1975, Sec. 321.311)

2.1-2.0502 "U" TURNS.

It shall be unlawful for a driver to take a "U" turn except at an intersection provided, however, that "U" turns are prohibited at intersections within the business district and at intersections where there are automatic traffic signals.

(Code of Iowa, 1975, Sec. 331.255)

ARTICLE 6  
STOP REQUIRED

2.1-2.0601 SPECIAL STOPS REQUIRED.

Every driver of a vehicle shall stop in accordance with the following:

<b>Vehicle On</b>	<b>Traveling</b>	<b>Shall Stop At</b>
Ash Street	East and West	Oak Street
Chestnut Street	West	Elm Street
Chestnut Street	East	Maple Street
Clark Street	North and South	Fifth Street
Clark Street	North and South	Third Street
Dodge Street	North and South	Fourth Street
Fifth Street	East and West	Clark Street
Fifth Street	East and West	Dodge Street
Fourth Street	East and West	Clark Street
Fourth Street	East	Dodge Street
Fourth Street	East and West	Franklin Street
Fourth Street	East and West	Hacker Street
Fourth Street	East and West	Jefferson Street
Fourth Street	East and West	Washington Street
Franklin Street	South	Fifth Street
Hacker Street	South	Fifth Street
Jefferson Street	North and South	Second Street
Main Street	North	Fourth Street
Main Street	North and South	Third Street
Maple Street	South	Fourth Street

<b>Vehicle On</b>	<b>Traveling</b>	<b>Shall Stop At</b>
Oak Street	North and South	Chestnut Street
Second Street	East and West	Clark Street
Second Street	East	Dodge Street
Second Street	East and West	Franklin Street
Second Street	East and West	Hacker Street
Second Street	East and West	Jefferson Street
Second Street	East and West	Main Street
Second Street	East and West	Washington Street
Sixth Street	East	Dodge Street
Sixth Street	West	Franklin Street
Sixth Street	East	Hacker Street
Spruce Street	East	Elm Street
Third Street	East	Dodge Street
Third Street	East and West	Franklin Street
Third Street	East and West	Hacker Street
Third Street	East and West	Jefferson Street
Third Street	East and West	Washington Street
Walnut Street	West	Elm Street
Walnut Street	East	Maple Street
Walnut Street	East and West	Oak Street
Washington Street	South	Fourth Street

(Ord. 319, 1996; Ord. 295, 1992; Ord. 279, 1991; Ord. 231, 1984; Ord. 230, 1984; Ord. 229, 1984; Ord. 228, 1984; Ord. 227, 1984; Ord. 226, 1984; Ord. 225, 1984; Ord. 183, 1979)

2.1-2.0602 (RESERVED)

2.1-2.0603 STOP AT FIFTH AND DODGE.

1. All traffic shall stop at Fifth and Dodge Streets with the exception of winter months when the northbound stop sign is covered; then northbound traffic shall proceed with due caution.

(Ord. 189, 1980)

2. The stop sign on the northwest corner of Fifth and Dodge that applies to drivers going south on Dodge Street will be in force all year and will not be covered during the winter months. The northbound stop sign on the southeast corner at Fifth and Dodge will continue to be covered during the winter months.

(Ord. 253, 1988)

2.1-2.0604 STOP AT FRANKLIN AND THIRD.

Stop signs shall be placed facing north and south on Franklin Street at the intersection with Third Street.

(Ord. 236, 1986)

2.1-2.0606 STOP AT THIRD AND HACKER.

A stop sign will be placed at this intersection facing north and south on Hacker Street at Third Street. The stop sign facing south on Hacker Street at Third Street will not be covered (or removed) and will be enforced. Northbound traffic shall proceed with due caution.

(Ord. 357, 1998: Ord. 321, 1996)

2.1-2.0607 STOP AT THIRD AND WASHINGTON.

A stop sign shall be placed at this intersection facing south on Washington Street and Third Street. Northbound traffic shall proceed with due caution.

(Ord. 370 (part), 2000)

2.1-2.0608 STOP AT SECOND AND WASHINGTON.

A stop sign shall be placed at this intersection facing north on Washington Street at Second Street. Southbound traffic shall proceed with due caution.

(Ord. 370 (part), 2000)

## ARTICLE 7

### LOAD AND WEIGHT RESTRICTIONS

2.1-2.0701 TEMPORARY EMBARGO.

The city council may declare by ordinance or resolution a limit or restriction on the weight of vehicles to be operated on a street or highway within the city limits, for a period of not to exceed ninety (90) days in any one calendar year, when it appears that the street or highway by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the permitted weight of vehicles is reduced. This section shall not apply to implements of husbandry as defined by state law or implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair. The city shall erect and maintain signs which designate the ordinance or resolution and the weight limit or restrictions imposed, at

each end of the designated street or highway. No vehicles shall be operated in violation of such signs.

(Ord. 297, Sec. 1(part), 1992: Code of Iowa, 1975, Sec. 321.471 and 321.472)

2.1-2.0702 PERMITS FOR EXCESS WEIGHT.

The police chief for the city may, upon application in writing and for good cause shown, issue special permits during the periods weight restrictions under 2.1-2.0701 are in effect, to permit the limited operation of vehicles upon specified routes with loads in excess of such weight restrictions or limitations. Such permits shall be issued upon a showing of a need to move to market farm produce of the type subject to rapid spoilage or loss of value, or to move any farm feeds or fuel for home heating purposes.

(Ord. 297, Sec. 1(part), 1992: Code of Iowa, 1975, Sec. 321.473 and 321 E.1)

2.1-2.0703 LOAD LIMITS UPON CERTAIN STREETS.

Iowa Highway No. 22, within the city limits is hereby closed to all truck traffic with a gross vehicle weight of ten (10) tons or more, with the following exceptions:

A. Trucks traveling from the east corporate limits of the city may pick up or unload cargo at any point from one hundred (100) feet from the centerline of Dodge Street east to the east corporate limits. Weight restrictions on these vehicles shall be governed by state law.

B. Any truck may use Iowa Highway No. 22 west of Dodge Street provided it does not exceed the weight restriction imposed by this section, or it is in the process of disposing of its cargo within the corporate limits of the city. Weight restrictions on any truck disposing of its cargo within the meaning of this section shall be governed by state law.

(Ord. 297, Sec. 1(part), 1992: Code of Iowa, 1975, Sec. 321.473 and 321.475)

2.1-2.0704 LOAD LIMITS ON BRIDGES AND CULVERTS.

Upon a finding by the city that a bridge or culvert does not meet established standards set forth by state and federal authorities, the city council may, by ordinance or resolution, impose limitations for an indefinite period of time on the weight of vehicles traveling upon any such bridge or cul-

vert located upon a highway under the city's sole jurisdiction. Such ordinance or resolution shall not apply to implements of husbandry as defined by state law, or to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair. Upon enacting any such ordinance or resolution, the city shall erect and maintain signs designating the ordinance or resolution and the weight limits imposed, at each end of that portion of any bridge or culvert affected thereby. No vehicle shall be operated upon or over a bridge or culvert in violation of such signs. The chief of police may, upon written application and for good cause shown, issue special permits allowing the operation over a bridge or culvert of vehicles with weights in excess of the restrictions imposed under the ordinance or resolution, but not in excess of any other load restrictions imposed by Iowa Code Chapter 321.

(Ord. 297, Sec. 1(part), 1992: Code of Iowa, 1975, Sec. 321.473)

## ARTICLE 8 PEDESTRIANS

### 2.1-2.0801 USE SIDEWALKS.

Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

### 2.1-2.0802 WALKING IN STREET.

Where sidewalks are not provided pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, 1975, Sec. 321.326)

### 2.1-2.0803 HITCH HIKING.

No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Coda of Iowa, 1975, Sec. 321.331)

### 2.1-2.0804 PEDESTRIAN CROSSING.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(Code of Iowa, 1975, Sec. 321.328)

ARTICLE 9  
ONE WAY TRAFFIC  
(RESERVED FOR FUTURE USE)

ARTICLE 10  
PARKING REGULATIONS

2.1-2.1001 PARK ADJACENT 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 vehicles within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, 1975, Sec. 321.361)

2.1-2.1002 PARK ADJACENT TO CURB: ONE-WAY STREET.

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 (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, 1975, Sec. 321.361)

2.1-2.1003 PARKING PERMITTED.

(Reserved)

2.1-2.1004 ANGLE PARKING: MANNER.

Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, 1975, Sec. 321.361)

2.1-2.1005 PARKING FOR CERTAIN PURPOSES ILLEGAL.

No person shall park a vehicle upon the roadway for any of the following principal purposes:

(Code of Iowa, 1975, Sec. 321.236 [1])

1. Displaying such vehicle for sale.
2. For greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. Displaying advertising.
4. Selling merchandise from such vehicle except in a duly established market place or when authorized or licensed under the city code.

2.1-2.1006 PARKING PROHIBITED.

No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic-control device, in any of the following places:

1. Crosswalk. On a crosswalk at an intersection.  
(Code of Iowa, 1975,  
Sec. 321.236 [1] and 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.  
(Code of Iowa, 1975, Sec. 321.236 [1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
(Code of Iowa, 1975, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.  
(Code of Iowa, 1975, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.  
(Code of Iowa, 1975, Sec. 321.358 [2])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.

(Code of Iowa, 1975, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.

(Code of Iowa, 1975, Sec. 321.358 [4])

8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

(Code of Iowa, 1975, Sec. 321.358 [6])

9. Railroad Crossing. 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.

(Code of Iowa, 1975, Sec. 321.358[8])

10. Fire Station. 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 sign posted.

(Code of Iowa, 1975, Sec. 321.358 [9])

11. Excavations. Alongside or opposite any vehicle stopped or parked at the edge of a street.

(Code of Iowa, 1975, Sec. 321.358 [10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, 1975, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the chief of police may cause curbings to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, 1975, Sec. 321.358 [13])

14. Theaters, Hotels and Auditoriums. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxi-cab stand, bus depot, church, or other building where large assemblages of people are being held, within which

space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, 1975, Sec. 321.360)

15. Controlled Access Facility Approach. On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet on any controlled access facility.

16. U.S. Highway No. 22. On either side of U.S. Highway No. 22 from station 188-77.5 (197.5 feet west of the west side of Dodge Street) to station 273-375-ECL (East Corporate Limits of the city).

17. No parking shall be allowed on the south side of East Front Street or West Front Street from the city limits on the east side to the city limits on the west side of the city. This is on the shoulder area of the roadway and the ditch areas.

(Ord. 256, 1988)

2.1-2.1007 SCHOOL HOUR PARKING RESTRICTIONS.

1. No parking shall be allowed during school hours on the north side and the south side of Fourth Street at the intersection of Dodge Street for a distance of thirty (30) feet west from the crosswalk going north and south, at Fourth and Dodge.

2. A fine of twenty-five dollars (\$25.00) shall be given to violators of this section.

(Ord. 281, 1991)

2.1-2.1008 (RESERVED)

2.1-2.1009 (RESERVED)

2.1-2.1010 (RESERVED)

2.1-2.1011 PARKING SIGNS REQUIRED.

Whenever by this article or any other section of the 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 police chief to erect appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, 1975, Sec. 321.255 and 256)

2.1-2.1012 WHEN SNOWFALL OCCURS.

1. On even-numbered calendar days (example: December 4th), snow plowing will be done on the even-numbered addressed sides of the street. (Example is 402 Third Street.) Hereby designated even-numbered sides of the streets are the north sides and the west sides of all streets.

2. On odd-numbered calendar days (example: December 5th), snow plowing will be done on the odd-numbered addressed sides of the street. (Example is 409 Third Street.) Hereby designated odd-numbered sides of the streets are the south sides and the east sides of all streets.

3. These rules are in effect when a snowfall of two (2) or more inches occurs.

4. All vehicles must be moved from the side of the street that is being plowed and not be returned to that side until the snow is plowed to the curb.

5. Any vehicles not being moved may be towed by the city at the owner's expense.

(Ord. 309, 1995: Ord. 191, 1980)

2.1-2.1013 CERTAIN VEHICLE TYPES RESTRICTED.

It shall be unlawful to park or leave standing any tractor, trailer, or tractor-trailer combination on any city street within city limits.

(Ord. 329, 1996: Ord. 195, 1980)

2.1-2.1014 NO PARKING ZONES.

The north side of Front Street from Maple Street to Elm Street is designated as a no parking zone.

2.1-2.1015 RESTRICTED PARKING ON DESIGNATED STREETS.

1. No parking shall be allowed on the east side of Elm Street from West Front Street to Chestnut Street and no parking shall be allowed within thirty (30) feet on the west side of Elm Street from West Front Street north of the stop sign.

2. No parking shall be allowed on the east side of Oak Street from West Front Street to Chestnut Street and no parking shall be allowed within thirty (30) feet on the west side of Oak Street from West Front Street north of the stop sign. Thirty (30) minute parking limit will be enforced on the west side of Oak Street by the Buffalo Shores Marine Building.

3. Parking on the east side and west side of Maple Street from West Front Street to Chestnut Street shall be limited to a thirty (30) minute parking limit and no parking shall be allowed on either side from the stop sign north for thirty (30) feet. This is to reduce the parking problem for local businesses in that block and to reduce congestion in the area.

4. No semi-trailer truck, tractor-trailer, or recreational vehicle shall be allowed to park along the north side of Front Street from Clark Street to Franklin Street.

(Ord. 418, 2007; Ord. 262, 1989;  
Ord. 261, 1989; Ord. 260, 1989)

2.1-2.1016 HANDICAPPED PARKING.

Four (4) handicapped parking slots shall be designated as such on the north side of Fourth Street, parallel with the present curb. Two (2) shall be to the east of the sidewalk running north and south to the front door of the church and two (2) shall be to the west of the aforementioned sidewalk. Handicapped parking signs shall be installed in this area and enforced by the Buffalo, IA police department. Violators will be issued a citation in the amount of fifty dollars (\$50.00) for each violation of this designated handicapped parking



2.1-2.1104 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. The particular vehicle described in the information was parked in violation of this chapter, and

2. The defendant named in the information was the registered owner at the time in question.

2.1-2.1105 IMPOUNDING VEHICLES.

A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. 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.

(Code of Iowa, 1975, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, 1975, Sec. 321.236 [1])

3. Snow Emergency. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the mayor.

(Code of Iowa, 1975, Sec. 321.236 [12])

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

(Code of Iowa, 1975, Sec. 321.236 [1])

5. Parked Over Forty-Eight Hour Period. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found he shall be given an opportunity to remove the vehicle

(Code of Iowa, 1975, Sec. 321.236 [1])

2.1-2.1106 PARKING TICKETS.

1. The city council hereby ordains the use of parking tickets in the city as follows with amount of fines:

<b>VIOLATION</b>	<b>FINE</b>
A. Improper Parking	\$15.00
B. Double Parking	15.00
C. Parking In Alley	15.00
D. Parking In Restricted Zone	15.00
E. Blocking A Private Drive	15.00
F. Streets For Storage	15.00
G. Snow Ordinance	15.00
H. Parking Wrong Side Of Street	15.00
I. Handicapped Parking Only	50.00
J. Other	

2. Vehicles will be towed if parking where prohibited at the owner's expense.

3. Citations may be paid at the City Hall. Warrants will be served for failure to pay the tickets. Tickets must be paid within three (3) days.

(Ord. 322, 1996; Ord. 268, 1990; Ord. 190, 1980)

CHAPTER 3 - BEER AND LIQUOR CONTROL

ARTICLE 1  
GENERAL PROVISIONS

2.1-3.0101 DEFINITIONS.

Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated,

and other words and phrases are used herein, shall have the following meanings:

1. "Person of Good Moral Character": shall mean any person who meets all of the following requirements.

(Code of Iowa, 1975, Sec. 123.3 [11])

A. He has such financial standing and good reputation as will satisfy the council and the director that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his operations under state law.

B. He does not possess a federal gambling stamp.

C. He is not prohibited by the provision of Section 2.1-3.0225 from obtaining a liquor license or beer permit.

D. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.

E. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the director may determine that he is a person of good moral character notwithstanding such conviction.

F. If such person is a corporation, partnership, association, club, or hotel or motel the requirements of this subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one (1) person.

2. "Club": shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not oper-

ated for a profit other than such profits as would accrue to the entire membership.

(Code of Iowa, 1975, See. 123.3 [29])

3. "Commercial establishment": shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one (1) time, and the licensed premises of which conform to the ordinances of the city.

(Code of Iowa, 1975, Sec. 123.3 [30])

4. "Grocery store": shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises.

(Code of Iowa, 1975, Sec. 123.129)

5. "Pharmacy": shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.

(Code of Iowa, 1975, Sec. 123.129)

6. "Hotel or Motel": shall mean a premises licensed by the State Department of Agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.

(Code of Iowa, 1975, See. 123.3 [32])

7. "Legal age": shall mean twenty-one (21) years of age or older.

(Ord. 323, 1996)

8. "Director": shall mean the director of the Iowa beer and liquor control department, or his designee.

(Code of Iowa, 1975, See. 123.3 [3])

9. "Department": shall mean the Iowa beer and liquor control department.

(Code of Iowa, 1975, Sec. 123.3 [2])

2.1-3.0102 ILLEGAL KEEPING OF INTOXICANTS.

It shall be unlawful for a person to operate or conduct or allow to be operated, a place where intoxicating liquor is illegally kept, sold or given away.

(Code of Iowa, 1975, Sec. 123.2)

2.1-3.0103 STATE LIQUOR STORE: LOCATION.

No state liquor store shall be located within three hundred (300) feet of a public or private educational institution.

(Code of Iowa, 1975, Sec. 123.20 [2])

2.1-3.0104 PERSONS UNDER LEGAL AGE.

No person shall sell, give or otherwise supply alcoholic liquor or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer in his or their possession or control, except in the case of liquor or beer given or dispensed to a person under legal 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 him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under state law.

(Code of Iowa, 1975, Sec. 123.43)

2.1-3.0105 CONSUMPTION IN PUBLIC PLACES.

It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, 1975, Sec. 123.46)

2.1-3.0106 BROKEN SEAL ON LIQUOR CONTAINER.

No person shall break or open or allow to be opened any container or allow the seal of any container to be broken containing any alcoholic liquor while it is being transported or conveyed by person or by vehicle within the city limits. A violation of this section shall result in a scheduled fine of fifty dollars (\$50.00) per violation.

(Ord. 344, 1997; Iowa Code Secs. 805.8(1), 911.2; Ord. 193, 1980)

ARTICLE 2  
BEER AND LIQUOR PERMITS

2.1-3.0201 LICENSE OR PERMIT REQUIRED.

It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor or beer without first securing a liquor control license or beer permit in accordance with the provisions of this chapter and state law.

(Code of Iowa, 1975, Sec. 123.2)

2.1-3.0202 NATURE OF LICENSE OR PERMIT.

A liquor control license or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall issued in the mail to the applicant and no person holding a permit or license shall allow any other person to use same.

(Code of Iowa, 1975, Sec. 123.38)

2.1-3.0203 BEER PERMITS - CLASSES.

Beer permits shall be classed as follows:

1. Class "B": A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.

(Code of Iowa, 1975,  
Sec. 123.124 and 123.131)

2. Class "C": A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

(Code of Iowa, 1975, Sec. 123.124 and 123.129)

2.1-3.0204 LIQUOR LICENSES - CLASSES.

Liquor control licenses shall be classed as follows:

1. Class "A". A class "A" liquor control license issued to a club shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

(Code of Iowa, 1975, Sec. 123.30 [3a])

2. Class "B". A class "B" liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application.

(Code of Iowa, 1975, Sec. 123.30 [3b])

3. Class "C". A class "C" liquor license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may be sold for consumption off this premises.

(Code of Iowa, 1975, Sec. 123.30 [3c])

2.1-3.0205 APPLICATION.

A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies and in such form as the director shall inscribe, on forms prescribed by him.

(Code of Iowa, 1975, Sec. 123.31)

2.1-3.0206 BOND FILED.

The application shall be accompanied by the required fee as bond and be filed with the council for approval or disapproval. The bond to be submitted shall be on a form prescribed by the director and the following amounts:

(Code of Iowa, 1975, Sec. 123.32)

1. Liquor Control License. With any liquor control license, \$5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of this Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, 1975, Sec. 123.30 [1])

2. Beer Permit. With class "B" and "C" beer permits, \$500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, 1975,  
Sec. 123.128 and 123.129)

2.1-3.0207 CONDITIONS.

No liquor control license or beer permit shall be approved unless:

1. Character of Applicant. The applicant is a person of good moral character as defined by this chapter and in the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by this chapter.

(Code of Iowa, 1975, Sec. 123 [1])

2. Right of Entry. The applicant gives consent in writing on the application that members of the fire and police departments and the building inspector may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

(Code of Iowa, 1975, Sec. 123.30 [1])

3. Access to Residential or Sleeping Quarters. No interior access to residential or sleeping quarters is permitted or maintained unless permission is granted by the director in the form of a living quarters permit.

(Code of Iowa, 1975, Sec. 123.30 [2])

4. Location of Premises. The premises are located within areas where such businesses are, or hereafter are, permitted by a valid zoning ordinance.

(Code of Iowa, 1975, Sec. 123.128 [1b]; and 123.30 [2])

5. Seating Capacity. The premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

(Code of Iowa, 1975, Sec. 123.128 [1b] and 123.30 [1])

6. Conform to Applicable Laws. The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.

(Code of Iowa, 1975, Sec. 123.30 [2] and 123.128 [2])

7. Use of Booths. No booths are permitted or used unless they are entirely open at one end and unobstructed therein from the rest of the room. The total height of any booth structure shall not exceed forty (40) inches.

(Code of Iowa, 1975, Sec. 123.39)

8. Lighting. The place of business is lighted so that all objects are plainly visible at all times and all parts of such place of business are illuminated to a minimum of two (2) foot-candles as measured by a foot-candle meter at a plane of thirty (30) inches above the floor.

(Code of Iowa, 1975, Sec. 123.39)

9. Obstruction of Doors and Windows. The place of business does not at any time have curtains, screens, paintings or other obstructions on the doors or windows, so as to prevent a full view of the interior from the street.

(Code of Iowa, 1975, Sec. 123.39)

#### 2.1-3.0208 CIVIL LIABILITY.

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

(Code of Iowa, 1975, Sec. 123.92)

(Iowa Departmental Rules, 1973, P. 625, Ch. 8)

2.1-3.0209 PROHIBITED INTEREST.

It will be unlawful for any person or persons to be either directly or indirectly interested in more than one class of beer permit.

(Code of Iowa, 1975, Sec. 123.126)

2.1-3.0210 SEPARATE LOCATIONS - CLASS "B" OR "C".

Every person holding a class "B" or class "C" beer permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by state law.

(Code Of Iowa, 1975, Sec. 123.140)

2.1-3.0211 INVESTIGATION.

Upon receipt of an original application for a liquor license or beer permit by the clerk, it shall be forwarded to the chief of police who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the council as to the approval of the license or permit. It shall be the duty of the health inspector, the building inspector and the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the council by such officers.

(Code of Iowa, 1975, Sec. 123.30 [2])

2.1-3.0212 LICENSE AND PERMIT FEES.

The following fees shall be submitted with the respective application:

1. Class "B" Beer. For a class "B" beer permit the annual fee shall be:

A. Without Sunday sales privileges: \$200.00.

B. With Sunday sales privileges: \$240.00.

(Code of Iowa, 1975, Sec. 123.134 [2])

2. Class "C" Beer. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

A. Up to one thousand five hundred square feet:  
\$75.00.

B. Over one thousand five hundred square feet and up  
to two thousand square feet: \$100.00.

C. Over two thousand and up to five thousand square  
feet: \$200.00.

D. Over five thousand square feet: \$300.00.  
(Code of Iowa, 1975, Sec. 123.134 [3])

3. Class "A" Liquor. For a class "A" liquor control  
license the annual fee shall be:

A. Club, without Sunday sales privileges: \$400.00.  
With Sunday sales privileges: \$480.00.

B. Club, less than 250 members:  
Without Sunday sales privileges: \$400.00.  
With Sunday sales privileges: \$480.00.

C. Club, which is a post, branch or chapter of a vet-  
erans organization chartered by the Congress of the United  
States, if such club does not sell or permit the consumption  
of alcoholic beverages on the premises more than one day in  
any week, and if the application for a license states that  
such club does not and will not sell or permit the consump-  
tion of alcoholic beverages on the premises more than one day  
in any week:

Without Sunday sales privileges: \$200.00.

With Sunday sales privileges: \$240.00.

(Code of Iowa, 1975, Sec. 123.36 [2])

4. Class "B" Liquor. For a class "B" liquor control  
license the annual fee shall be:

A. Without Sunday sales privileges: \$800.00.

B. With Sunday sales privileges: \$960.00.

(Code of Iowa, 1975, Sec. 123.36 [3])

5. Class "C" Liquor. For a class "C" liquor control license the annual fee shall be:

A. Without Sunday sales privileges: \$ 950.00.

B. With Sunday sales privileges: \$1140.00.  
(Code of Iowa, 1975, Sec. 123.36 [4])

2.1-3.0213 SEASONAL PERMITS.

Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.

(Code of Iowa, 1975, Sec. 123.34)

2.1-3.0214 ACTION BY COUNCIL.

Action taken by the council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the department for such further action as is provided by law.

(Code of Iowa, 1975, Sec. 123.32 [2])

2.1-3.0215 EXPIRATION OF LICENSE OR PERMIT.

All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Sixty (60) days notice of such expiration must be given in writing by the director.

(Code of Iowa, 1975, Sec. 123.34)

2.1-3.0216 REFUNDS.

Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three (3) months of the period for which said licensee or permit was issued the refund shall be three-fourths of the amount of the fee; if surrendered more than three (3) months but not more

than six (6) months after issuance the refund shall be one-half of the amount of the fee; if surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for a liquor control license or beer permit surrendered for more than nine (9) months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him with a violation of this chapter or provisions of the Iowa beer and liquor control act. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing he shall not be eligible for the refund of any portion of his license or permit fee. No refund shall be made for seasonal licenses or permits.

(Code of Iowa, 1975, Sec. 123.38 Iowa Departmental Rules, 1973, P. 616, 2.12 [123])

#### 2.1-3.0217 TRANSFERS.

The 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 such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of \$15.00.

(Iowa Departmental Rules, 1973, P. 616, 2.14 [123])  
(Code of Iowa, 1975, Sec. 123.38)

#### 2.1-3.0218 SIMPLIFIED APPLICATION FOR RENEWAL.

Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the chief of police only, who shall conduct an investigation and shall submit a written report as to the truth of the facts contained in the application and a recommendation to the council as to the approval of the license or permit.

(Code of Iowa, 1975, Sec. 123.35)

2.1-3.0219 PROHIBITED SALES AND ACTS.

No person or club holding a liquor license or beer permit nor his agents or employees shall do any of the following:

1. Intoxicated Persons. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(Code of Iowa, 1975, Sec. 123.49 [1])

2. Hours of Operation. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two A.M. and six A.M. on any weekday and between the hours of two A.M. on Sunday and six A.M. on the following Monday.

(Code of Iowa, 1975, Sec. 123.49 [2b])

3. Credit Sales. Sell alcoholic liquor or beer to any person on credit, except with bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, 1975, Sec. 123.49 [2c])

4. Employment of Minors. Employ any person under legal age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.

(Code of Iowa, 1975, Sec. 123.49 [2f])

5. Selling of Alcoholic Beverage to Minors Sell, give or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him to be under legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer.

(Code of Iowa, 1975, Sec. 123.49 [2h])

6. Mixing of Alcoholic Beverage. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.

(Code of Iowa, 1975, Sec. 123.49 [2i])

7. Soliciting and Disorderly Conduct. Knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, 1975, Sec. 123.49 [2a])

8. Beer Brand Signs Prohibited. Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.

(Code of Iowa, 1975, Sec. 123.51 [3])

9. Minors Prohibited. Permit or allow any person under eighteen (18) years of age to remain upon licensed premises.

10. Doors to Remain Closed. Fail to keep all doors closed during Hours of Operation with the exception of normal use of the entryway for entrance and egress to the establishment.

(Ord. 419, 2007)

#### 2.1-3.0220 OPTIONAL SUSPENSION OR REVOCATION.

Following a written notice and hearing, as provided by this article, a liquor license or beer permit may be suspended by the council for a period up to one year for violations of the city code, or suspended for a period up to one year or revoked by the council for any of the following causes:

1. Misrepresentation. Misrepresentation of any material fact in the application for such license or permit.

(Code of Iowa, 1975, Sec. 123.39 [1])

2. Violations. Violations of any of the provisions of the Iowa beer and liquor control act.

(Code of Iowa, 1975, Sec. 123.39 [2])

3. Change in Ownership. Any change in the ownership or interest in the business operated under a class "A", class "B", or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the department.

(Code of Iowa, 1975, Sec. 123.39 [3])

4. Original Disqualifications. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.

(Code of Iowa, 1975, Sec. 123.39 [4])

5. Sale or Transfer. Any sale, hypothecation or transfer of such license or permit.

(Code of Iowa, 1975, Sec. 123.39 [5])

6. Payment of Taxes. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under the state law.

(Code of Iowa, 1975, Sec. 123.39 [6])

7. Commission Of Prohibited Sale Or Act. The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of Section 2.1-3.0219 shall, subject to Section 2.1-3.0221, be grounds for the suspension or revocation of the license or permit by the department or the city.

(Code of Iowa, 1975, Sec. 123.50 [2])

2.1-3.0221 MANDATORY SUSPENSION OR REVOCATION.

A license or permit shall be suspended or revoked by the city council in accordance with the following:

1. Sale to Minors or "Spiking". If any licensee, beer permittee, or employee of such licensee or permittee shall be convicted of a violation of Section 2.1-3.0219, subsection 5, or a retail beer permittee shall be convicted of a violation of subsection 6 of said section, the city shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:

A. Upon a first conviction, the violator's liquor control license or beer permit shall be suspended for a period of fourteen (14) days.

(Code of Iowa, 1975, Sec. 123.50 [3a])

B. Upon a second conviction within a period of two (2) years, the violator's liquor control license or beer permit shall be suspended for a period of thirty (30) days.

(Code of Iowa, 1975, Sec. 123.50 [3b])

C. Upon a third conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be suspended for a period of sixty (60) days.

(Code of Iowa, 1975, Sec. 123.50 [3c])

D. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license or beer permit shall be revoked.

(Code of Iowa, 1975, Sec. 123.50 [3d])

2. Gambling, Solicitation, Disorderly Conduct, Use of Containers. If any liquor control licensee is convicted of any violation of Code of Iowa, 1975, Sec. 123.49 (2, a, d or e), or any beer permittee is convicted of a violation of subsection (2), paragraph "A" of said section, the liquor control license or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond of the license or permit holder shall be forfeited to the department.

(Code of Iowa, 1975, Sec. 123.50 [2])

#### 2.1-3.0222 HEARING ON SUSPENSION OR REVOCATION.

The council shall conduct a hearing on each suspension or revocation in the following manner:

(Code of Iowa, 1975, Sec. 322.13 [5])

1. Notice. The permit holder, and the surety on his bond, shall be served with written notice containing a copy of the complaint against him, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.

2. Hearing. The council shall conduct a hearing, at which both the permit holder and complainants shall be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

3. Rights of Permit Holder. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross examine adverse witnesses.

4. Evidence. The council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. Criminal Charges. In the event that criminal charges have been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the council shall await a judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. Record and Determination. The council shall make and record findings of fact and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record, it finds clear and convincing evidence of a substantial violation of this chapter or state law.

2.1-3.0223 DEPARTMENT NOTIFIED.

When the city council revokes or suspends a liquor license or beer permit, the Iowa Beer and Liquor Control Department shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

(Iowa Departmental Rules, 1973, P. 616, 2.8)

2.1-3.0224 APPEAL TO STATE AND COURT.

The right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may, provided he has exercised his right of appeal to the hearing board as provided by state law, appeal from said decision within ten (10) days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within ten (10) days to the district court of the county wherein the premises covered by the application are situated.

(Code of Iowa, 1975, Sec. 123.32 [4 and 5])

2.1-3.0225 EFFECT OF REVOCATION.

Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, 1975, Sec. 123.40)

CHAPTER 4 - POLICE CHIEF

2.1-4.01 POLICE CHIEF PROVIDED.

The position of police chief of the city is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the city.

(Ord. 280 (part), 1991)

2.1-4.02 QUALIFICATIONS.

In no case shall any person be recruited, selected, or appointed as police chief or as a police officer unless such person:

(Code of Iowa, 1975, Sec. 80B.11)

(Iowa Departmental Rules, 1973, P. 609, Sec. 1-1 and 1.2)

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa and lives within twenty-five (25) miles of City Hall upon being employed.

2. Age. Must be at least twenty-one (21) years of age.

3. Driver's License. Must have a current active Iowa driver's license.

4. Language. Must be able to read, write and spell the English language and be able to type.

5. Alcohol and Drugs. This will be subject to Iowa State Code.

6. Character. Must be of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

7. Conscientious Objector. Must not by reason of conscience or belief be opposed to the use of force, when appropriate or necessary to fulfill his duties.

(Ord. 280 (part), 1991)

2.1-4.03 TRAINING.

The police chief must be an Iowa Law Enforcement Academy graduate and have at least five (5) years' experience as a police officer.

(Ord. 280 (part), 1991)

2.1-4.04 OATH.

The police chief and every police officer, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 1-1.0201 of this code.

(Ord. 280 (part), 1991)

2.1-4.05 COMPENSATION.

The police chief and any police officers shall be designated by rank and receive such compensation as shall be determined by resolution of the council. The police chief shall be allowed to belong to the police union. According to the union contract at any current time, he shall be allowed the same benefits as the other police officers, such as insurance, holidays, vacation, sick leave, bereavement leave, etc. Overtime procedure shall be the same as listed in the union contract.

(Ord. 324, 1996: Ord. 280 (part), 1991)

2.1-4.07 POLICE CHIEF DUTIES.

The police chief shall have the following powers and duties subject to the approval of the council.

1. General. He shall perform all duties required of the police chief by law or ordinance.

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

3. Writs. He shall execute and return all writs and other processes directed to him.

4. Accident Reports. He shall report all motor vehicle accidents investigated by the department to the State Department of Public Safety as required by law.

5. Prisoners. He shall be responsible for the custody of prisoners, including conveyance to detention facilities as may be required by state law.

6. Assist Officials. He shall, when requested, provide aid to other city officers, boards and commissions in the execution of their official duties. He shall be responsible for presenting a yearly fiscal budget to the council for approval or changes.

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

8. Record of Arrests. He shall keep a record of all arrests made in the city by members of the department showing whether said arrests were made under provisions of state law or city ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. He shall compile and submit to the mayor and council a monthly report of the status and activities of the department as well as such other reports as may be requested by the mayor or council.

10. Command. He shall be in command of all officers appointed or hired for police work and shall schedule the work hours and be responsible for the care, maintenance and use of all vehicles, equipment and materials utilized for police work. He shall be responsible for the police building, notifying the public works department when repairs may be needed. He shall be responsible for an adequate supply of fuel at all times at the fuel tanks.

11. Uniform. He shall wear upon his outer garment and in plain view a metal badge engraved with the name of his office, his officer's identification number, and such uniform as may be specified by the council.

12. Applicants for Officers. He shall review all applications and make recommendations to council of most qualified applicants for required further testing.

13. The police chief and all officers, upon punching in on the time clock at shift start, shall be in full police uniform.

(Ord. 325, 1996; Ord. 280 (part), 1991)

## CHAPTER 5 - BICYCLES

### ARTICLE 1 BICYCLE REGULATIONS

#### 2.1-5.0101 SCOPE OF REGULATIONS.

These regulations, applicable to bicycles, shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code of Iowa, 1975, Sec. 321.236 [10])

#### 2.1-5.0102 MOVEMENT REGULATIONS.

1. 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 the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their na-

ture can have no application. Whenever such person dismounts from a bicycle he shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, 1975, Sec. 321.234)

2. Riding On Bicycles. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Riding Abreast. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Code of Iowa, 1975, Sec. 321.236 [10])

4. Use of Bicycle Paths. 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.

(Code of Iowa, 1975, Sec. 321.236 [10])

5. Speed. No person shall opera a bicycle at a speed greater than is reasonable as prudent wider the conditions then existing.

(Code of Iowa 1975, Sec. 321.236 [10])

6. 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 said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadways.

(Code of Iowa, 1975, Sec. 321.236 [10])

7. 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.

(Code of Iowa, 1975, Sec. 321.236 [10])

8. Riding on Sidewalks.

A. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

(Code of Iowa, 1975, Sec. 321.236 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

#### 2.1-5.0103 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code of Iowa, 1975, Sec. 321.236 [10])

#### 2.1-5.0104 EQUIPMENT REQUIREMENTS.

1. Nighttime Use. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Code of Iowa, 1975, Sec. 321.236 [10])

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code of Iowa, 1975, Sec. 321.236 [10])

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

(Code of Iowa, 1975, Sec. 321.236 [10])

ARTICLE 2  
BICYCLE LICENSING

2.1-5.0201 LICENSE.

1. License Required. No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles Unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

(Code of Iowa, 1975, Sec. 321.236 [10])

2. License Application. Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the chief of police. A license fee of one (1) dollar shall be paid to the city before each license is granted.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Issuance of License. The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately.

(Code of Iowa, 1975, Sec. 372.13 [4])

2.1-5.0202 LICENSE PLATES.

1. Issue Plate. The chief of police upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle and the name of the city.

(Code of Iowa, 1975, Sec. 372.13 [4])

2. Attach Plates to Bicycle. The chief of police shall issue such license plate to be firmly attached to the bicycle for which issued in such position as to be plainly visible from the rear.

(Code of Iowa, 1975, Sec. 321.236 [10])

3. Removal of License. No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

(Code of Iowa, 1975, Sec. 321.236 [10])

2.1-5.0203 MAINTENANCE OF LICENSE RECORDS.

The chief of police shall keep a record of the number of each such license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.

(Code of Iowa, 1975, Sec. 372.13 [4])

CHAPTER 6 - SNOWMOBILES

2.1-6.01 SNOWMOBILE DEFINED.

For use in this chapter the term "snowmobile" shall mean any self-propelled vehicle weighing less than one thousand pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land or ice, except any vehicle registered as a motor vehicle under state law.

(Code of Iowa, 1975, Sec. 321 G.1 [2])

2.1-6.02 PLACE OF OPERATION.

The operators of snowmobiles shall observe the following limitations as to where snowmobiles may be operated:

1. Unplowed Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season.

(Code of Iowa, 1975, Sec. 321 G.9 [4a])

2. Other Streets. Snowmobiles may be operated on any street within the city except that the council may, by resolution, prohibit the operation of snowmobiles within the right of way of the public roads or streets when in their opinion the public safety and welfare so require.

(Code of Iowa, 1975, Sec. 321 G.9 [4a])

3. Parks and Other Public Land. Snowmobiles shall not be operated in any city park, playground, school ground, golf course or upon any other publicly owned property without express provision or permission to do so by the proper public authority. The parks and recreation director shall have the

authority to designate park areas that he shall deem available for the use of snowmobiles.

4. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

(Code of Iowa, 1975, Ch. 729)

5. Sidewalk or Parking. No snowmobiles shall be operated upon the public sidewalk, nor shall they be operated upon 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 the chapter.

2.1-6.03 MANNER OF OPERATION.

No person shall operate a snowmobile in the city except as hereafter provided.

1. Registration. No snowmobile shall be operated in the city unless registered pursuant to state law and unless the identifying number set forth in the registration is displayed on each side of the snowmobile.

(Code of Iowa, 1975, Sec. 321 G.3 and 321 G.5)

2. Equipment. All snowmobiles shall be equipped with muffling devices, lights and other equipment required by state law or regulation.

(Code of Iowa, 1975, Sec. 321 G.2, 321 G.11, and 321 G.12)

3. Traffic Code. Snowmobile operators shall observe all state and local traffic-control regulations and devices.

(Code of Iowa, 1975, Sec. 321.256)

4. Speed. Snowmobiles shall not be operated on streets at a speed in excess of that posted nor at any time at a rate of speed greater than reasonable and proper under all existing circumstances.

(Code of Iowa, 1975, Sec. 321 G.13 [1])

5. Careless Operation. No person shall operate a snowmobile in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(Code of Iowa, 1975, Sec. 321 G.13 [2])

6. Intoxicated No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Code of Iowa, 1975, Sec. 321 G.13 [3])

7. Lights. No person shall operate a snowmobile without a lighted headlight and taillight when required for safety.

(Code of Iowa, 1975, Sec. 321 G.13 [4])

8. Unattended. No operator or owner shall leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys in the ignition switch.

9. Flag No snowmobile shall be operated upon a street 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 5 1/2 feet above the surface of the street.

(Code of Iowa, 1975, Sec. 321 G.13 [9])

10. A snowmobile may make a direct crossing of a prohibited street or highway provided:

(Code of Iowa, 1975, Sec. 321 G.9 [2])

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

C. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

11. Minors. No person under sixteen (16) years of age shall operate a snowmobile on or across a public street unless he has in his possession a valid safety certificate issued to him by the state conservation commission nor shall

the owner or operator of any snowmobile having an engine rating of 300 cubic centimeters or more permit any person under twelve (12) years of age to operate such a snowmobile at any time except when accompanied by a responsible person of at least eighteen (18) years of age.

(Code of Iowa, 1975, Sec. 321 G.9 [6] and 321 G.20)

12. Hours of Operation Limited. No snowmobile shall be operated in the city between the hours of 11:00 P.M. and 7:00 A.M. except for emergency situations or for loading and unloading from a transport trailer.

(Code of Iowa, 1975, Sec. 321 G.2)

13. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

(Code of Iowa, 1975, Sec. 321 G.2)

14. Single File. Snowmobiles shall be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

15. Dead Man Throttle. No snowmobile shall be operated within the city unless equipped with a "dead man" throttle which when pressure is removed from the accelerator or throttle causes the engine to be disengaged from the drive mechanism.

16. Towing. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

## CHAPTER 7 - SKATEBOARDS

### 2.1-7.01 USE OF SKATEBOARDS IN CITY PARKS.

It shall be unlawful to ride, operate, or use skateboards, bicycles, or roller blades on all park sidewalks around buildings or shelters when the general public is attending park functions such as sporting events, municipal celebrations and picnics. This chapter shall also include all motorized scooters as defined under the regulations of the Iowa Department of Transportation.

(Ord. 385, 2004; Ord. 374 (part), 2001)

2.1-7.02 VIOLATION AND PENALTY.

Anyone violating the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. 374 (part), 2001)

DIVISION 2 - FIRE SAFETY

CHAPTER 1 - FIRE DEPARTMENT

2.2-1.01 ESTABLISHMENT AND PURPOSE.

The Buffalo Volunteer Fire Department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

2.2-1.02 ORGANIZATION.

The department shall consist of the fire chief, twenty-five (25) firemen, and no more than twenty-five (25) Second Alarmers who must have been active firemen with the Buffalo Volunteer Fire Department.

2.2-1.03 QUALIFICATIONS.

In no case shall any person be recruited, selected, or appointed as a member of the department unless such person be at least eighteen (18) years of age.

2.2-1.04 FIRE CHIEF: DUTIES.

The fire chief shall have the following powers and duties:

(Code of Iowa, 1975, Sec. 372.14 [4])

1. General. He shall perform all duties required of the fire chief by law or ordinance.

2. Enforce Laws. He shall enforce all ordinances and, where enabled, state laws regulating the following:

A. Fire prevention.

B. Maintenance and use of fire escapes.

C. The investigation of the cause, origin and circumstances of fires.

D. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging

houses, schools, factories and all other buildings in which the public congregates for any purpose.

E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

3. Command. He shall be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.

4. Property. He shall recommend to the city council the disposition of fire apparatus, tools, equipment and other property used by or belonging to the fire department. The city council shall have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

(Ord. 393, 2004)

5. Investigations. He shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of fifty dollars (\$50.00) or more was caused by such fire, or if he suspects arson, he shall report his findings to the state fire marshal in writing within one week after the fire. If he believes that a fire was started by design or if a death occurs as the result of a fire, he shall notify the state fire marshal immediately.

(Code of Iowa, 1975, Sec. 100.2 and 100.3)

6. Right of Entry. He shall have the right of entry into any building or premises within his jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. He shall there conduct such investigation or inspection that he considers necessary in light of state law, regulation or ordinance.

(Code of Iowa, 1975, Sec. 100.12)

7. Recommendation. He shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, 1975, Sec. 100.13)

8. Assist State Fire Marshal. He shall, at the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, 1975, Sec. 100.4)

9. Records. He shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

10. Reports. He shall compile and submit to the mayor and council an annual report of the status and activities of the department as well as such other reports as may be requested by the mayor or council.

#### 2.2-1.05 CONSTITUTION.

The company shall adopt a constitution and by-laws as they deem calculated to accomplish the object contemplated, and such constitution and by-laws and any change or amendment to such constitution and by-laws before being effective, must be approved by the council.

#### 2.2-1.06 ACCIDENTAL INJURY INSURANCE.

The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, 1975, Sec. 85.2, 85.61 and Sec. 410.18)

#### 2.2-1.07 LIABILITY INSURANCE.

The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the city.

(Code of Iowa, 1975, Sec. 613A.2 and 517A.1)

2.2-1.08 FIRES OUTSIDE THE CITY.

The department shall answer calls to fires and other emergencies outside the city limits if the fire chief or assistant fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits and under the following conditions:

(Code of Iowa, 1975, Sec. 364.4 [2 and 3])

1. Jurisdiction Extended. When the fire fighting equipment or firemen of the city are on calls for fire fighting or other emergency assistance outside the corporate limits of the city, such equipment and personnel should be considered within their jurisdiction and the city shall have the same rights and powers as when operating within the corporate limits.

2. Subscription Fee. The amount to be charged subscribers for such service as may be rendered by the Buffalo Volunteer Fire Department shall be fifty dollars (\$50.00) for a period of ten (10) years from the date of receipt of such payment by the department.

3. Service Charge: Non-Subscribers. There shall be a charge for fire fighting or other emergency service outside the corporate limits to a non-subscriber in the amount of one hundred dollars (\$100.00) plus twenty-five (\$25.00) per hour or any fraction thereof spent in rendering or attempting to render assistance in response to any request for such assistance.

2.2-1.09 RULES AND REGULATIONS.

Any rules or regulations prescribed by resolution of the council shall be obeyed by the department or any of its members.

CHAPTER 2 - FIRE PREVENTION CODE  
(RESERVED FOR FUTURE USE)

DIVISION 3 - BUILDING AND PROPERTY REGULATION

CHAPTER 1 - UNIFORM BUILDING CODE

2.3-1.01 OFFICIAL CODE.

The International Building Code shall prevail as the official code governing all aspects of the building field in the city.

(Ord. 407, 2006: Ord. 360, 1998: Ord. 235, Sec. 1, 1985)

2.3-1.02 UNIFORM BUILDING CODE ADOPTED.

1. The city adopts the 2003 Edition of the International Building Code in full except for additions or deletions adopted elsewhere in this code. The International Building Code as published by the International Conference of Building Officials is hereby adopted by reference.

2. The Abatement of Dangerous Buildings, the Uniform Fire Code, the International Mechanical Code and the International Electrical Code are adopted as supplements to the International Building Code.

3.A. The Uniform Fire Code in its entirety, except appendices, shall prevail as the official code governing all aspects of the building field in the city of Buffalo, Iowa.

B. The city hereby adopts the Uniform Fire Code 1994 Addition as prevailing at this time. As new editions become published they shall automatically become effective and prevail as the Official Fire Code of the city of Buffalo, Iowa. To the extent this section conflicts with any section of the Iowa Code, the latter section will prevail.

(Ord. 407, 2006: Ord. 360, 1998: Ord. 348, 1997; Ord 264, Secs. 1, 2, 1990: Ord. 235, Sec. 2, 1985; Ord 202, 1981)

2.3-1.03 FEE SCHEDULE.

The schedule in Table 2.3-1.03 A of permit fees is adopted in lieu of those provided in the Uniform Building Code.

Permit Fees

To wreck a building	\$15.00
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TABLE 2.3-1.03A PERMIT FEE SCHEDULE

\$1.00 To \$500.00	\$ 15.00
501.00 To 600.00	17.00
601.00 To 700.00	19.00
701.00 To 800.00	21.00
801.00 To 900.00	23.00
901.00 To 1,000.00	25.00
1,001.00 To 1,100.00	27.00
1,101.00 To 1,200.00	29.00
1,201.00 To 1,300.00	31.00
1,301.00 To 1,400.00	33.00
1,401.00 To 1,500.00	35.00
1,501.00 To 1,600.00	37.00
1,601.00 To 1,700.00	39.00
1,701.00 To 1,800.00	41.00
1,801.00 To 1,900.00	43.00
1,901.00 To 2,000.00	45.00
2,001.00 To 3,000.00	54.00
3,001.00 To 4,000.00	63.00
4,001.00 To 5,000.00	72.00
5,001.00 To 6,000.00	81.00
6,001.00 To 7,000.00	90.00
7,001.00 To 8,000.00	99.00
8,001.00 To 9,000.00	108.00
9,001.00 To 10,000.00	117.00
10,001.00 To 11,000.00	126.00
11,001.00 To 12,000.00	135.00
12,001.00 To 13,000.00	144.00
13,001.00 To 14,000.00	153.00
14,001.00 To 15,000.00	162.00
15,001.00 To 16,000.00	171.00
16,001.00 To 17,000.00	180.00
17,001.00 To 18,000.00	189.00
18,001.00 To 19,000.00	198.00
19,001.00 To 20,000.00	207.00
20,001.00 To 21,000.00	216.00
21,001.00 To 22,000.00	225.00
22,001.00 To 23,000.00	234.00
23,001.00 To 24,000.00	243.00
24,001.00 To 25,000.00	252.00
25,001.00 To 26,000.00	258.50

26,001.00 To 27,000.00	265.00
27,001.00 To 28,000.00	271.50
28,001.00 To 29,000.00	278.00
29,001.00 To 30,000.00	284.50
30,001.00 To 31,000.00	291.00
31,001.00 To 32,000.00	297.50
32,001.00 To 33,000.00	304.00
33,001.00 To 34,000.00	310.50
34,001.00 To 35,000.00	317.00
35,001.00 To 36,000.00	323.50
36,001.00 To 37,000.00	330.00
37,001.00 To 38,000.00	336.50
38,001.00 To 39,000.00	343.00
39,001.00 To 40,000.00	349.50
40,001.00 To 41,000.00	356.00
41,001.00 To 42,000.00	362.50
42,001.00 To 43,000.00	369.00
43,001.00 To 44,000.00	375.50
44,001.00 To 45,000.00	382.00
45,001.00 To 46,000.00	388.50
46,001.00 To 47,000.00	395.00
47,001.00 To 48,000.00	401.50
48,001.00 To 49,000.00	408.00
49,001.00 To 50,000.00	414.50
50,001.00 To 51,000.00	419.00
51,001.00 To 52,000.00	423.50
52,001.00 To 53,000.00	428.00
53,001.00 To 54,000.00	432.50
54,001.00 To 55,000.00	437.00
55,001.00 To 56,000.00	441.50
56,001.00 To 57,000.00	446.00
57,001.00 To 58,000.00	450.50
58,001.00 To 59,000.00	455.00
59,001.00 To 60,000.00	459.50
60,001.00 To 61,000.00	464.00
61,001.00 To 62,000.00	468.50
62,001.00 To 63,000.00	473.00
63,001.00 To 64,000.00	477.50
64,001.00 To 65,000.00	482.00
65,001.00 To 66,000.00	486.50
66,001.00 To 67,000.00	491.00
67,001.00 To 68,000.00	495.50
68,001.00 To 69,000.00	500.00

69,001.00 To 70,000.00	504.50
70,001.00 To 71,000.00	509.00
71,001.00 To 72,000.00	513.50
72,001.00 To 73,000.00	518.00
73,001.00 To 74,000.00	522.50
74,001.00 To 75,000.00	527.00
75,001.00 To 76,000.00	531.50
76,001.00 To 77,000.00	536.00
77,001.00 To 78,000.00	540.50
78,001.00 To 79,000.00	545.00
79,001.00 To 80,000.00	549.50
80,001.00 To 81,000.00	554.00
81,001.00 To 82,000.00	558.50
82,001.00 To 83,000.00	563.00
83,001.00 To 84,000.00	567.50
84,001.00 To 85,000.00	572.00
85,001.00 To 86,000.00	576.50
86,001.00 To 87,000.00	581.00
87,001.00 To 88,000.00	585.50
88,001.00 To 89,000.00	590.00
89,001.00 To 90,000.00	594.50
90,001.00 To 91,000.00	599.00
91,001.00 To 92,000.00	603.50
92,001.00 To 93,000.00	608.00
93,001.00 To 94,000.00	612.50
94,001.00 To 95,000.00	617.00
95,001.00 To 96,000.00	621.50
96,001.00 To 97,000.00	626.00
97,001.00 To 98,000.00	630.50
98,001.00 To 99,000.00	635.00
99,001.00 To 100,000.00	639.50
100,001.00 To 500,000.00	\$640.00 For the first \$100,000.00 Plus \$3.50 for each additional \$1000.00 or fraction thereof to and including \$500,000.00

500,001.00 To 1,000,000.00	\$2,039.50 For the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof to and including \$1,000,000.00
1,000,001.00 and Up	\$3,539.50 For the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof

(Ord. 360, 1998: Ord. 283, 1991)

2.3-1.04 BUILDING VALUATION DATA.

For the purpose of determining the valuations of buildings and improvements thereto for building permit fees, the following values per square foot shall be multiplied by the total square foot of the building or improvements thereto for residential buildings.

1. Houses:

A. Wood frame construction	\$55.00/sq. ft.
B. Brick veneer construction	\$65.00/sq. ft.

C. If basement is finished add \$10.00 per additional sq. ft.

D. If second floor add \$25.00 per additional sq. ft.

2. Additions:

A. Same value per square foot as for house in Sub Section 1

3. Breezeway:

A. Unenclosed	\$ 6.50/sq.ft.
B. Enclosed	\$25.00/sq. ft.

4. Porch:

A. Unenclosed	\$20.00/sq. ft.
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B. Enclosed	\$45.00/sq. ft.
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5. Balcony: \$20.00/sq. ft.

6. Pole buildings: \$15.00/sq. ft. finished \$30.00/sq. ft.

7. GARAGES: (Fee separate from house valuation)

A. Frame construction	\$20.00/sq. ft.
B. Brick veneer	\$25.00/sq. ft.
C. Basement garage	\$20.00/sq. ft.
D. Car ports	\$15.00/sq. ft.

(Ord. 360, 1998: Ord. 205, Sec. 1, 1981)

2.3-1.05 BUILDING INSPECTION FEE.

The fee paid for the building permit includes building inspection fees except for the following:

1. Inspections outside of normal business hours at which time thirty dollars (\$30.00) per hour will be charged with a minimum charge of two (2) hours

2. Reinspection fee shall be thirty dollars (\$30.00) per hour with a minimum charge of one (1) hour

3. Inspections for which no fee is specifically indicated shall be thirty dollars (\$30.00) per hour with a minimum charge of one half hour

4. Additional plan review required by changes, additions or revisions to approved plans shall be thirty dollars (\$30.00) per hour with a minimum charge of one half hour.

(Ord. 360, 1998: Ord. 205, Sec. 2, 1981)

2.3-1.06 GARAGES AND STORAGE BUILDING.

The following regulations shall apply to garages and storage buildings:

1. Maximum size shall not exceed twenty-six (26) feet in width and thirty (30) feet in length without frost footings. (Delete Section 1806.3 of the Uniform Building Code 1997 Edition Exceptions: Requirement of four hundred (400)

square feet and insert seven hundred eighty (780) square feet)

A. Minimum Requirements for Concrete and Reinforcement, for Slab on Grade.

1. Of slab on grade for private garages, concrete shall have a minimum of three thousand five hundred (3,500) psi (pounds per square inches) concrete to be cast in place.

2. There shall be a twelve (12) inch by twelve (12) inch footing around the entire perimeter of the floating slab. It shall also have three (3) No. 4 rerod installed evenly in the twelve (12) inch by twelve (12) inch footing and be three thousand five hundred (3,500) psi concrete and cast in place.

3. Slab on Grade Reinforcement Requirements. Wire No. 6 paving mesh or approved equal by the building commissioner, shall be placed in center of slab and tied to No. 4 rerod in footing ASTM standard for rerod and wire shall be as approved by the Uniform Building Code, notwithstanding other requirements as set out in the Uniform Building Code and the City Code.

B. Maximum height of the side walls shall not exceed nine (9) feet, four and one-half (4 1/2) inches from the floor to the top of plate, studs placed on twenty-four (24) inch centers, rafters on twenty-four (24) inch centers of two (2) inch by six (6) inch material of two (2) inch by four (4) inch approved trusses maximum pitch of roof shall not exceed six (6) inches per foot run.

C. Concrete floor shall be a minimum of four (4) inches in thickness reinforced with minimum of No. 10-wire mesh.

2. Maximum size of garage or out building shall be determined by formulas set forth in the City Code under Title VI Chapter 7 Article 3 "District Regulations."

(Ord. 360, 1998: Ord. 240, 1986)

2.3-1.07 EXCAVATIONS - WARNING MARKERS -  
RESTORATION.

All excavations for the construction and installation of all buildings and related improvements including sewer, water and other utilities under this chapter shall be adequately guarded with barriers and lights so as to protect the public from hazard. The building permit applicant shall provide a deposit in the amount of five hundred dollars (\$500.00) to the city. All streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city within thirty (30) days from the completion of the construction and/or installation. The determination as to whether the public property has been restored in a manner satisfactory to the city shall be determined by the public works director. If the restoration is not completed within the thirty (30) day period, or is not performed in a manner satisfactory to the city, then the public works director may restore the public property in a manner satisfactory to the city and apply the deposit to the cost of the restoration of the public property.

(Ord. 369 (part), 2000)

CHAPTER 2 - DISPLAY OF ADDRESS NUMBERS

2.3-2.01 DISPLAY REQUIRED.

All building, excluding private garages, must display their address numbers in a highly visible area to be seen easily by the fire, police and ambulance personnel. In rural areas, they should also be displayed on a mailbox at the driveway to the property. Private garages may also have the address numbers displayed in the case of an emergency in a garage, where the emergency vehicles may enter through an alley, and not see the numbers on the residence.

(Ord. 265, 1990)