

CHAPTER 160

CIGARETTE PERMITS

160.01 Definitions
160.02 Permit Required
160.03 Application
160.04 Fees
160.05 Issuance and Expiration

160.06 Refunds
160.07 Persons Under Legal Age
160.08 Self-Service Sales Prohibited
160.09 Permit Revocation

160.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec., 453A. 1*)

1. "Carton" means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. "Package" or "pack" means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
4. "Place of business" means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist

tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

160.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

160.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A. 13)

160.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A. 13)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$75.00
October, November or December	\$56.25
January, February or March	\$37.50
April, May or June	\$ 18.75

160.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

160.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A..13 of the Code of Iowa.

(Code of Iowa, 453A. 13)

160.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer's permit shall be suspended for a period of thirty (30) days.
3. For a third violation within a period of three (3) years, the retailer's permit shall be suspended for a period of sixty (60) days.
4. For a fourth violation within a period of three (3) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A. 22 and 453A. 36[6])

160.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

160.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council.

The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa Sec. 453A.22)

(Ch. 160 - Ord 15S4 - Nov. 00 Supp.)

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS GENERAL

CHAPTER 161

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

161.01 Purpose	161.11 License Not Transferable
161.02 Definitions	161.12 Time Restriction
161.03 License Required	161.13 Revocation of License
161.04 License Exemptions	161.14 Record and Determination
161.05 Religious and Charitable Organizations	161.15 Effect of Revocation
161.06 Application for License	161.16 Rebates
161.07 License Fees	
161.08 Bond Required	
161.09 License Issued	
161.10 Display of License	

161.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

161.02 DEFINITIONS. For use in this chapter the following s are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient Merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

161.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license herein provided is in violation of this chapter.

161.04 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Students. Students representing the Webster City Community School District conducting projects sponsored by organizations recognized by the school.
5. Milk Delivery. Milk delivery men who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

161.05 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Sections 161.06 through 161.15. All such organizations shall be required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk shall find that the organization is a bona fide charity or religious organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 161.17 of this chapter.

161.06 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address if any. The

application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of fifteen dollars (\$15.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. **(Ord. 2004-1628 - Nov. 04 Supp.)**

161.07 LICENSE FEES. The following license fees for each peson solliciting shall be paid to the Clerk prior to the issuance of any license.

- 1. One Day. For one day or any part thereof - \$5.00
- 2. One Week. For one week - - - - - \$15.00
- 3. One Month. For one month - - - - - \$20.00
- 4. Three Months. For three months - - - - - \$40.00
- 5. Six Months. For six months - - - - - \$60.00
- 6. One Year. For one year - - - - - \$100.00

7. Other. For periods not covered above, an applicant may purchase a license by adding together the license fee for the periods which when added together constitute the period for which the license is desired, or by purchasing a license for the next longer period, whichever is less. **(Ord. 2004-1628 - Nov. 04 Supp.)**

161.08 BOND REQUIRED. Before a license under this chapter shall be issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C.4 of the Code of Iowa. **(Ord. 2004-1628 - Nov. 04 Supp.)**

161.09 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

161.10 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in the City keep in such person's possession the license provided for in Section 161.09 and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

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

161.12 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight o'clock (8:00) a.m. and seven o'clock (7:00) p.m.

161.13 REVOCATION OF LICENSE. Any license issued under this chapter may be Revoked by the City Clerk for the following reasons:

1. Makes fraudulent, false or incorrect statements in the process of conducting his/her business.
2. Violation of any City ordinance or law of the State of Iowa or has conducted the activity for which licensed in an unlawful manner.
3. Demonstrated unacceptable behavior, place residents in fear.

161.14 RECORD AND DETERMINATION. Upon either the City Clerk or Police Department determining that probable cause exists to substantiate the complaints) against the licensee, the license shall immediately be suspended and physically retrieved from the licensee pending the outcome of a full investigation by the City Clerk and Police Department.

161.15 EFFECT OF REVOCATION. If after the investigation, the City Clerk believes the complaint is substantiated, the City Clerk is authorized to revoke the license and bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

If the City Clerk reviews the complaints and determines the licensee has not violated this chapter or any other State laws or City ordinances, the license may be reinstated.

161.16 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

(161.13 - 161.19 repealed & replaced with 161.13 - 161.16 - Ord. 2004-1626 -Oct. 04 Supp.)

[The next page is 711]

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- 708 -

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 162

BUILDING MOVERS

162.01 Permit Required	162.06 Route
162.02 Permit Application	162.07 Regulations
162.03 Bond Required	162.08 Notice to Utilities
162.04 Insurance Required	162.09 Duties to Public Utilities
162.05 Permit Issued	162.10 Continuing Violations

162.01 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business or mercantile storage or commercial, industrial, institutional, assembly, educational or recreational purposes, which when loaded on any carrier of any kind has a loaded width exceeding eight (8) feet.

Building mover means any person who engages in the work of moving in any way, or raising, lowering or supporting by shoring, or upon temporary blocking, jacks or wedges, any building or other structure, or any part thereof, upon or across the public streets, alleys, walks or property.

162.02 Penalty for violation of article. Any person violating any of the provisions of this article shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be punished accordingly.

162.03 Transfer of permit. No permit issued pursuant to this article shall be transferable.

162.04 Revocation of permit. Any person who shall, in the application for a permit required by this article, make any false or untrue statement, who shall violate the provisions of this article, who shall fail to pay any cost or expense incurred by the city as a result of his/her operations, or whose bond or insurance as required by this article has been cancelled or otherwise terminated, shall, upon such finding, have his/her permit revoked.

162.05 Moving of certain buildings prohibited; safety of route.

- (1) No building shall be moved upon or through the streets of the city which exceeds 34 feet, including overhang, in width, or which exceeds 30 feet loaded height without prior approval by the city council of the city.
- (2) No building shall be moved on any route which in the opinion of the Police Chief, Public Works Director, and Building Official endangers other buildings, individuals, or property.

162.06 Responsibility for injuries or damage. Any injury done to any street, highway, boulevard, alley, public ground, sidewalk, curb, crossing or pavement when a building is moved shall be promptly repaired to the satisfaction of the Public Works Director, and the cost of any injury or damage done to any person or to any property, either public or private, shall be promptly paid, and the bond provided for in Section 162.24 shall stand as security therefore.

162.07 Report of damage. The house mover shall report any damage done to any street, highway, boulevard, alley, sidewalk, curb, tree or telephone or light pole or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the Building Official, within 24 hours from and after the occurrence causing the damage.

162.08 Parking on private property. It shall be unlawful for any person moving a building to stop, stand or park a house, equipment, material or structure upon privately owned property without first having obtained the consent of the owner or person in charge of the privately owned property. Upon complaint of the owner or person in charge of the privately owned property, failure of the person to obtain the consent is declared to be an offense.

162.09 Use of streets; hours for movement; emergency storage on street.

- (1) In no case shall paved streets, alleys, avenues or public grounds be used for the purpose of moving any building unless they are in the most practical direct route from the place of origin to the place of destination. The route chosen shall cause the least damage to electrical wires, telephone wires, trees, and other property or public service corporations or private individuals. The movement, when commenced, shall be continued, day by day, until completed, with the least possible obstruction to the thoroughfares occupied.
- (2) No building being moved shall be stored on the streets of the city unless authorized by the City Manager. No such authorization shall be granted unless application for the occupancy is made to the Building Official, in writing, setting forth the reasons therefore. The occupancy shall be granted only if the applicant demonstrates that an emergency exists which was not the making of the individual moving the building or to which the mover did not contribute. Before authorization for street occupancy can be granted, the applicant must sign a statement assuming liability for any damage to persons and property, including property of the city, and indemnify the city for any claims against the city arising out of the occupancy. Barricades of a type meeting the Public Works Department specifications as to size and illumination shall be kept in a conspicuous place at each end and side of the building during the night, which shall be between sunset and sunrise.
- (3) Every house mover shall report to the Fire Chief, Police Chief, ambulance, and E911 if stored on public property.
- (4) When in the judgment of the Public Works Director it is necessary to protect streets or street improvements, the building mover may be required to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving the same shall run upon and rest upon such planks at all times.

162.10 Temporary no parking zones. Parking shall be prohibited on streets included in the routing for the moving of a building if deemed necessary by the city. At least 48 hours in advance of the time of moving, the person moving the building shall post signs provided by the city designating the streets included in the routing as no parking zones. It shall be unlawful for any person to park a motor vehicle in such no parking zones when the temporary no parking signs are posted. If any automobile is parked illegally in violation of the provisions of this section, and a summons has been issued by the Police Department, the person moving the building shall be responsible for the expense of towing the vehicle away. The person moving the building shall assume all risk of damage to any vehicle either towed away or parked in the route. The person moving the building shall remove all temporary no parking signs on the streets included in the routing immediately after the building being moved has passed the street assigned for no parking. The person moving the building shall return the no parking signs to the city after their removal, and shall pay the city for any signs lost, damaged or destroyed.

162.11 Inspection of streets. The party moving any building shall, within one day after the building reaches its destination, report such fact to the Building Official, who shall thereupon notify the Director of Public Works, who shall immediately inspect the streets and alleys or public grounds over which the building was moved and ascertain the condition of the streets, alleys or public grounds. If the moving of such building has caused any damage to the streets, alleys or public grounds or electric light wires or cables or other property belonging to the city, the city shall repair the damage done at the expense of the party taking out the permit, and shall hold the sureties on the bond given by the house mover responsible for the payment of the expense.

162.12 Removal of utility poles and wires. Whenever, in moving any building, it shall be necessary to cut or move any electric light, telephone, traffic or other wire, pole or fixture, the owner of the wire, pole or fixture shall have the right to cut or move it or supervise the cutting or moving, and a written notice shall be given by the moving permittee to the owner at least 48 hours before the time required for cutting or moving, specifying the place, the person who requests the cutting or removal, and the time when the cutting or removal will be required. The expense of cutting or removing the wires, poles or fixtures or supervising the cutting or removal shall be paid by the moving contractor, if the owner of the wires, poles or fixtures has done the work in accordance with the provisions of this Code or other ordinances of the city relating thereto. If the owners of the wires, poles or fixtures have failed to comply with the provisions of this Code or other ordinances of the city relating thereto, then the owner shall bear all expenses of cutting or removing the wires, poles or fixtures.

162.13 Clearing and filling of old building site; abandonment of utility connections.

- (1) After a building is moved, all abandoned water, sewer, electrical and other service connections shall be plugged and filled in. In addition, all abandoned septic tanks and dry wells shall be pumped out and filled with sand. Permission to so abandon utilities, septic tanks and dry wells shall first be obtained from the city, and any other necessary release shall be obtained from the utility companies. The releases and permission must be filed with the application for a permit to move the building.
- (2) Every permittee under this chapter shall remove all rubbish and materials and fill all excavations to existing grade at the original building site within 60 days after the building is moved, so that the premises are left in a safe and sanitary condition. Within 90 days after the building is moved, but no less than 30 days after final grading of the site, or at the earliest opportunity during the growing season that is conducive to plant germination, the site shall be seeded with grass or similar acceptable vegetative ground cover. The owner of the property shall make reasonable efforts to ensure proper germination of the planted vegetation, and the property owner shall thereafter maintain the property in compliance with all applicable city ordinances.

(3) The city shall proceed to do all work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this article, and the cost thereof shall be charged against the general surety bond of the permittee.

162.14 Compliance with building code and zoning ordinance.

(1) After a change of use has been made in a building, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the provisions of the building code and the city zoning ordinance and all other applicable provisions of this Code or other city ordinances are complied with. A change from one prohibited use to another prohibited use shall be deemed a violation of the building code and of the city zoning ordinance.

(2) Each moved building shall be made to comply with all the provisions of the city building codes.

(3) All work required to bring the building moved up to the standards required by subsections (1) and (2) of this section shall be completed prior occupancy.

162.15 Building permit required; time limit for installation of building on new site. No licensee under this article shall move any building to any lot unless he shall have first obtained a building permit for the building on the lot from the Building Official, and no permit for moving a house to a lot in the city shall be granted by the Building Official if there has not been issued a building permit for the building on the lot. No building shall be moved to a lot in the city for the purpose of storing the building on the lot. A building moved to a lot shall be permanently installed on its new foundation within 60 days of the date moved on the lot.

162.16 Permit Required. No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the Building Official pursuant to this chapter.

162.17 Permit Application.

(1) A building mover shall submit his/her application for a permit to move a building to the office of the building official at least fourteen (14) days prior to the proposed time of moving. The building owner or his/her representative must be present during the move.

(2) The application for the permit shall be made in writing on forms provided by the building official, and shall be filed in his/her office.

(3) The application shall set forth:

- (a) Name and address of the building mover and the building owner.
- (b) A description of the building proposed to be moved including its maximum height and width when loaded.
- (c) Present and proposed location of the building to be moved.
- (d) The route over which the building is to be moved.
- (e) The proposed moving date and hours.
- (f) Locations of trees abutting the proposed route which would require trimming.
- (g) Any additional information which the Building Official shall find necessary to determine whether a permit shall be issued.

162.18 Filing of consents to route. With the application for a permit to move a building, there shall be filed the consents to the routing by the telephone company, cablevision company, the city utilities, the Fire Department, the Police Department, and the Public Works Department, and, where the route crosses railroad property, consent must be obtained from the railroad involved. Final consent of the City Manager must be obtained.

162.19 Filing of consents to trimming of trees. If there are trees which do not have branches that extend into the public right-of-way but need to be trimmed because of the moving of a building, the permit applicant shall secure and file the written consent of the owner of the trees. If the trees extend into the public right-of-way, the additional written consent of the City Manager must be obtained. The consent shall be based on the fact of whether or not serious damage or injury will result to the trees.

162.20 Applicant to show that owner of building is apprised of total cost of move.

(1) The building mover, if other than the owner, shall, when applying for a permit to move a building, submit evidence that the owner of the building to be moved is aware of the total of all costs and charges that will be incurred as a result of the moving, either through a signed agreement or a copy of a notification to the owner signed by both the mover and the owner.

(2) The applicant shall deposit with the City Clerk a check covering 50% of the anticipated costs to be incurred by the City relating to the moving procedure. The costs shall be determined by the Electric Line Distribution Supervisor and the Public Works Director. When the move has been completed and final costs have been determined, the remaining costs shall be paid within 30 days.

162.21 Fee. The application for a permit to move a building shall be accompanied by a permit fee in such amount as established by the City Council from time to time.

162.22 Issuance. Upon the filing of the application for a permit to move a building, payment of the fee, proof of insurance, and filing of bond, and upon approval of the proposed move by the City Manager, the Director of Public Works, and the Chief of Police the permit sought shall be issued by the Building Official.

162.23 Insurance Required. Before any permit required by this chapter shall be issued, the applicant shall obtain and furnish to the city an insurance policy for public liability and property damage in the amount of \$100,000.00 per person injured, \$300,000.00 for each accident, and \$50,000.00 property damage. The insurance policy shall name the city and the applicant as named insured, and shall provide that the policy cannot be revoked, cancelled or modified in any way until the city has been notified by certified mail at least ten days prior to the proposed action.

162.24 Bond Required. The applicant for a permit required by this chapter shall file with his/her application a bond with an approved corporate surety in the penal sum of \$20,000.00, conditioned that all work done under the license shall be done in a good and workmanlike manner, in accordance with all provisions of this Code and all other ordinances of the City relating to house moving, and that the applicant will pay to the City, to the City utilities or to any person all costs incurred or all damages for injuries to person or property, including, but not limited to, damages to any street, curb or sidewalk or to any other public property caused by negligence, fault or mismanagement of the applicant or person in his/her employ, or due to any other cause, in doing any work under the permit for such work.

162.25 Denial.

(1) When, in the judgment of the City Manager, after recommendation by the Police Chief and the Public Works Director, the proposed building movement will result in an undue hazard to traffic, or undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees or other public or private property, or where it is determined by the Building Official that the relocation of the building is not in the best interests of the surrounding property owners due to age of the structure or the structure's architecture not being compatible with the existing buildings, the permit sought shall be denied, and the reasons therefore endorsed upon the application.

(2) The permit to move a building shall also be denied if the structure will not comply with the provisions of this Code or other ordinances of the City or the laws of the State relating to electrical and plumbing requirements of new structures, unless the owner has obtained a permit to correct the violations, or if the power or telephone company refused to consent to the operations, or if the structure will not comply with the zoning ordinances within the proposed location.

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711 -

CHAPTER 162

BUILDING MOVERS

162.09 DUTIES OF PUBLIC UTILITIES. After the service of the notice provided for in Section 162.08 of this chapter, it shall be the duty of any public service corporation whose property is located upon or over the streets and alleys of said city and whose property is an obstruction to the movement of said building over said streets and alleys, upon the payment by the owner of said building, or the party moving the same, of the reasonable expense of removing said obstructions and replacing the same after said building has been moved, to temporarily move the said obstructions so as to enable said building to pass said obstructions.

162.10 CONTINUING VIOLATIONS. Each day of violation shall be determined to be a separate violation of this chapter.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 163

BANKRUPT, FIRE AND CLOSING OUT SALES

163.01	Definitions	163.07	Duration; Renewal
163.02	License Required	163.08	Display of License
163.03	Application for License	163.09	Fraud and Misleading Advertising
163.04	Information Required for Application	163.10	False Statements
163.05	Examination and Investigation of Advertisements	163.11	Requirements as to
	Application	163.12	Books and Records of Sale
163.06	Issuance After Investigation	163.13	Exemptions

163.01 DEFINITIONS. The following words and terms, as used in this chapter, shall be deemed to mean and be construed as follows:

1. "License" means a license issued pursuant to this chapter.
2. "Licensee" means any person to whom a license has been issued pursuant to this chapter.
3. "Inspector" means the City Manager or a duly appointed representative.
4. "Sales" means the sale or an offer to sell, to the public, goods, wares and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising, on the part of the seller, that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It also includes any sale advertised, either specifically or in substance to be a "fire sale," "smoke and water damage sale," "adjustment sale," "Creditor's sale," "trustee's sale," "bankrupt sale," "insolvent sale," "insurance salvage sale," "save us from bankruptcy sale," "mortgage sale," "assignee's sale," "adjuster's sale," "receiver's sale," "loss -of -lease-sale,,, "wholesaler's close-out sale," "creditor's committee sale," "forced-out-of-business-sale," "removal sale," and any all sales advertising in such a manner as to reasonably convey

to the public that upon the disposal of the stock of goods on hand, the business will cease and be discontinued. Publish, publishing, advertisements, advertising, includes any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by circular, by pamphlet, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement, by radio program, by recordings and any and all means including oral, written or printed.

163.02 LICENSE REQUIRED. No person shall publish or conduct any sale without a license therefor.

163.03 APPLICATION FOR LICENSE. An application for a license pursuant to this chapter shall be made to the Clerk in writing and verified by the applicant to the Clerk for approval. Said application shall be accompanied by a license fee in the amount of ten dollars (\$10.00).

163.04 INFORMATION REQUIRED FOR APPLICATION. An application for a license shall include the following information:

1. Location. A description of the place where such sale is to be held.
2. Advertising Methods. The means to be employed in publishing such sale together with the proposed language contained in any advertisements.

163.05 EXAMINATION AND INVESTIGATION OF APPLICATION. Upon receipt of an application for a license, and payment of the prescribed fee, the inspector or a duly appointed representative shall cause the same to be examined and investigated and report back to the Council for further action.

163.06 ISSUANCE AFTER INVESTIGATION. If, upon investigation, the facts as represented by the application are found to conform to the representation thereof, as contained in the application, and the advertising proposed to be used truly represents such facts and is not fraudulent or misleading to the public, the Clerk shall issue a license permitting the publication and conduct of such sale.

163.07 DURATION; RENEWAL. A license issued under the provisions of this chapter shall be for a period not exceeding thirty (30) days; provided, that upon satisfactory proof by the licensee that the stock itemized in the original application has not been

disposed of, upon proper application, the Council shall renew such license for an additional thirty day period. Such renewal application shall contain an itemized list of the balance of the original stock on hand, and shall be verified by the applicant. The Council shall cause the renewal application to be examined and investigated, and, if satisfied as to the trust of the statements therein contained, the Council shall issue a renewal license for the period of thirty (30) days. At the expiration of the second thirty day period, the Council may renew at their discretion the duration of the license for an additional thirty day (30) period only.

163.08 DISPLAY OF LICENSE. Upon commencement of any sale, the license issued by the Council shall be prominently displayed near the entrance to the premises.

163.09 FRAUD AND MISLEADING ADVERTISING. It shall be unlawful for a licensee to advertise, or cause to be advertised, goods, wares, or merchandise for a sale which do not conform to the representations of the advertisement. It shall be unlawful for a licensee to publish, or cause to be published, advertising falsely representing the reason for a sale.

163.10 FALSE STATEMENTS. It shall be unlawful for any person to make a false statement in any application for license as herein required and upon conviction thereof be punished as herein provided.

163.11 REQUIREMENTS AS TO ADVERTISEMENTS. All advertisements or advertising, and the language contained therein, shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued. The wording of such advertisements shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words: "Sale held pursuant to Permit No. _____ of the City Council, granted the _____ day of 20 ____, and in such blank spaces shall be indicated the permit number and the requisite dates.

163.12 BOOKS AND RECORDS OF SALE. Books and records of sales, under this chapter, shall be kept by the licensee, and shall at all times be available to the City Manager.

163.13 EXEMPTIONS. The provisions of this chapter shall not apply to or affect the following persons:

1. Court order. Persons acting pursuant to an order or process of a Court of competent jurisdiction.
2. Sheriffs' Sales. Persons acting in accordance with their powers and duties as public officers, such as sheriffs, bailiffs or marshals.
3. Auctions. Duly licensed auctioneers selling at auction.
4. Required By Law. Executors, guardians, assignees or insolvent debtors, bankrupt or other persons required by law to sell such property.

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CHAPTER 164

LICENSING OF PLUMBERS

164.01 Definitions	164.07 License and License Fees
164.02 Master Plumber's License Required	164.08 Master Plumber's Bond
164.03 Journeyman Plumber's License Required	164.09 Revocation of License
164.04 License Eligibility Requirements	164.10 Use of Licensee's Name by Others
164.05 Application and Examination Fees	
164.06 Licensing Plumber From Another City	

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

1. "Journeyman Plumber" means a person who performs plumbing work which is by law or ordinance subject to official inspection and who is licensed by the City of Webster City to do such work.
2. "Master Plumber" means any person engaged in the business of installing plumbing and who is licensed by the City of Webster City to engage in such business. A master plumber shall not perform plumbing work unless also licensed as a journeyman plumber.

164.02 MASTER PLUMBER'S LICENSE REQUIRED. With the exception of any person regularly engaged in the sale and installation of appliances, no person shall engage in the business of installing or repairing plumbing in the City unless licensed as a Master Plumber under the provisions of this chapter. No firm or corporation shall engage in the business of installing or repairing plumbing in the City unless an active member or official of said firm or an active official of said corporation is licensed as a master plumber under the provisions of this chapter and unless said licensed master plumber has direct supervision and control of said plumbing business. The firm or corporation with whom the master plumber is associated and said plumber's official capacity with said firm or corporation shall be named on the master plumber's license.

164.03 JOURNEYMAN PLUMBER'S LICENSE REQUIRED. No person shall perform any plumbing work in the City unless licensed as a journeyman plumber under the provisions of this chapter and is working under a contractor who has a master license. Exceptions. No license would be required for:

- A. Any person regularly engaged in the sale and installation of appliances.

2. A person registered under "maintenance" and performing duties under which he/she was hired at his/her place of employment.
3. A homeowner, living in a single family dwelling, doing his own work.

164.04 LICENSE ELIGIBILITY REQUIREMENTS. To be eligible for a license as a journeyman plumber, a person shall have at least two (2) years practical experience as an apprentice assisting in the installation of plumbing work. However, one year of apprenticeship may be waived if the applicant has a certificate from a vocational-technical school with a minimum of six months training in plumbing. Said person shall furnish the City with bona fide affidavits as to said person's practical experience and pass a basic plumbing examination. To be eligible for a license as a master plumber, a person shall have a journeyman's license and have a general practical knowledge of the purpose and method of the construction of plumbing work, be competent to plan and supervise the installation of plumbing and shall be required to have some knowledge of mechanical drawings, and shall pass an examination covering the plumbing code.

164.05 APPLICATION AND EXAMINATION FEES. Any person desiring to be licensed as a master plumber or journeyman plumber shall make application to the City in writing on forms furnished by the City. Applicant shall pay the City's third party testing agency the applicable examination fee and said fee shall accompany the application.

164.06 LICENSING PLUMBER FROM ANOTHER CITY. The City Clerk may issue a license without examination to any plumber holding a like license from another City recognized by the City of Webster City, as follows:

1. Approval. All requests for this type of license will be approved by the City staff or if there is any question, the application for a license will be referred to the City Manager for action on the matter.
2. Fees. Under this section all fees will be paid to the City Clerk whether an examination is given or not.
3. License Limited. Any license issued by the City Clerk under this section will be issued for one (1) job or location only. Any additional work on any other location will require reapplication by the original applicant. Additional application fees will be paid to the City Clerk for each one time application requested under the provisions of this section.

164.07 LICENSE AND LICENSE FEES.

1. The City Clerk shall issue an appropriate license to the applicant upon receiving the following:

- A. A proper certificate from City staff authorizing license.
- B. Payment of the fees herein specified.
- C. Filing the bond and insurance certificates required herein.

2. The City Council shall establish by resolution the annual license fees for Master Plumber and Journeyman Plumber. Journeyman and Master Plumber license applicants are required to pay said license fee no later than thirty (30) days after the date of the appropriate certificate authorizing the issuance of the license. Said licenses shall be valid within the City for a period of one year, beginning on January 1 of that year.

3. Licenses may be renewed annually upon application to the City Clerk and upon payment of the above fees before February 1 of each year. Expired licenses may be renewed by obtaining approval from the staff. Applicant must have remained active as a plumber during the period of time the license has lapsed. Cost of renewing an expired license shall be set by the City Council in the same manner as other fees.

164.08 MASTER PLUMBER'S BOND. Before a master plumber's license is issued to any person, said person shall execute and deposit with the Clerk a bond in the sum of two thousand dollars (\$2,000.00), such bond to be conditioned that all plumbing work performed by the licensee or under said licensee's supervision shall be performed in accordance with the provisions of this chapter and this Code of Ordinances and the laws of the State, and said licensee will indemnify and keep harmless the City from all liability from any accidents or damages arising from the performance of said licensee's work. Also before a master plumber's license is issued to any person, said person shall file with the City Clerk a certificate from a responsible insurance company authorized to do business in the State of Iowa, showing that said person has in effect, during the term for which the master plumber's license is to be issued, public liability insurance coverage in the amount of not less than one hundred thousand dollars (\$100,000.00) for one person and one hundred thousand dollars (100,000.00) for any one accident, and property damage coverage in the amount of not less than one hundred thousand dollars (\$100,000.00). This insurance coverage herein required shall save harmless the City and protect the public and person from injury sustained by reason of any plumbing work done under said master plumber's license, or the handling of storing of materials therefor.

In lieu of filing said insurance and bond, the master plumber may sign a waiver of insurance and bond to be filed with the City Clerk. No plumbing permits shall be issued to any plumber who has a waiver of insurance and/or bond filed with the City Clerk. Said waiver may be canceled by filing the required insurance and bond certificates with the City Clerk.

164.09 REVOCATION OF LICENSE. The City may revoke any license obtained through nondisclosure, mis-statement, or misrepresentation of a material fact, or upon conviction of the holder for any violation of this chapter or of the plumbing code. Before any license can be revoked, the licensee shall have notice in writing from the City staff, enumerating the charges against said licensee and shall be entitled to a hearing by the City Manager within ten working days if requested in writing to City Manager. In the event the City Manager's decision does not satisfy the licensee, the licensee may request a hearing with the City Council. Request must be received within five (5) working days after the City Manager's decision. The City Council shall hear testimony under oath both for and against said licensee and shall make a decision based on such evidence. The City Council shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses.

164.10 USE OF LICENSEE'S NAME BY OTHERS. No person who has obtained a plumber's license shall allow his or her name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license. Every person licensed as a master plumber shall notify the City staff of the name and address of said plumber's place of business and shall give immediate notice to the City staff of any change in either.

(The next page is 729)

TAXICAB AND BUS LICENSES

165.01 Definitions
165.02 License
165.03 Application

165.04 License Fee
165.05 Condition of Vehicle
165.06 Insurance

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

1. "Bus" means any motor vehicle carrying passengers for hire and designed to carry more than seven (7) persons, provided that said term does not include buses operated by companies engaged in interstate commerce.
2. "Taxicab" means any motor vehicle carrying passengers for hire, except those designed to carry more than seven (7) persons.

Ambulances regularly licensed or authorized and public transit systems are not subject to this chapter.

(Ord. 2005-1636 - Mar. 05 Supp.)

165.02 LICENSE. No person shall, within the City, accept passengers for hire in any taxicab or bus without first having obtained from the Council a license therefor, and without first having complied with all other provisions of this chapter.

165.03 APPLICATION. Any person desiring a license for a taxicab or bus, shall make written application therefor to the Council upon blanks to be furnished by the Clerk. Said application shall contain the full name and address of the owner, the make, model, year of manufacture, the Iowa license number for the current year, and the engine and factory number of the vehicle.

165.04 LICENSE FEE. The fee for such license, to be paid annually and in advance, shall be twenty-five dollars (\$25.00) for each and every taxicab or bus.

(Ord. 2002-1574-Apr.02 Supp.)

165.05 CONDITION OF VEHICLE. No vehicle shall be licensed as a taxicab or bus until it has been thoroughly and carefully inspected by the City Manager or such other official as the Council may direct and found to be in a safe, satisfactory and sanitary condition for the transportation of passengers. If any licensed vehicle is involved in a collision or accident, notice thereof shall be given to the City manager or to such other official as the

Council may direct, and a complete inspection shall be made thereof before it is again placed in service.

165.06 INSURANCE. Upon application for license being granted, but -before a license is issued, the applicant shall purchase liability insurance upon each licensed vehicle in a reliable company approved by the Council in an amount satisfactory to the Council; provided that the amount so required shall be uniform as to all licensees on the same class of vehicle. The applicant shall file competent evidence with the Clerk showing that the policy so purchased covers the period for which the license is to be granted.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 166
FAIR HOUSING PRACTICES AND STANDARDS

166.01 Purpose	166.10 Charge
166.02 Definitions	166.11 Notice to Iowa Civil Rights Commission
166.03 Unfair or Discriminatory Housing Practices	166.12 Investigation for Probable Cause
166.04 Unfair or Discriminatory Housing Practices By Lending Institutions	166.13 No Probable Cause
166.05 Aiding or Abetting	166.14 Probable Cause
166.06 Exceptions	166.15 Conciliation
166.07 Fair Housing Board	166.16 Proceedings Upon Failure to Conciliate
166.08 Conduct of Board	166.17 Public Hearing
166.09 Powers of Board	166.18 Remedy
	166.19 Suit to Enforce

166.01 PURPOSE. The purpose of this chapter is to establish standards to insure that all residents in the City may purchase or rent adequate housing facilities of their choice without regard to their race, color, creed, religion, national origin, age, sex or handicap.

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

1. "Unfair practice" or "discriminatory practice" means any of those practices specified as unfair or discriminatory in Section 166.03 of this chapter.
2. "Commission" means the Iowa State Civil Rights Commission created by Chapter 601A of the Code of Iowa.
3. "Commissioner" means a member of said commission.
4. "Handicap" means the physical or mental condition of a person which constitutes a substantial disability.
5. "Housing" means any building, structure, or facility, or portion thereof, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence or sleeping place of one or more individuals, groups or families, and any vacant land offered for sale or lease for the purpose of constructing or locating such building, structure, facility and includes any interest in housing as so defined, fee simple, leasehold or other.

6. "Lending institution" means any bank, insurance company, savings and loan association or any other person regularly engaged in the business of lending money or guaranteeing loans.

166.03 UNFAIR OR DISCRIMINATORY HOUSING PRACTICES. It shall be an unfair or discriminatory practice for any owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

1. Refuse to Sell, Rent or Lease. To refuse to sell, rent, or lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, religion, national origin, handicap, age or sex of such person.

2. Discriminate. To discriminate against any person because of his race, color, creed, religion, national origin, handicap, age, or sex in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest therein.

3. Advertising. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment or sublease of any real property or housing accommodation or any part, portion or interest therein, by persons of a particular race, color, creed, religion, national origin, handicap, age, or sex is unwelcome, objectionable, not acceptable or not solicited.

4. Terms or Conditions. To include in the terms or conditions of any sale, lease, sublease, rental, assignment or other transfer of housing any condition or provision that purports to forbid or discourages or attempts to discourage the ownership, leasing, possession, occupancy or use of such housing by persons because of race, color, religion, ancestry or national origin, handicap, age, or sex.

5. Coercion. Directly or indirectly to cause or coerce, or attempt to cause or coerce, any person to do any act declared to be an unlawful housing practice, or to engage in economic

reprisal or otherwise retaliate, or to cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or otherwise retaliate, against any person because such person has opposed an unlawful housing practice or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter.

166.04 UNFAIR OR DISCRIMINATORY HOUSING PRACTICES BY LENDING INSTITUTIONS. It shall be an unlawful housing practice for any lending institution to discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available money for the purchase, acquisition, construction, alteration, repair or maintenance of any housing or to discriminate in the extension of service in connection therewith because of race, color, religion, ancestry or national origin, age, handicap or sex.

166.05 AIDING OR ABETTING. It shall be unfair or discriminatory practice for any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

166.06 EXCEPTIONS. The provisions of this chapter shall not apply to:

1. Religion. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.
2. Owner Occupied Duplex. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations.
3. Rental of Rooms. The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if the owner or member of the owner's family resides therein.

166.07 FAIR HOUSING BOARD. There is hereby created a Fair Housing Board of the City, hereinafter referred to as the Board, which shall consist of the elected Council Members. The terms for those on the Board shall be the same terms that each elected Council Member holds for said Council office.

166.08 CONDUCT OF BOARD. The Board shall:

1. Officers. Hold one meeting in the month of January to elect a chairperson and vice chairperson and such other officers as the Board may decide. All officers shall be members of the Board.
2. Quorum. A quorum shall be three (3) members of the Board.
3. Meetings. Hold all other meetings at the call of the chairperson, vice chairperson or any three members of the Board by giving at least 48 hours notice to every member of the Board. The call for a meeting shall include an agenda and only matters included in that agenda may be discussed at the meeting. If all members of the Board agree in writing, prior notice of 48 hours to a meeting may be waived.
4. Expenses and Compensation. Receive actual and necessary expenses incurred within the limits established in City budget. Members of the Board shall receive no compensation.
5. Rules. Adopt, amend or rescind such rules as may be necessary for the conduct of its business.

166.09 POWERS OF BOARD. The Board shall have the following powers and duties:

1. Complaints. To receive, investigate, and pass upon charges or complaints alleging unfair or discriminatory practices, as provided in Section 166.03 of this chapter.
2. Reduce Discrimination. To investigate and study the existence, character, causes, and extent of discrimination in housing in the City and to attempt the elimination of such discrimination by education and conciliation.
3. Reports and Publications. To issue such publications and reports of investigations and research as in the judgment of the Board shall tend to promote good will among the various racial, religious and ethnic groups of the City and which shall tend to minimize or eliminate discrimination in housing because of race, creed, color, national origin, religion or ancestry.
4. Report to Council. To prepare and transmit to the Mayor and Council from time to time, but not less often than once

each six months, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the Board.

5. Recommendations. To make recommendations to the Mayor and Council for such further legislation concerning discrimination because of race, creed, color, national origin, religion, or ancestry as it may deem necessary and desirable.

6. Cooperate With Others. To cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are not inconsistent with those of this chapter, and in the planning and conducting of programs designed to eliminate racial, religious, cultural and inter-group tensions in housing.

166.10 CHARGE. Charges may be made as follows:

1. Who May File. Any person claiming to be aggrieved by a discriminatory or unfair practice in housing within the City may, alone or by an attorney, make, sign, and file a verified written charge of discriminatory practice. The Board, a member of the Board, the City Attorney, or the Iowa State Civil Rights Commission may in like manner make, sign and file such charge.

2. Filing. Charges may be filed with any member of the Board, with the director or secretary of the Board or with the Clerk.

3. Time of Filing. Any charge filed under this chapter shall be so filed within sixty (60) days after the most recent act constituting the alleged discriminatory or unfair practice in housing.

166.11 NOTICE TO IOWA CIVIL RIGHTS COMMISSION. Notice shall be given the Iowa Civil Rights Commission as follows:

1. Manner of Notice. The secretary of the Board shall immediately notify the Iowa Civil Rights Commission in writing of the filing of a charge under this chapter by forwarding a copy of the charge, and shall provide such other and further information thereon as from time to time the Board shall deem proper.

2. Time of Notice. Whenever this chapter requires the Board or its secretary to notify the Iowa Civil Rights

Commission of any matter, it shall be the duty of the secretary of the Board to transmit such notice or information in writing within five (5) days of the event giving rise to the duty to give notice or information.

166.12 INVESTIGATION FOR PROBABLE CAUSE. Investigation for probable cause shall be conducted in accordance with the following:

1. Investigating Committee. Within five (5) days after the filing of a charge, the chairperson of the Board, or in the absence of or upon failure of the chairperson to act, the vice chairperson or other member designated by the Board, shall designate two or more members of the Board or one or more members of the staff of the Board to investigate the charge. Said person or persons are hereafter designated as the "investigating committee." If two or more persons are members of the investigating committee, the vote of a majority shall determine all questions. If the members of the investigating committee are equally divided on some issue, the chairperson of the investigating committee shall have an additional vote.

2. Procedure. The investigating committee shall first determine whether probable cause exists to believe that the person charged in the , charge has committed an unfair or discriminatory practice. The investigating committee shall take the sworn testimony of the complainant and such other evidence as it deems relevant. The proceedings of the investigating committee shall be in executive session.

166.13 NO PROBABLE CAUSE. Upon a finding of no probable cause, the following procedures shall be followed:

1. Investigating Committee. If the investigating committee shall find no probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall report the same to the Board and shall notify the complainant in writing by registered or certified mail.

2. Failure of Complainant to Object. If the complainant fails to object to such findings within ten (10) days of delivery of such written notice, the Board shall close the case. The secretary of the Board shall report such fact to the Iowa Civil Rights Commission.

3. Objection by Complainant. If the complainant objects in writing to such findings within ten (10) days of delivery of such written notice, the Board shall hear the complainant's

evidence in an executive session. If the Board finds no probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall declare the case closed. If the Board finds probable cause to exist, it shall take further proceedings as are provided in the following sections of this chapter.

166.14 PROBABLE CAUSE. Upon report or finding of probable cause the following procedures shall be followed:

1. Investigating Committee. If the investigating committee shall find probable cause to believe that the person charged has committed an unfair or discriminatory practice, it shall report the same to the Board.

2. Conciliation. If the Board shall find, on the report of the investigating committee or on its own investigation as provided in Section 166.13 of this chapter probable cause to believe that the person charged has committed an unfair or discriminatory practice as defined by this chapter, it shall direct appropriate person or persons to attempt to conciliate the matter, and it shall issue a cause to be served upon such person charged a notice stating the charges against such person and requesting the cooperation of the person charged in conciliation. Service of the notice may be registered or certified mail or by any means provided for the service of original notices in civil actions.

3. Public Hearing. If the Board shall find that probable cause does exist to believe that the person charged has committed an unfair or discriminatory practice as defined by this chapter and the Board also has probable cause to believe based on past experience or on the surrounding circumstances of the charge in question that conciliation will not be successful, the Board may file a complaint for a public hearing as provided by Section 166.17 of this chapter without conducting conciliation proceedings.

166.15 CONCILIATION. The proceedings toward conciliation shall be:

1. Prepared Conciliation Agreement. If the person or persons directed to conciliate succeed in conciliation, they shall report to the Board and shall submit a proposed written conciliation agreement. The conciliation agreement shall be effective only if approved by the person charged and by the Board. The complainant shall have an opportunity to be heard as to the terms of the conciliation agreement shall be effective only if approved by the person charged and by the Board.

The complainant shall have an opportunity to be heard as to the terms of the conciliation agreement, but the Board may act without said complainant's approval.

2. Agreement Accepted By Board. If the Board accepts the conciliation agreement, it shall close the case, subject to whatever continuing supervision of the charged party is provided in the agreement. If the Board accepts the conciliation agreement, it shall communicate the terms of the agreement to the Iowa Civil Rights Commission.

3. Agreement Rejected By Board. If the Board rejects the conciliation agreement, it may either direct that further attempts at conciliation be made or it may file its complaint of the discriminatory practice charged and proceed as provided in the following sections of this chapter. It shall notify the Iowa Civil Rights Commission of the rejection of the proposed agreement and of the action taken.

166.16 PROCEEDINGS UPON FAILURE TO CONCILIATE. If after attempts to conciliate, the person or persons directed to conciliate shall find that they are unable to conciliate the matter, they shall report the same in writing to the Board. If the Board determines the charge to be well founded, it may then file its complaint of the discriminatory practice charged. If the Board determines the charge not to be well founded, it shall declare the case closed and shall so notify the parties. In either event, the Board shall notify the Iowa Civil Rights Commission of the failure of conciliation efforts and of the action taken.

166.17 PUBLIC HEARING.

1. Notice and Hearing. Upon filing the complaint, the Board shall issue and cause to be served on the person charged a notice, containing a copy of the complaint and a notice of the time and place at which the hearing will be held on the complaint. The hearing must be held not less than ten (10) days after the issuance of the notice and must be held in a building open to the public in the City. The Board may adjourn the hearing from time to time.

2. Rights of Person Charged. The person charged shall have the right to file a written answer to the complaint, to appear in person or by attorney at the hearing, to testify, to call witnesses, and to cross-examine any witnesses who appear.

3. Complaint Amended. The Board shall have the power to amend, reasonably and fairly, the complaint and the party charged shall have the power to amend, reasonably and fairly, the answer to said complaint at any time before a final order is entered in the case.

4. City Attorney. The City Attorney or any attorney designated by the City Attorney shall conduct the case on behalf of the Board. If the City Attorney is unable to conduct the case by reason of conflict of interest or otherwise, the Council may appoint a special attorney to conduct the case on behalf of the Board. The complainant may introduce further evidence to support the claims alleged in the charge, either in person or by attorney. No member of the investigating committee shall participate in the deliberations of the Board on the case except as a witness.

5. Failure to Appear. If the person charged shall fail to file an answer to the complaint, or shall fail to appear in person or by attorney at the hearing, the Board shall proceed to consider the testimony offered and shall base its decision thereon.

6. Oath - Codes of Evidence. The evidence shall be taken under oath. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity, but the right of cross-examination shall be preserved.

166.18 REMEDY. After a public hearing on a complaint is concluded, the board shall within 5 days issue a written finding of facts which states whether any person charged in the complaint has engaged in or is engaging in, the unfair or discriminatory practice complained of. If the Board finds a violation of the chapter, it shall order the person to cease and desist from the unfair or discriminatory practice and to take such affirmative action as necessary to remedy the practice. If the Board finds no violation, it shall issue a written finding of facts and dismiss the complaint.

166.19 SUIT TO ENFORCE. The Board may within two (2) years after entry of any order under Section 166.18 of this chapter, direct the City Attorney to bring a suit in the district court of the County for an injunction to compel obedience to its order.

CHAPTER 167

LICENSING OF TREE SURGEONS

167.01 Definition
167.02 Annual License

167.03 Insurance Required
167.04 Municipal Utilities

167.01 DEFINITION. The term "tree surgeon" as used herein means any person who solicits the work of felling trees, or who cuts or trims any tree or limbs or branches of any tree, or who offers services in the diagnosis and treatment of diseases of any tree, for a valuable consideration.

167.02 ANNUAL LICENSE. Every tree surgeon shall annually, before engaging in any service designated in this chapter, obtain a license from the City Clerk and shall pay an annual license fee as set by resolution of the City Council. The application for the license shall give information testing the applicant's qualifications for the license and the nature of the equipment available. If the information on the application discloses a doubt as to the qualifications or equipment, the Clerk shall refer the application to the City Manager, who shall, within fifteen (15) days, report on the assertions in the application. All licenses shall terminate on December 31 of the year issued.

(Ord. 2007-1659 - Apr. 07 Supp.)

167.03 INSURANCE REQUIRED. Before any such license shall be issued, the applicant shall obtain and file with the Clerk a public liability insurance policy, insuring against any loss that the City or any person may sustain arising out of or in connection with such services performed by such tree surgeon. Such insurance coverage shall include not less than \$10,000.00 property damage, \$25,000.00 for a single personal injury or death, and with limits of not less than \$50,000.00 for multiple injuries or death. This coverage shall be in addition to automobile public liability insurance required for any car or truck operated by the licensee in conducting business. Such policy shall contain a provision that it may not be canceled except after thirty (30) days notice to the Clerk.

167.04 MUNICIPAL UTILITIES. Nothing in this chapter shall prohibit the municipal utilities from performing tree trimming and cutting of trees for right-of-way and maintenance of electric lines.

CHAPTER 168

LICENSING OF ELECTRICIANS

168.01 Definitions	168.06 License and License Fees
168.02 License Required	168.07 Master Electrician and/or Contractor Bond
168.03 License Eligibility Requirements	168.08 Use of Licensee's Name by Others
168.04 Application and Examination Fees	
168.05 Licensing Electricians from Another City	

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

1. "Journeyman Electrician" means a person who performs electrical work which is by law or ordinance subject to official inspection and who is licensed by the City of Webster City to do such work.

2. "Master Electrician and/or Contractor" means any person engaged in the business of electrical installation and who is licensed by the City of Webster City to engage in such business.

168.02 LICENSE REQUIRED.

1. Electrical Contractors.

A. Master Electrician and/or Contractor. No person shall engage in the business of installing or repairing electrical wiring in the City unless licensed as a master electrician and/or contractor under the provisions of this chapter.

B. Maintenance Contractor. No firm or corporation shall engage in the business of installing or repairing electrical wiring in the City unless an active member or official of said firm or an active official of said corporation is licensed as a master electrician and/or contractor under the provisions of this chapter and unless said licensed contractor has direct supervision and control of said electrical business. The firm or corporation with whom the contractor is associated and said contractor's official capacity with said firm or corporation shall be named on the contractor's license.

2. Journeyman Electricians. No person shall perform any electrical work for hire in the City unless licensed as a Journeyman electrician under the provisions of this chapter and is working under a contractor who has a master license.

3. Exceptions. No license would be required for:

- A. Any person regularly engaged in the sale and installation of appliances.
- B. A person registered under "maintenance" and performing duties under which he/she was hired at his/her place of employment.
- C. A homeowner, in a single family dwelling, doing his own work.

168.03 LICENSE ELIGIBILITY REQUIREMENTS.

1. To be eligible for a license as a journeyman electrician, a person shall have at least two (2) years practical experience as an apprentice assisting in the installation of electrical work. However, one year of apprenticeship may be waived if the applicant has a certificate from a vocational-technical school with a minimum of six months training in electrical wiring. Said person shall furnish the City with bona fide affidavits as to said person's practical experience and pass a basic electrical examination.

2. To be eligible for a license as a master electrician and/or contractor, a person shall have a general practical knowledge of the purpose and method of the construction of electrical work, be competent to plan and supervise the installation of electrical wiring and shall be required to have some knowledge of "blue print" drawings, and shall pass an examination covering the electrical code.

168.04 APPLICATION AND EXAMINATION FEES. Any person desiring to be licensed as a master and/or contractor or journeyman electrician shall make application to the City in writing on forms furnished by the City. Applicant shall pay the City's third party testing agency the applicable examination fee and said fee shall accompany the application.

168.05 LICENSING ELECTRICIANS FROM ANOTHER CITY. The City Clerk may issue a license without examination to any electrician holding a like license from another City recognized by the City of Webster City as follows:

1. Approval. All requests for this type of license will be approved by the City staff or if there is any question on the part of the City staff, the application for a license will be referred to the City Manager for action on the matter.

2. Fees. Under this section all fees will be paid to the City Clerk whether an examination is given or not.

3. License Limited. Any license issued by the City Clerk under this section will be issued for one (1) job or location only. Any additional work on any other location will require reapplication by the original applicant. Additional application fees will be paid to the City Clerk for each one time application requested under the provisions of this section.

4. Show proof of surety bond with a minimum amount of Five Thousand Dollars (\$5,000.00) and State registration.

168.06 LICENSE AND LICENSE FEES.

1. The City Clerk shall issue an appropriate license to the applicant upon receiving the following:

- A. A proper certificate from the City staff authorizing license.
- B. Payment of the fees herein specified.
- C. Filing the bond and insurance certificates required herein.
- D. Certificate of attendance for one (1) applicable seminar within a three (3) year period.

2. The City Council shall establish by resolution the annual license fees for master and/or contractor and journeyman electricians. Applicants are required to pay said license fee no later than thirty (30) days after the date of the appropriate certificate authorizing the issuance of the license. Said licenses shall be valid within the City for a period of one year, beginning on July 1 of that year.

3. Licenses may be renewed annually upon application to the City Clerk and upon payment of the appropriate fee on or before August 1 of each year. Expired licenses may be renewed by obtaining approval from the City staff. Applicant must have remained active as an electrician during the period of time the license has lapsed. Cost of renewing an expired license shall be set by the City Council in the same manner as other fees.

168.07 MASTER ELECTRICIAN AND/OR CONTRACTOR BOND.

1. Before a master electrician and/or contractor's license is issued to any person, said person shall execute and deposit with the City Clerk a surety bond in the sum of five thousand dollars (\$5,000), such bond to be conditioned that all electrical work performed by the licensee or under said licensee's supervision shall be performed in accordance with the provisions of this chapter and this Code of Ordinances and the laws

of the State, and said licensee will indemnify and keep harmless the City from all liability from any accidents or damages arising from the performance of said licensee's work.

2. Also, before a master and/or contractor license is issued to any person, said person shall file with the City Clerk a certificate from a responsible insurance company authorized to do business in the State of Iowa, showing that said person has in effect, during the term for which the master and/or contractor license is to be issued, public liability insurance coverage in the amount of not less than one hundred thousand dollars (\$100,000) for one person and one hundred thousand dollars (\$100,000) for any one accident, and property damage coverage in the amount of not less than one hundred thousand dollars (\$100,000).

3. This insurance coverage herein required shall save harmless the City and protect the public and person from injury sustained by reason of any electrical work done under said contractor's license, or the handling or storing of materials therefor.

4. In lieu of filing said insurance and bond, the master and/or contractor may sign a waiver of insurance and bond to be filed with the City Clerk. No electrical permits shall be issued to any electrician who has a waiver of insurance and/or bond filed with the City Clerk. Said waiver may be canceled by filing the required insurance and bond certificates with the City Clerk.

168.08 USE OF LICENSEE'S NAME BY OTHERS. No person who has obtained a master and/or contractor license shall allow his or her name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license. Every person licensed as a master and/or contractor shall notify the City staff of the name and address of said electrician's place of business and shall give immediate notice to the City staff of any change in either.

(Ch. 168 - Ord. 2006-1653 - Aug. 06 Supp.)

(The next page is 749)

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 169
LICENSING AND REGULATION OF PAWNSHOPS

169.01	Purpose	169.10	Display of License
169.02	Definitions	169.11	Sale or Transfer of License
169.03	License Required	169.12	Renewals
169.04	Application for License	169.13	License Revocation
169.05	License Criteria Considered	169.14	Records
169.06	License Issuance	169.15	Records of Itinerant Dealers
169.07	License Fee	169.16	Retention of Property
169.08	License Expiration	169.17	Inspection of Premises
169.09	Separate License for Each Place of Business	169.18	Prohibited Acts

169.01 PURPOSE. The purpose of this chapter is to assist law enforcement officials in the investigation of crime and the identification of stolen property.

169.02 DEFINITIONS. Unless otherwise expressly stated or the context already indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this section.

1. "Dealer" means every pawnbroker or itinerant dealer, as well as any principal, employee, agent or servant thereof, engaged in or conducting business for the purchase, sale, barter, exchange or pawn of gold, silver, platinum, including coins and precious and semi-precious gems or stones, is a "dealer" within the meaning of this chapter.
2. "Engaged in or Conducting Business" means the purchase, sale, barter, pawn or exchange of any item described in this section including the advertising therefor.
3. "Itinerant Dealer" means every dealer who is engaged in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises rented for a duration less than thirty (30) consecutive days is an "itinerant dealer" within the meaning of this chapter.
4. "Pawnbroker" means every person who makes loans or advancements upon pawn, pledge or deposit of personal property, or who receives actual possession of personal property as security for loans, with or without a mortgage or bill of

Supp. Jan-96

sale thereon, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price, or who by advertisement, sign or otherwise holds himself or herself out as a pawnbroker, is a "pawnbroker" within the meaning of this chapter.

169.03 LICENSE REQUIRED. No person shall engage in business as a dealer within the City limits without first having procured a license therefor from the Clerk's office, and complied with other requirements of this chapter. Itinerant dealers must register with the City before engaging in or conducting business each time such dealer is within the City limits to conduct business.

164.04 APPLICATION FOR LICENSE. To obtain a dealer's license a dealer shall file a written, sworn application on a form provided by the Clerk signed by the applicant if an individual, by all partners if a partnership, or by the president if a corporation. All license applications shall contain the following information, to-wit:

1. The name or names of the principals, agents, and employees, of the applicant's business during the time that it is proposed that such business will be carried on in the City; the local address or addresses of such person or persons engaged in such business, the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (as proprietor, agent, employee or otherwise); the name and the address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated.
2. The place or places in the City where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted.
3. The place or places, other than the permanent place of business of the applicant, where the applicant within the six (6) months next preceding the date of said application conducted an itinerant business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.
4. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.

Supp. Jan-96

5. Credentials from the person, firm or corporation for which the applicant proposed to do business, authorizing the applicant to act as such representative.

169.05 LICENSE CRITERIA CONSIDERED. Upon receipt of an application for a dealer's license, the Clerk shall forward a copy of the application to the Police Chief or his or her designee, who shall review the application. The application shall furnish such evidence as may reasonably be required in support of the statements as set forth in the application. The Police Chief or his or her designee shall report to the Clerk within ten (10) days of receipt of the application considering but not limited to the following criteria to-wit:

1. Whether the applicant or his or her agent or employees charged with receiving or distributing property have been convicted of a felony. However, if the conviction of a felony occurred more than five (5) years before the application for a dealer's license, and if such person's rights of citizenship have been restored by the governor, such conviction shall not be a bar to obtaining said license.
2. Whether the applicant has truthfully reported all relevant facts within the license application.
3. The applicant has such financial standing and good reputation to indicate that he or she will comply with all the laws of the State and the City.

Based upon the above criteria, the Police Chief or his or her designee shall recommend either the issuance or refusal to issue a dealer's license to the applicant.

169.06 LICENSE ISSUANCE. Upon receipt of an application together with the recommendation of the Police Chief or his or her designee, the application shall be brought before the Council which shall have the exclusive authority to issue or to refuse issuance of a dealer's license. Reason for refusal of said dealer's license by the Council shall include, but not be limited to the following, to-wit:

1. Fraud, misrepresentation or false statement of material or relevant facts contained in the application, or
2. That the applicant has engaged in a fraudulent transaction or enterprise.

Decision of the Council shall be final, subject to any and all appeal right of the applicant to the Iowa District Court.

Supp. Jan-96

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169.07 LICENSE FEE. Every application for a dealer's annual permit shall be accompanied by the application fee in the amount of twenty-five dollars (\$25.00).

169.08 LICENSE EXPIRATION. A dealer's license shall expire on December 31st of the year in which it is issued.

169.09 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS. Any person engaged in or conducting business as a dealer as defined in this chapter in several or separate businesses shall pay the license fee and procure a license for each place and any violation of one licensed premise shall be deemed violations in all premises, licensed by that dealer.

169.10 DISPLAY OF LICENSE. Every licensed dealer shall display his or her license conspicuously in the business so that it may be readily observed by all persons entering the premises.

169.11 SALE OR TRANSFER OF LICENSE. No dealer's license shall be sold or transferred. The purchase or purchases of any dealer's business or of the majority of the stock of any corporation operating a dealer's business as defined under this chapter shall make application for and obtain a new license before operating such business at the location for which the license has been issued.

169.12 RENEWALS. Every licensed dealer shall apply for a license annually by application as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid not less than 45 days prior to the expiration of the current license.

169.13 LICENSE REVOCATION.

1. Grounds for Revocation. A dealer's license may be revoked for any violation of this chapter, including but not limited to the failure to comply with new or renewal application procedures, or for falsification of a new or renewal application or for the failure to maintain records in conformity with the requirements enumerated under Section 169.14 of this chapter.

2. Revocation Proceedings. The Clerk shall upon receipt of information alleging that grounds exist to revoke a dealer's license, and other consultation with the City Attorney, report the circumstances to the Council, which in such case shall cause a notice to be sent by ordinary mail to the license holder, which notice shall state that a revocation hearing has been set before the Council, the grounds for the

Supp. Jan-96

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proposed revocation, the date and time of the hearing and the place where the hearing will be conducted. Upon such hearing, if the Council shall determine that one or more of such grounds do exist, it may revoke the existing license. In lieu of revocation, the Council may suspend said license for a period not to exceed thirty (30) calendar days during which period the licensee may not conduct any business except for redemptions and shall conspicuously post a sign stating the terms of suspension at the entrance of the licensed premises. Such a sign shall be supplied by and posted by the Police Chief or his or her designee. in the event such license is revoked, no dealer's license shall be issued to that licensee for a period of one (1) year.

169.14 RECORDS. The Police Department shall furnish pawn log sheets to every licensee who shall accurately and legibly enter in ink in the English language the following information at the time of purchase or receipt of any property;

1. The date and hour of the transaction;
2. An accurate description of the goods, articles or things purchased, bartered, exchanged, pawned or received and when applicable, the model numbers and/or serial numbers,
3. The estimated value of each article;
4. The amount paid, advanced or loaned for the article;
5. The address of the person from whom the property is purchased or received.

When the pawn log sheets are complete, the licensee shall provide the original sheets to the Police Chief or his or her designee who shall provide a copy to the licensee; the originals shall remain the property of the City. The licensee shall also maintain a record of the name, birth date, driver's license number, State of Iowa identification number or social security number, sex, and type of photo identification presented at the time of purchase or receipt of any property which shall be presented to the Police Chief or his or her designee upon showing good cause of a possible theft.

169.15 RECORDS OF ITINERANT DEALERS. Every itinerant dealer shall present a record book in which shall be legibly recorded with ink at the time of each transaction each of the following, to-wit:

1. Time, date, place of the transaction, and the type of the transaction,
- Supp. Jan-96

2. An accurate description of the goods, articles or things purchased, bartered, exchanged, pawned or received,
3. The signature and printed name, residence and description (consisting of the sex, date of birth, and social security number) of the person selling, pawning, bartering or exchanging the goods, articles, or things,
4. The estimated value of each article,
5. The amount paid, advanced or loaned, and
6. The date, name, address and phone number of the person when an item is bought or redeemed; to the Police Department for inspection and photocopying before the itinerant dealer leaves the City.

169.16 RETENTION OF PROPERTY. No dealer shall sell, deliver, melt, change the form of or dispose of any item subject to this chapter within ten (10) days of the acquisition of such item unless permission to do so is granted in writing by the Police Chief or his or her designee; however, the person who pawns an item is permitted to redeem the pawned item within the ten (10) day retention period.

169.17 INSPECTION OF PREMISES. Every dealer shall admit to its premises during its regular business hours, any police officer to examine the pawn log sheets as provided in Section 169.14 as well as all articles purchased or received; and to search for and to take into possession any article known by that officer to have been reported missing or known, or believed by the officer to have been stolen.

169.18 PROHIBITED ACTS.

1. No dealer shall conceal, secrete or destroy for the purpose of concealing, any item purchased or acquired by him or her for the purpose of preventing identification thereof by a police officer or any person claiming to own the same.
2. It shall be unlawful for any dealer in the course of the dealer's business or occupation to acquire, by purchase, barter, exchange or pawn, any goods from any person under eighteen (18) years of age.
3. It shall be unlawful for any dealer to acquire, by purchase, barter, exchange or pawn, items bearing evidence of a serial number which has been tampered with or scratched or obliterated in any manner unless such person immediately contacts the Police Department.

Supp. Jan-96

4. It shall be unlawful for any dealer to acquire by purchase, barter, exchange or pawn, any items prior to examining a picture identification with a physical description of the person selling, bartering, exchanging, or pawning said articles.

(Chapter 169 added by Ordinance No. 95-1456)

Supp. Jan-96

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CHAPTER 170

FALSE ALARMS

170.01 Purpose	170.07 Notification
170.02 Definitions	170.08 Disconnection of Alarm System – Excessive False Alarms
170.03 Fees	170.09 Change of Location
170.04 Regulation of Charges	170.10 Liability of the City Limited
170.05 Testing	170.11 Conflict of Interest Prohibited
170.06 Evidence of False Alarms	

170.01 PURPOSE: The purpose of this chapter is to assess a reimbursement and/or civil penalty for false alarms received by the Police Department which require a police officer to report to the scene. This chapter does not apply to Fire Department Alarms or Fire Department False Alarms. False alarms received by the Webster City Police Department are an increasing problem, in part due to errors by the owners or operators of the system or failure on the part of operations of the system to shut the alarm down before entering the premises. False alarms expose the public to danger as well as additional costs in response by the Police to those alarms. Alarms caused by power surges or electrical problems are not included in the false alarm category.

170.02 DEFINITIONS.

1. “Alarm System” means an assembly of equipment and devices or a single device such as a solid state unit which uses an electrical energy to signal the presence of a hazard requiring urgent attention and to which the Police Department is expected to respond. In this chapter the term “alarm system”, “burglar alarm system”, “holdup alarm system” and “manual hold up alarm system”, as those terms are defined in this chapter.
2. “Automatic holdup alarm system” means an alarm in which the signal transmission is initiated by the action of the perpetrator.
3. “Burglar alarm system” refers to an alarm system signaling a robbery or attempted robbery.
4. “False alarm,” for the purpose of this chapter, means the activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry or through the negligence of the owner or lessee of an alarm system or such person’s employees or agents of other cause.
5. “Holdup alarm system” refers to an alarm system signaling a robbery or attempted robbery.

6. "Manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by the observer of the attack.
7. "Police Chief" means the Chief of the Webster City Police Department or designated representative.
8. "Subscriber" means a person who buys or leases or otherwise obtains an alarm signaling system and contracts with or hires an alarm business to monitor or service the alarm device.

170.03 FEES. The City Council shall adopt by resolution the fees associated with this chapter.

170.04 REGULATION OF CHARGES. All alarm reporting equipment located inside the police department is privately owned and as such, the owner of such equipment shall bear the responsibility of repair and maintenance for the connection to that equipment. Additionally, such charge shall be fully borne by the owner of the reporting equipment.

170.05 TESTING.

1. No alarm system designated to transmit emergency messages directly to the Police Department shall be tested or demonstrated without first notifying the Police Department.
2. No alarm system relayed through intermediate services to the Police Department will be tested to determine Police Department response without first notifying the Police Department.
3. Any testing done without proper advance notification shall be classified as a "false alarm" for the purposes of this chapter. All notices shall be prior to the testing date unless the Police Chief gives special permission otherwise. All notices shall include date, time, owner's or subscriber's name, address and the name of the representative responsible for the testing, and such person's employee name, address and telephone number, if applicable. Said notification can be given verbally to the on duty police dispatcher via telephone.

170.06 EVIDENCE OF FLASE ALARMS. The Police Chief or designee shall determine in each instance whether or not an alarm given to the Police Department is a false alarm. The Police Chief shall consider all relevant circumstances including evidence such as the alarm being set off by the perpetrator who fled the scene leaving signs of forced entry and weather conditions. If an alarm system signals a false alarm as a result of a dead alarm system battery during a power outage, that alarm will be considered to be a false alarm.

170.07 NOTIFICATION. Upon receipt of a false alarm, the Police Chief or designee shall notify the owner of the alarm as shown by the records of the department that the owner shall have 30 days in which to remit the required reimbursement/fee. Such fee shall be paid to the Webster City Police Department and a receipt shall be given. In the event that the owner, lessee or subscriber of the alarm system shall fail to pay the civil penalty within thirty (30) days, the City shall file a claim with the Iowa District Court, Magistrate Division, alleging the circumstances and this chapter as the basis for the civil penalty.

170.08 DISCONNECTION OF ALARM SYSTEM – EXCESSIVE FALSE ALARMS. The Police Chief is authorized to require the owner or lessee of any alarm system directly connected to the Police Department to disconnect such device until the device is working in a manner as will not cause a high frequency of false alarms. The Police Chief may require disconnection if ten (10) false alarms are received in any twelve (12) month period. The Police Chief may, after giving written notice to the subscriber, order disconnection of the alarm system from the Police Department.

170.09 CHANGE OF LOCATION. If the location of the communications facilities of the Webster City Police Department should be changed or moved, the cost of moving any alarm system or parts thereof shall be borne by the owner, subscriber, or lessee.

170.10 LIABILITY OF THE CITY LIMITED. The City shall take every reasonable precaution to assure that alarm signals and messages received from central station systems, modified central stations and telephone monitoring services regarding alarm signals received by the City are given appropriate attention and are acted upon with dispatch. The City shall not be liable for any defects in the operation of any alarm devices or signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm, maintenance, or operation of equipment, the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the City finds it necessary to disconnect a defective automatic protection device or signaling device, the City shall incur no liability by such action.

170.11 CONFLICT OF INTEREST PROHIBITED. No employee of the police department, nor a member of such employee's immediately family shall have any interest, directly or indirectly, in any alarm business within the limits of the City. No such employee or family member shall be employed by an alarm business subject to the provisions of this chapter.

CODE OF ORDINANCES, WEBSTER CITY, IOWA
-750.9-

CHAPTER 170

FALSE ALARMS

CHAPTER 171

HOTEL/MOTEL TAX

171.01 Definitions
171.02 Tax Imposed
171.03 Tax Exemptions
171.04 Collection

171.05 Use of Revenues
171.06 Hotel/Motel Tax Board
171.07 Powers and Duties of Board
171.08 Disbursement of Funds

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

1. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals.
2. "Renting" or "rent" means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.
3. "Sales price" means the consideration for renting of lodging and means the same as the term is defined In Section 423.1 of the Code of Iowa.

All other words and phrases used in this chapter and defined in Section 423.1 of the Code of Iowa have the meaning given them by Section 423.1 for the purposes of this chapter.

(Code of Iowa, Sec. 423A.2)

171.02 TAX IMPOSED. There is hereby imposed a seven percent (7%) local hotel/motel tax upon the sales price from renting of lodging within the City effective January 1, 2008 through December 31, 2017.

(Code of Iowa, Sec. 423A.4)

171.03 TAX EXEMPTIONS. There is exempted from the provisions of this chapter and from the computation of any amount of tax imposed by Section 171.02 all of the following:

1. The sales price from the renting of lodging which is rented by the same person for a period of more than thirty-one consecutive days.
2. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under Section 427.1, subsection 8 of the Code of Iowa, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.
3. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the City.

(Code of Iowa, Sec. 423A.5)

171.04 COLLECTION. The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

(Code of Iowa, Sec. 423A.6)

171.05 USE OF REVENUES. All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the General Fund of the City and shall be used as follows:

One hundred percent (100%) of revenue from this tax to be used for the promotion and development of attractions and events in Webster City, Iowa, including trail extensions and enhancements, river enhancements, welcome signs and signage, visitor center, community appearance enhancements, promotion of writing and theatrical workshops and events and music in retail areas.

171.06 HOTEL/MOTEL TAX BOARD. The Board appointed by the City Council shall have five members comprised of one member from City government, one member from the business community, one member from the Webster City motels and two members from the public at large. The term of office of the members of the Board shall be five (5) years. The terms of not more than two (2) Board members will expire in any one year. In the initial appointment, three shall be appointed for the term of three years and two shall be appointed for five years.

171.07 POWERS AND DUTIES OF THE BOARD. The Board will give the City Council a proposal each year showing the anticipated revenues, projected uses and desired outcomes along with a report on the use and results of previous year's investments.

171.08 DISBURSEMENT OF FUNDS. The City Council will have the final authority on the disbursement of funds from the Board's proposal.

(Ch. 171 – Ord. 2007-1673 – Dec. 07 Supp.)