

## CHAPTER 185

### REGULATIONS

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185.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom Finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to three-fourths (3/4) inch or more.
  - B. Horizontal separations equal to one-half (1/2) inch or more.
  - C. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
  - D. Spalling over fifty (50) percent over a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.

E. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.

F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

G. A sidewalk with any part thereof missing to the full depth.

H. A change from the design or construction grade equal to or greater than three-fourths inch per foot.

3. "Established Grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.

4. "One-course Construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.

6. "Portland Cement" means any type of cement except bituminous cement.

7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.

8. "Sidewalk Improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

9. "Wood Float Finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

10. "Approach Sidewalk" means the sidewalk from the curb line or traveled portion of the public street to the main public sidewalk, perpendicular to the curb line, not to exceed the right of way line, extended parallel with said street. (Added by Ordinance No. 95-1444)

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**185.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.**

1. It shall be the responsibility and duty of an abutting property owner or resident to remove snow, ice and accumulations from sidewalks within a reasonable time. Failure to perform shall be a simple misdemeanor.

2. If an abutting property owner or resident fails to remove snow, ice or accumulations from sidewalks with a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

3. For the purposes of Subsections 185.03(1) and 185.03(2) the term "resident" shall mean the person renting, occupying or owning the abutting property. Proof of renting, occupying or ownership shall be determined by the name or names listed on the official billing records of the Webster City Utilities office on the date of the offense.

(Ord. 2008-1676- Mar. 08 Supp.)

**185.04 RESPONSIBILITY FOR MAINTENANCE.** It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

**185.05 FAILURE TO MAINTAIN - PERSONAL INJURIES.** If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

**185.06 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2d & e])

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**185.07 SIDEWALK CONSTRUCTION ORDERED.** The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a majority of the linear feet of the property fronting on the improvement petition the Council therefor, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.

(Code of Iowa, Sec. 384.38)

**185.08 PERMIT REQUIRED.** No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

**185.09 INDEMNIFICATION.** Any person securing a permit as required above shall agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or such person's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

**185.10 SIDEWALK STANDARDS.** Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards;

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.

5. Length, width and Depth. Length, width and depth requirements areas follows:

A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.

B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.

C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the council establishes a different distance due to circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk. (Amended by ordinance No. 97-1499)

(Code of Iowa, Sec. 216C.9)

12. Approach Sidewalk. The initial construction of sidewalks shall include the approach sidewalk, where applicable, the intent being to provide pedestrian access to the traveled portion of a public street. (Added by ordinance No. 95-1444)

**185.11 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway

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or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the constructor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**185.12 FAILURE TO REPAIR OR BARRICADE.** It shall be the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**185.13 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

**185.14 AWNINGS.** It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**185.15 ENCROACHING STEPS.** It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**185.16 OPENINGS AND ENCLOSURES.** It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

**185.17 FIRES ON SIDEWALKS.** It shall be unlawful for a person to make a fire of any kind on any sidewalk.

**185.18 FUEL ON SIDEWALKS.** It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

**185.19 DEFACING.** It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

**185.20 DEBRIS ON SIDEWALKS.** It shall be unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

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

**185.21 MERCHANDISE DISPLAY.** It shall be unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

**185.22 REMOVAL OF SIDEWALK.** It shall be unlawful for any person to remove any existing sidewalk except for the following special exception:

1. The sidewalk contributes to less than one-half the distance of contiguous sidewalk on that side of the block. A block, for this purpose, shall be designated by the numerical numbering system utilized such as the 1000 block, 1100 block, 1200 block, etc.

Permission to remove any sidewalk shall be obtained in the Inspection Department. If permitted, a sidewalk permit will be issued before any

removal may commence. Failure to obtain a permit for removal may result in the filing of a Municipal Infraction against the property owner.

(Ord. 2003-1600-Jun.03 Supp.)

**WEBSTER CITY, IOWA**

CHAPTER 190

TITLE VII - TRANSPORTATION  
RAILROADS

CHAPTER 190  
REGULATIONS

**190.01 Definitions**  
**190.02 Warning Signals**

**190.03 Obstructing Streets**  
**190.04 Crossing Maintenance**

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

1. "Railroad Train" means any steam, electric, or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include interurbans and street cars.

(Code of Iowa, Sec. 321.1 [29])

2. "Operator" means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.

190.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed. Operators shall also sound a whistle at least one hundred (100) feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits.

(Code of Iowa, Sec. 327G.13)

190.03 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten (10) minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.

2. Avoid Striking. When necessary to avoid striking any object or person on the track.

3. Disabled. When the train is disabled.

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4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

5. In motion. When the train is in motion except while engaged in switching operations.

6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

Operators violating any provision of this section shall be guilty of a misdemeanor. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

190.04 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579,  
132 N.W. 973 [1943],  
(Code of Iowa, Sec. 364.11)



TITLE VII - TRANSPORTATION  
AIRPORTS

195.01	Airport Commission	195.05	Officers
195.02	Appointment and Term	195.06	Powers and Duties
195.03	Vacancies	195.07	Annual Report
195.04	Compensation		

195.01 AIRPORT COMMISSION. There shall be an airport administrative agency, pursuant to Chapter 392 of the Code of Iowa, known as the Airport Commission, consisting of five (5) resident voters of the City.  
(Code of Iowa, Sec. 330.23)

195.02 APPOINTMENT AND TERM. The members shall be appointed by the Council for staggered terms of six (6) years from May 10th.  
(Code of Iowa, Sec. 392.1)

195.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.  
(Code of Iowa, Sec. 392.1)

195.04 COMPENSATION. Members of the commission shall serve without compensation.  
(Code of Iowa, Sec. 392.1)

195.05 OFFICERS. The commission shall elect from its own members a chairperson and secretary who shall serve for such term as the commission shall determine.  
(Code of Iowa, Sec. 392.1)

195.06 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties.

1. General. The commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.  
(Code of Iowa, Sec. 392.1)

2. Budget. The commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the Council may include all or a portion of said amount in its budget.  
(Code of Iowa, Sec. 392.1)

3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the Treasurer or City Clerk to the credit of the airport commission, and shall be disbursed only on the written orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.

(Code of Iowa, Sec. 392.1)

4. Other Powers. The commission shall have such other powers and perform such other duties as may be provided by the Council, the ordinances of the City or the laws of the State.

195.07 ANNUAL REPORT. The airport commission shall immediately after the close of each municipal fiscal year, file with the City Clerk a detailed and audited written report of all money received and disbursed by the commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

(Code of Iowa, Sec. 392.1)



TITLE VII - TRANSPORTATION  
AIRPORTS

CHAPTER 196  
AIRPORT ZONING REGULATIONS

<b>196.01 Short Title</b>	<b>196.08 Enforcement</b>
<b>196.02 Definitions</b>	<b>196.09 Board of Adjustment</b>
<b>196.03 Airport Zones</b>	<b>196.10 Appeals</b>
<b>196.04 Airport Zone Height Limitations</b>	<b>196.11 Judicial Review</b>
<b>196.05 Use Restrictions</b>	<b>196.12 Penalties</b>
<b>196.06 Nonconforming Uses</b>	<b>196.13 Conflicting Regulations</b>
<b>196.07 Permits</b>	

196.01 SHORT TITLE. This chapter shall be known and may be cited as "The Webster City Municipal Airport Height Zoning Ordinance."

196.02 DEFINITIONS. For the purpose of this chapter, certain terms, phrases, words and their derivatives, shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Where the terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1. "Administrative Authority" means the person charged with enforcement of the Zoning Regulations for the City of Webster City, Hamilton County, Iowa.
2. "Airport Elevation" means the highest point of an airport's usable landing area measured in feet from sea level as shown on Registered Landing Area certificate issued by Iowa Department of Transportation.
3. "Approach Surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 196.04 of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

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4. "Board of Adjustment" means a Board consisting of 5 members appointed by the City Council/Board of Supervisors as provided in Chapter 329.12 of the Code of Iowa.
5. "Conical Surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. "Hazard To Air Navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
7. "Height" means the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. "Horizontal Surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. "Nonconforming Use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
10. "Nonprecision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
11. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 196.04 of this chapter.
12. "Primary Surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 196.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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13. "Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.

14. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

15. "Transitional Surfaces" means these surfaces which extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline. ,

16. "Tree" means any object of natural growth.

17. "Utility Runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

18. "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

196.03 AIRPORT ZONES. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Webster City Municipal Airport. Such zones are shown on the Webster City Municipal Airport Official Zoning Map which is attached to this chapter and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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2. Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the runway.

3. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

196.04 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Utility Runway Nonprecision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

3. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,117 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone

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projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,267 feet above mean sea level.

5. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

6. No structure shall be erected in Hamilton County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Hamilton County.

7. Excepted Height Limitations. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

196.05 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

196.06 NONCONFORMING USES.

1. Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use.,

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Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrative Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the property owners.

#### 196.07 PERMITS.

1. Future Uses. Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Section 196.07(4).

A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

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C. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in Section 196.04(7).

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Administrative Authority determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of variable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Administrative

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Authority for advice as to the aeronautical effects of the variance. If the Administrative Authority does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the lessee at its own expense, to install, operate, and maintain the necessary markings and lights.

196.08 ENFORCEMENT. It shall be the duty of the Administrative Authority to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Administrative Authority upon a form published for that purpose. Applications required by this chapter to be submitted to the Administrative Authority shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Administrative Authority.

196.09 BOARD OF ADJUSTMENT.

1. There is hereby created a Board of Adjustment to have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Authority in the enforcement of this chapter;

B. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and

C. To hear and decide specific variances.

2. The Board of Adjustment shall consist of five members appointed by the City Council/Board of Supervisors and each shall serve for a term of five (5) years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for

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a term of one (1) year. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.

3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of Administrative Authority and on due cause shown.

4. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.

5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Authority or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation to this chapter.

#### 196.10 APPEALS.

1. Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Authority made in the administration of the chapter, may appeal to the Board of Adjustment.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Administrative Authority a notice of appeal specifying the grounds thereof. The Administrative Authority shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

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3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Authority certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of Administrative Authority cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Administrative Authority and on due cause shown.

4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

196.11 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Section 414.5 of the Code of Iowa.

196.12 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and each day a violation continues to exist shall constitute a separate offense.

196.13 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

(Chapter 196 amended by ordinance No. 92-1400)

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814.2

TITLE VII - TRANSPORTATION  
AIRPORTS

CHAPTER 197  
AIRPORT ZONING COMMISSION

197.01 Airport Zoning Commission  
197.02 Terms of Office

197.03 Removal - Vacancies  
197.04 Powers and Duties

197.01 AIRPORT ZONING COMMISSION. There shall be an airport zoning commission consisting of five (5) members, two (2) of whom shall be selected by the Board of Supervisors of the County, two (2) of whom shall be selected by the Council, and one additional member to act as chairperson shall be selected by a majority vote of the members selected by the County and City as herein provided.

(Code of Iowa, Sec. 329.9)

197.02 TERMS OF OFFICE. The terms of the members of the commission shall be six (6) years. Appointments shall be made every two (2) years of one third (1/3) the total number or as near as possible, to provide for staggered terms.

(Code of Iowa, Sec. 329.9)

197.03 REMOVAL - VACANCIES. Members of the commission may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.

(Code of Iowa, Sec. 329.9)

197.04 POWERS AND DUTIES. The commission shall have all the powers, duties and authority vested in it by the laws of the State, now in effect or which may be hereafter enacted, and by resolution and ordinances of the County and City.

